

ORDINANCE NO. 3761

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTERS 5 AND 7 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTIONS 5-27(1)(d), 5-33, 5-34(c)(1), 5-34(c)(2), 5-96, 5-141, 5-256(c), 5-256(d)(1), 5-256(d)(2), 5-292(c), 5-319(a), 5-319(b), 5-319(c), 5-319(d), 5-369(a), 5-371, 5-387(b), 5-387(c), 5-387(d), 5-387(e), 5-388(c) and 7-83 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-20, 5-33, 5-96, 5-141, 5-371, 7-3(1)(b)(1) and 7-83; THEREBY AMENDING VARIOUS FEES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1: That Chapters 5 and 7 of the Code of the City of Mesquite, Texas are hereby amended by deleting Sections 5-27(1)(d), 5-33, 5-34(c)(1), 5-34(c)(2), 5-96, 5-141, 5-256(c), 5-256(d)(1), 5-256(d)(2), 5-292(c), 5-319(a), 5-319(b), 5-319(c), 5-319(d), 5-369(a), 5-371, 5-387(b), 5-387(c), 5-387(d), 5-387(e), 5-388(c) and 7-83 in their entirety and adding new Sections 5-20, 5-33, 5-96, 5-141, 5-371, 7-3(1)(b)(1) and 7-83 to read as follows, in all other respects said Code and Chapters to remain in full force and effect:

- (1) *Section 5-20.* Add a new Section 5-20 to read as follows:

Sec. 5-20. Fees.

- (a) Construction with the City shall be classified according to occupancy or proposed occupancy as follows:

Single-family residential (single-family dwellings, duplexes, townhouses, condominiums)

Multifamily residential (apartments)

Nonresidential (office, retail, commercial, industrial, including nursing homes and hospitals)

- (b) Permit fees for new single family, duplex, townhouses, condominiums, new nonresidential, additions, alterations and remodels shall be combination permits that include building, mechanical, electrical and plumbing. Mechanical, electrical and plumbing (MEP) permits will be validated at the time when the individual MEP permits are submitted for the above construction-type projects.

- (c) No permit as required by this Chapter shall be issued until the fee prescribed in the following Permit Fee Schedule has been paid, nor shall any amendment to a permit be approved until the additional fee, if any, caused by such amendment shall have been paid:

Permit Fee Schedule

Building permit fees shall be as follows:

<i>Occupancy classification</i>	<i>Building area in square fee</i>	<i>Building permit Fees</i>
Single-family, duplexes, townhouses, condominiums, per unit	N/A	\$725.00
Multifamily (apartment) per unit	N/A	\$420.00
Commercial	N/A	\$0.29 cents per square foot

Building shell. Permit fee for a building shell shall be one-half of the total permit fee for a complete building of same size; fee for completion of the interior of a building shell shall be identical to the fee for the building shell.

Residential Building Permit Fee

*Additions, alterations and remodeling
(Combination permit):*

Additions, alterations and remodeling	\$0.23 per square foot (\$100.00 minimum)
---------------------------------------	--

Residential – Miscellaneous Permits

\$30.00	Carport (not constructed at the time of the main building)
\$30.00	Patio cover (not constructed at the time of the main building)
\$25.00	Fence
\$30.00	Improved parking surfaces (concrete, gravel, asphalt, pave stone)
\$25.00	Driveway
\$25.00	Drive approach (concrete)
\$25.00	Sidewalk (concrete)
\$30.00	Walk, driveway and approach (combination)
\$25.00	Accessory storage building less than 120 square feet
\$30.00	Accessory storage building greater than 120 square feet (electrical and plumbing not included)
\$100.00	In-ground swimming pool
\$50.00	Above-ground swimming pool greater than 18 inches in depth

\$30.00	Hot tub/spa
\$30.00	Electrical (includes electrical service replacement)
\$25.00	Plumbing (includes hot water heater replacement and irrigation system)
\$30.00	Mechanical (includes condenser and furnace replacement)
\$40.00	Foundation repair
\$40.00	Demolition
\$40.00	Retaining walls
\$30.00	All other miscellaneous permits

Commercial

Additions, alterations, repairs and remodels:

Additions, alterations, repairs and remodels	\$0.08 cents per square foot (includes electrical, plumbing, mechanical permits) (\$160.00 minimum permit)
---	--

Commercial – Miscellaneous Permits

\$75.00	Fence
\$75.00	Moving permit
\$50.00	Commercial amusement
\$50.00	Special event
\$25.00	Tent
\$50.00	Christmas tree lot
\$50.00	Irrigation system
\$100.00	Public/semi-public swimming pool
\$50.00	Hot tub/spa
\$50.00	Re-roof
\$50.00	Parking lot
\$40.00	Demolition
\$40.00	Storage container (temporary)
\$50.00	Electrical
\$50.00	Plumbing
\$50.00	Mechanical
\$40.00	All other miscellaneous permits

- (d) When a reinspection is required, a \$50.00 reinspection fee will be assessed for each reinspection until corrections are made and in compliance. The reinspection fee shall be paid before another inspection of the same type is conducted.

