CITY OF TIOGA, TEXAS

ORDINANCE NO. 391

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS, SETTING A FEE SCHEDULE FOR CITY FEES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINADINGS; PROVIDING FOR FEES; PROVIDING FOR PENALTY; PROVIDING FOR A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; 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. 369 and 370 establishing certain City fees; and

WHEREAS, the City Council desires to fully comply with applicable state law; and

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

The City Council amends and authorizes the schedule of fees, attached hereto as Exhibit A and incorporated herein.

SECTION 4
PENALTY

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 a court of competent jurisdiction to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, except as otherwise provided herein, in a sum not to exceed Five Hundred Dollars ($500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5
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, including those assessing fees. 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 6
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 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 7
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 9
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 10
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 11
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 9th day of December, 2019.

_____
Craig Jezek
City of Tioga, Texas

ATTEST:

_____
Donna Carney, City Secretary
City of Tioga, Texas

[SEAL]

EXHIBIT A

FEE SCHEDULE

ARTICLE 1.000 - GENERAL FEES OF THE CITY

Section 1.100 Charges for Public Records

Public Information Cost Recovery: The City will charge the rates set forth by the Texas Administrative Code, Chapter 70.

Section 1.200 Copy Charges for non-public records

Copy charges for non-public records are as follows:

(1) Black and White Copies:	$0.25 per side
(2) Color Copies:	$0.50 per side

Section 1.300 Faxing Charges

(1) Incoming faxes shall be $1.00 for the first page plus $0.50 for each additional page.
(2) Outgoing faxes shall be $2.00 for the first page plus $0.50 for each additional page

Section 1.400 Police Reports

A service charge of $ 10.00 shall be levied for a police report.

Section 1.500 Returned Check Fees

A service charge of $30.00 will be added to all returned checks.

Section 1.600 Convenience fees for credit/debit transactions

A convenience fee in the amount of 4% will be added to debit and credit card transactions.

Section 1.700 Community Building Rental Fees

A rental fee of $50.00 plus a cleaning deposit in the amount of $25.00 will be charged for rental of the community building. All or part of the cleaning deposit may be refunded if the building is found to be satisfactorily clean after rental.

ARTICLE 2.000 - MUNICIPAL COURT FINES AND FEES

Section 2.100 Court Costs and Fees

Court costs and fees will be charged at the rates set by the Texas State Legislature and/or City Ordinance.

Section 2.200 Fines

Court fines will be set by the Municipal Judge in accordance with the laws and statutes set forth by the State of Texas and/or City Ordinances.

ARTICLE 3.000 - SUBDIVISION FEES

Section 3.100 Preliminary Plat

Filing fee for Preliminary Plat: $200.00 plus $5 per lot and actual Engineering fees plus 10% administrative fee for plat review.

Section 3.200 Final Plat

Filing fee for Final Plat: Actual Engineering Fees plus 10% administrative fee for plat review.

Section 3.300 Construction Plans

Filing fee for Construction Plans: Actual Engineering Fees plus 10% administrative fee for plan review.

Section 3.400 Re-Plat

Filing fee for Replat: $100.00 and actual Engineering fees plus 10% administrative fee for plat review.

Section 3.500 Minor Plat

Filing fee for Minor Plat: $100.00 plus $5.00 per lot and actual Engineering fees plus 10% administrative fee fir plat review.

ARTICLE 4.000 - ZONING FEES

Section 4.100 Variance

Filing fee for Variance request: $200.00

Section 4.200 Zone Change

Filing fee for Zone Change request: $200.00

Section 4.300 Special Use Permit

Filing fee for Special Use Permit request: $200.00

ARTICLE 5.000 - BULDING AND INSPECTION FEES

Section 5.100 Accessory Buildings

The Permit fee for a residential accessory building shall be $0.10 per square foot ($50.00 Minimum) plus price of inspections. Accessory buildings less than 100 square foot in size do not require a permit but are required to meet the setbacks in the current Planning and Zoning Ordinance.

Section 5.200 Remodeling Permits

The Permit fee for remodeling, repairs, alterations, fire damage, etc. to residential property shall be $100.00 plus price per inspection as determined required. Any project increasing the square footage of the residence will be treated as new construction.

