CITY OF TIOGA, TEXAS

ORDINANCE NO. 370

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS, AMENDING THE CITY'S ORDINANCE NO. 90, SECTION III, AND REPEALING ORDINANCES NUMBERS 176, 211, 245 AND 313, SETTING A FEE SCHEDULE FOR INSPECTIONS, PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR A PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tioga is a General-Law municipality located in Grayson County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Tioga previously adopted Ordinance Nos. 90, 176, and 211, 245 and 313 establishing certain inspection fees; and

WHEREAS, the City Council desires to amend its City Ordinance regarding building permit and inspection fees and has determined that certain amendments should be adopted; and

WHEREAS, the City Council finds that the adoption of this ordinance is necessary in the interest of public health, safety, and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Tioga, Texas and of the public health, safety, and welfare.

SECTION 3
AMENDMENTS

3.01 That Ordinance No. 90 of the City of Tioga, Section III: be amended to read as follows:

"Ordinance No. 90, Section III.

(a) Inspection fees and construction plan review fees listed on Attachment 1 are in addition to the building permit fee and will apply to plan review and construction inspections needed for any new construction or remodeling or repairs to any structure that requires the issuance of a building permit, with those fees to be collected at the time of the issuance of the building permit, held by the city Clerk, and such proceeds as are required to be paid to the inspector as required in the agreement between the City and the Inspector. All fees required by this Ordinance must be paid prior to the inspections. Failure to pay the fees and/or other violation(s) of this Ordinance shall result in a fine up to Five Hundred Dollars ($500.00) with each day being a separate violation of this Ordinance.

(b) Occupancy of any building or residence that shall require the inspections described in this Ordinance shall not be permitted until all required inspection have been satisfactorily completed and a certificate of occupancy issued."

3.02 All other articles, chapters, sections, paragraphs, sentences, phrases and words of Ordinance No. 90 are not amended but are hereby ratified and affirmed.

SECTION 4
CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5
SAVINGS

All rights and remedies of the City of Tioga, Texas are expressly saved as to any and all violations of this provision of any other ordinance affecting the City's building inspection fees, which have secured at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6
SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in while in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7
PENALTY

7.01 It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, an amount not to exceed five hundred dollars ($500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

7.02 If the governing body of the City of Tioga determines that a violation of this Ordinance has occurred, the City of Tioga may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
PUBLICATION

The City Secretary of the City of Tioga is directed to publish in the official newspaper of the City, the caption, penalty clause, and effective date of this Ordinance as required by law.

SECTION 9
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Tioga, Texas this 10th day of September, 2018.

Craig Jezek
City of Tioga, Texas

ATTEST:

Donna Carney, City Secretary
City of Tioga, Texas

[SEAL]

City of Tioga
Inspection Fee Schedule

Single Family Residential Plan Review and Inspections

Valuation	Fee
$1.00 to $50,000.00	$378.00
$50,001.00 to $200,000.00	$540.00
$200,001.00 and up	$690.00

Commercial and Multi-Family Plan Review

Valuation	Fee
$1.00 to $50,000.00	$240.00
$50,001.00 to $100,000.00	$240.00 for the first $50,000.00 plus $2.16 for each additional $1,000.00
$100,001.00 to $500.000.00	$348.00 for the first $100,000.00 plus $1.80 for each additional $1,000.00
$500,001.00 to $1,000,000.00	$1,068.00 for the first $500,000.00 plus $1.56 for each additional $1,000.00
$1,000,001 and up	$1,740.00 for the first $1,000.000.00 plus $1.20 for each additional $1,000.00

Commercial and Multi-Family Inspections

Valuation	Fee
$1.00 to $50,000.00	$378.00
$50,001.00 to $100,000.00	$378.00 for the first $50,000.00 plus $3.36 for each additional $1,000.00
$100,001.00 to $500.000.00	$546.00 for the first $100,000.00 plus $3.00 for each additional $1,000.00
$500,001.00 to $1,000,000.00	$1,749.00 for the first $500,000.00 plus $2.52 for each additional $1,000.00
$1,000,001 and up	$3,006.00 for the first $1,000.000.00 plus $1.44 for each additional $1,000.00

Miscellaneous Fees

Inspection Type	Fee
Re-Inspection Fee	$54.00
Inspections outside of normal business hours	$56.40 (two hour minimum)
Swimming Pools	$78.00
Misc, electrical, plumbing and Mechanical	$54.00
Lawn Irrigation Backflow	$54.00
Accessory Building	$78.00
Certificate of Occupancy Inspections	$50.00