- (e) A permit fee shall be doubled in cost when work is commenced for a particular construction trade or project where a permit is required without first obtaining a permit or having the permit fee paid in full. If the permit fee is charged to an applicant's account, and the charged permit fee is still unpaid after 60 days, a double charge may be assessed.
 - (f) *Fee exception.* No permit fee shall be required for construction or repair work performed pursuant to the Building, Plumbing, Mechanical or Electrical Codes on any building, structure or premises the title of which is directly vested in the federal government, state, county, city or any public school district. A request for an exception to a permit fee shall be made in writing to the Code Official. Provided, however, permit fees shall be paid by all schools for daycare operations used in connection therewith.
- (2) *Section 5-27(1)(d).* Amend by deleting the section in its entirety.
 - (3) *Section 5-33.* Amend by deleting the section in its entirety and adding a new Section 5-33 to read as follows:

Sec. 5-33. Fees for occupancy and plan review.

- (a) The fee for a Certificate of Occupancy shall be \$75.00.
 - (b) *Plan review-processing fees.* A nonrefundable plan review-processing fee for new residential building permits of \$100.00 will be assessed and paid upon submittal of each new residential permit application. A nonrefundable plan review-processing fee for new commercial, remodels, additions and alterations will be assessed equal to 25 percent of the nonresidential building permit fee and paid upon submittal of each permit application.
- (4) *Sections 5-34(c)(1) and 5-34(c)(2).* Amend by deleting the sections in their entirety.
 - (5) *Section 5-96.* Amend by deleting the section in its entirety and adding a new Section 5-96 to read as follows:

Exceptions as to inspections and moving fees. Public school districts in the City shall be exempt from all inspection and moving fees. However, such exemption does not relieve such public schools from posting the necessary bond and taking out the necessary permit to do such moving, nor shall such exclusion be construed as allowing any building to be moved that is precluded by this article.

- (6) *Section 5-141.* Amend by deleting the section in its entirety and adding a new Section 5-141 to read as follows:

It shall be unlawful for any person to construct a fence over two feet in height on any lot, tract or parcel without having first obtained a building permit from the building inspection offices and paid a fee in accordance with City Code Section 5-20.

- (7) *Section 5-256(c).* Amend by deleting the section in its entirety.
- (8) *Sections 5-256(d)(1) and 5-256(d)(2).* Amend by deleting the sections in their entirety.
- (9) *Section 5-292(c).* Amend by deleting the section in its entirety.
- (10) *Sections 5-319(a), 5-319(b), 5-319(c) and 5-319(d).* Amend by deleting the sections in their entirety.
- (11) *Section 5-369(a).* Amend by deleting the section in its entirety.
- (12) *Section 5-371.* Amend by deleting the section in its entirety and adding a new Section 5-371 to read as follows:

Expiration date. Every electrical license issued pursuant to this article shall expire as determined by the Texas Department of Licensing and Regulations.

- (13) *Sections 5-387(b), 5-387(c), 5-387(d) and 5-387(e).* Amend by deleting the sections in their entirety.
- (14) *Section 5-388(c).* Amend by deleting the section in its entirety.
- (15) *Section 7-3(1)(b)(1).* Amend by adding a new Section 7-3(1)(b)(1) to read as follows:

Lien administrative fee. If after a building has been demolished due to a demolition order from the Board of Appeals and the demolition fee as assessed has not been paid in full in 30 days after receipt of said invoice, a lien placed upon such real estate shall include an administrative fee of \$100.00 for the processing of said lien.

- (16) *Section 7-83.* Amend by deleting the section in its entirety and adding a new Section 7-83 to read as follows:

Apartment license fee. The annual fee for an apartment complex license is \$10.00 per unit. The fee is payable to the City of Mesquite and is due on May 31st of each year.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent

that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That this ordinance shall be effective on and after October 1, 2005.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of September, 2005.




Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary

B. J. Smith
City Attorney