Section 5.300 Residential (Single and two-family dwellings) Building Permits and Inspection fees

The Permit fee for new construction, including additions, to residential buildings (including building permit, plan review, and inspection fees): $ $0.50 per square foot ($690.00 minimum)

Section 5.400 Commercial Building Permits and Inspection Fees

(1) The fee for a permit for new commercial construction, including additions, shall be: $250.00 plus $0.05 per square foot. Plan review and inspection fees are separate.

(2) The fee for a permit for commercial remodels and alterations, shall be $125.00. Any project increasing the square footage of the commercial property will be treated as new construction. Plan review and inspection fees are separate.

(3) The Plan Review and Inspection fees for Commercial construction and remodels shall be calculated from the charts below:

Commercial Plan Review (Permit and Inspection fees are separate)	**Fee**
$1.00 to $50,000.00	$240.00
$50,000.00 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
$1,000,001.00 and up	$1,740.00 for the first $1,000,000.00 plus $1.20 for each additional $1,000.00
Commercial Inspections **(Permit and plan review fees are separate)**	**Fee**
$1.00 to $50,000.00	$378.00
$50,000.00 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	$1,746.00 for the first $500,000.00 plus $2.52 for each additional $1,000.00
$1,000,001.00 and up	3,006.00 for the first $1,000,000.00 plus $1.44 for each additional $1,000.00

Section 5.500 Miscellaneous Inspection Fees

(1) Re-Inspection	$60.00
(2) Inspection out-side of normal business hours:	$120.00
(3) Swimming Pools	$75.00
(4) Lawn Irrigation backflow	$50.00
(5) Certificate of Occupancy	$50.00
(6) Accessory Building	$75.00
(7) Fence	$75.00
(8) Sign	$75.00
(9) Misc., electrical, plumbing, and mechanical	$60.00

ARTICLE 6.000 WATER FEES AND RATES

Section 6.100 Water Tap Fees - inside city limits

Water Taps, which are required to connect to City water lines at a location that has not previously had city water service, are charged based on the size of the water meter as follows:

(1) 3/4 inch: $1,250.00 plus actual cost of additional work, including but not limited to road bores, street cutting, extra deep trenching, etc.
(2) 1 inch: $1,500.00 plus actual cost of additional work, including but not limited to road bores, street cutting, extra deep trenching, etc.
(3) 2 inch; $1,750.00 plus actual cost of additional work, including but not limited to road bores, street cutting, extra deep trenching, etc.

Section 6.200 Water Tap Fees - out of city limits

(1) 3/4 inch: $2,500 plus actual cost of additional work, including but not limited to road bores, street cutting, extra deep trenching, etc.
(2) 1 inch: $3,500 plus actual cost of additional work, including but not limited to road bores, street cutting, extra deep trenching, etc.
(3) 2 inch: $10,000 plus actual cost of additional work, including but not limited to road bores, street cutting, extra deep trenching, etc.

Section 6.300 Water Deposit

An application for water service must be filed and a deposit paid before service will begin. Deposits are as follows:

(1) Residential accounts: $100.00
(2) Commercial accounts:$150.00

Section 6.400 Connection Fees and Reset Fee

Connect fees are charged when new service begins and when service has been interrupted by an event such as disconnection for non-payment. Connect fees are as follows:

(1) New Service (in town): $50.00

(2) Re-connect (in town):	$50.00
(3) Re-connect (in town, after normal business hours:	$100.00
(4) New Service (out of town):	$100.00
(5) Re-connect (out of town):	$100.00
(6) Re-connect (out of town, after normal business hours:	$200.00

Section 6.500 Water Rates

(1) The rates charged for water and usage of water by the City of Tioga water system to houses, buildings, businesses, institutions, commercial establishments, and any other use shall be charges as follows:

A. Inside the city limits of the City of Tioga:

0 -	1,000 gallons	$30.00
1,001 -	15,000 gallons	$ 3.85 per each 1,000 gallons
15,001 -	20,000 gallons	$ 4.35 per each 1,000 gallons
20,001 -	30,000 gallons	$ 4.85 per each 1,000 gallons
30,001 -	50,000 gallons	$ 5.35 per each 1,000 gallons
50,001 gallons and up		$ 5.85 per each 1,000 gallons

B. Outside the city limits of the City of Tioga

0 -	1,000 gallons	$60.00
1,001 -	15,000 gallons	$ 7.70 per each 1,000 gallons
15,001 -	20,000 gallons	$ 8.70 per each 1,000 gallons
20,001 -	30,000 gallons	$ 9.70 per each 1,000 gallons
30,001 -	50,000 gallons	$ 10.70 per each 1,000 gallons
50,001 gallons and up		$ 11.70 per each 1,000 gallons

(2) Discount for Senior Citizens

A. Citizens aged sixty-five (65) or greater are eligible for a ten percent (10%) discount on the first 0-1,000 gallons of water on their water rates only.
B. The discount is for residential accounts only.
C. In order to receive the discount, the senior citizen must reside at the residence.

Section 6.600 Bulk Water

(1) Service Deposit:	$1,000.00
(2) Fire Hydrant Meter Rental:	$10.00 per day or $250.00 per month
(3) Water Usage Fees:	$11.70 per each 1,000 gallons of water

ARTICLE 7.000 - SEWER FEES AND RATES

Section 7.100 Sewer Tap Fees

Sewer Taps are required to connect to the City's Wastewater lines at a location that has not previously had sewer service. Sewer Service is offered exclusively to property located inside the city limits.

Sewer tap fees are: $1,250.00 plus actual cost of additional work, including but not limited to road bores, street cutting, extra deep trenching, etc.

Section 7.200 Sewage Rates

(1) All charges for sewage will be based on the amount of water used by the customer. The base rate for both residential customers and commercial (non-residential) customers shall be $19.00 per month for the first one thousand (1,000) gallons of water used by that customer.
(2) For Residential customers, the sewer charge shall be $2.75 per month for each one thousand gallons over the 1,000 gallon minimum base, up to a maximum of 25,000 gallons. Twenty Five thousand gallons (25,000) shall be the maximum amount for which sewer rates shall be charged.
(3) For all Commercial customers, the sewer charge shall be $2.75 per month for each one thousand gallons over the 1,000 gallon minimum base. For commercial customers there shall be no limit as to the usage as in residential rates.

ARTICLE 8.000 - SOLID WASTE REMOVAL RATES

Section 8.100 Residential Rates

(1) Single Family Residential rate:	$16.39 per month
(2) Each additional residence located on the same premises (including duplexes, apartment houses, and other Multi-family dwelling units)	$16.39 per month

Section 8.200 Commercial Rates.

Rates charged for the collection and removal of garbage and solid waste from businesses, institutions and commercial establishments shall be charged as follows:

(1) Hand collection, 1 pick-up per week:	$23.40 per month
(2) Hand collection, 2 pick-ups per week:	$41.05 per month
(3) Dumpsters, 1 pick-up per week:	
a. 3 cubic yards:	$62.35 per month, extra pick-ups $36.00 each
b. 4 cubic yards:	$84.85 per month, extra pick-ups $45.00 each
c. 6 cubic yards:	$125.80 per month, extra pick-ups $54.00 each
d. 6 cubic yards, locking:	$136.05 per month, extra pick-ups $54.00 each
e. 8 cubic yards:	$168.85 per month, extra pick-ups $62.00 each
f. 8 cubic yards, locking:	$179.05 per month, extra pick-ups $62.00 each

ARTICLE 9.000 FOOD AND ALCOHOL

Section 9.100 Mobile Food Units

Application fee: $150.00 per unit to be in service

Section 9.200 Alcoholic Beverage Sales Permits

Local fees are One-half of the State License fee.

ARTICLE 10 - MISCELLANEOUS

Section 10.100 Animals

Fees and charges imposed by another public or private entity upon the city shall be paid by the owner of the animal for which services were rendered

These fees are above and beyond any citation fines or fess related to violations of city ordinance or state law.

Section 10.200 Culverts

Permit and inspection fee for culvert installations: $40.00 for each culvert.

Section 10.300 Demolition Permits

Any Structure with utilities (water, sewer, electricity, or gas, whether in use or not): $50.00

Section 10.400 Fence Permits

Permits for construction or alteration of a fence: $10.00 plus inspection fee.

Section 10.500 Golf Cart Permits

A fee of $50.00 will be charged for application for a Golf Cart permit and the placard issued by the City.

Section 10.600 Peddler and Solicitor and Itinerant Vendor Permits

A fee of $25.00 plus $5.00 for per day will be charged for solicitor's permits.

Section 10.700 Signs

Permit fee: $50.00 plus inspection fees

Section 10.800 Swimming Pools

(1) In-ground Pools: $200.00 plus inspection fees
(2) Above-ground pools that have a capacity to hold 2,500 gallons of water or more: $50.00 plus inspection fees.

Section 10.900 Well Permits

The fee for a water well permit application, whether granted or not: $50.00