

ORDINANCE NO. 5104

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING MESQUITE CITY CODE, APPENDIX D – COMPREHENSIVE FEE SCHEDULE, ARTICLE XIV (PUBLIC WORKS) BY DELETING SECTION 14-103 IN ITS ENTIRETY AND ADDING A NEW SECTION 14-103 (ENGINEERING INSPECTION FEE) THEREBY REVISING FEES REGARDING PUBLIC WORKS ENGINEERING INSPECTIONS FOR THE SOLE PURPOSE OF COMPLYING WITH HOUSE BILL NO. 3492; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas in its 88th Regular Session enacted [House Bill No. 3492](#) (“**H.B. 3492**”) which prohibits municipalities from imposing certain value-based fees based on the value of construction for the acceptance, review, or processing of engineering or construction plans, or for the inspection of improvements for construction of public infrastructure for a subdivision, lots, or related property development; and

WHEREAS, the City of Mesquite previously based its public improvement engineering inspection fees on the estimated costs of public improvements; and

WHEREAS, H.B. 3492 is codified in part at Texas Local Government Code, Chapter 212, [Section 212.906](#) (Certain Value-Based Fees and Disclosure of Certain Information Prohibited), and requires municipalities to determine engineering inspection fees by considering the actual cost to inspect the public infrastructure improvements; and

WHEREAS, the revised engineering inspection fee rate is based on the City’s estimated cost of inspection relative to amount of site improvements from basic construction quantities; and

WHEREAS, the Public Works Department has reviewed the cost of providing inspection services and has determined that the proposed changes to the fees are less than or equal to the actual cost to inspect the public infrastructure improvements and said revised fees (and the calculation of those fees) are set to comply with H.B. 3492; and

WHEREAS, in compliance with the new legislation, the Public Works Department will publish, on the City’s website, the fee and the hourly rate and estimated direct time incurred by municipal employees for the fee calculation; and

WHEREAS, the City Council, based upon staff recommendation and review and consideration of this matter, has determined that it is in the best interest of the City of Mesquite, Texas, to establish a new fee for engineering inspections of public infrastructure to comply with state law.

Public Works / Appendix D, Article XIV, Section 14-103 (Engineering Inspection Fee)

May 6, 2024

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

SECTION 1. The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, thereby revising Appendix D – Comprehensive Fee Schedule, Article XIV (Public Works) by deleting Section 14-103 in its entirety and adding a new Section 14-103 (Engineering Inspection Fee), and said Section shall now read as shown in **EXHIBIT B** attached hereto and made a part hereof, and in all other respects said Appendix D and sections shall remain in full force and effect.

SECTION 2. The Director of Public Works, or his/her designee, shall annually publish, on the City’s website, the fee and hourly rate and estimated direct time incurred by City employees for a fee calculated pursuant to Texas Local Government Code, Chapter 212, Subchapter Z, [Section 212.906](#) (c)(2), as amended or successor.

SECTION 3. Should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. 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 5. That this ordinance shall take effect and be in force immediately upon its adoption pursuant to Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of May 2024.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

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Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David L. Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 5104

City of Mesquite, Texas

MESQUITE CITY CODE
APPENDIX D – COMPREHENSIVE FEE SCHEDULE
ARTICLE XIV – PUBLIC WORKS

MARK-UP TO
Section 14-103 – Engineering Inspection Fee

MESQUITE CITY CODE

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APPENDIX D – COMPREHENSIVE FEE SCHEDULE

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ARTICLE XIV. – PUBLIC WORKS.

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[Editor's Note: Make the following revisions with additions identified in green font and underlined, and deletions identified in ~~red font with strikethrough~~.]

Sec. 14-103. ~~Public Works~~ Engineering inspection fee.

Abbreviations:

SF: Square Foot

LF: Linear Foot

Engineering Inspection Fee: \$1,500.00 base fee (all sites), and

Grading improvements: 1 hour/6,000 SF, calculated at \$0.02 per SF.

Street paving improvements: 1 hour/400 SF, calculated at \$0.30 per SF.

Other concrete improvements: 1 hour/400 SF, calculated at \$0.30 per SF.

Screening wall improvements: 1 hour/400 SF, calculated at \$0.30 per SF.

Retaining wall improvements over three feet in height: 1 hour/400 SF, calculated at \$0.30 per SF.

Drainage improvements: 1 hour/100 LF, calculated at \$1.20 per LF.

Utility improvements: 1 hour/100LF, calculated at \$1.20 per LF.

NOTE: The Engineering Inspection Fee is based on \$120 per hour by taking into consideration the above calculations.

~~Engineering inspection fee (percentage of actual cost of the site improvements)4%~~

~~Fee is assessed for improvements that include, but are not limited to the following:~~

~~Road pavement in right of way (ROW)~~

~~Water mains, fittings, valves, fire hydrants, water meters, domestic/irrigation taps and services (from the main to the meter) in City ROW or public easements~~

~~All underground fire sprinkler systems~~

~~Sanitary sewer mains, manholes, services, lift stations in City ROW or public easements~~

~~All drainage systems (private and public), storm sewer mains, inlets, headwalls, detention ponds, drainage structures, bridges, culverts (outside the building footprint)~~

~~Irrigation or landscaping (within a City median or disturbs an existing City system)~~

~~Residential screening walls~~

~~Retaining walls over three feet in height~~

~~Trench safety, traffic control and all testing associated with site improvements~~

~~Engineering inspection fee (percentage of actual cost of the site improvements) 1%~~

~~Fee is assessed for the following site improvements:~~

~~Erosion control implementation~~

~~Clearing and grubbing~~

~~Mass grading, earthwork and lime stabilization~~

~~Debris removal~~

~~Building pad preparation (if included as part of the mass grading plan, which requires special approval)~~

~~Testing associated with mass grading, earthwork and lime stabilization~~

(Ord. No. 4702, § 1(Exh. A), 8-19-19; Ord. No. 4723, § 1(Exh. A), 9-16-19)

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EXHIBIT B

To Ordinance No. 5104

City of Mesquite, Texas

MESQUITE CITY CODE
APPENDIX D – COMPREHENSIVE FEE SCHEDULE
ARTICLE XIV – PUBLIC WORKS

NEW

Section 14-103 – Engineering Inspection Fee

MESQUITE CITY CODE

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APPENDIX D – COMPREHENSIVE FEE SCHEDULE

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ARTICLE XIV. – PUBLIC WORKS.

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Sec. 14-103. Engineering inspection fee.

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- Retaining wall improvements over three feet in height: 1 hour/400 SF, calculated at \$0.30 per SF.
- Drainage improvements: 1 hour/100 LF, calculated at \$1.20 per LF.
- Utility improvements: 1 hour/100LF, calculated at \$1.20 per LF.

NOTE: The Engineering Inspection Fee is based on \$120 per hour by taking into consideration the above calculations.

(Ord. No. 4702, § 1(Exh. A), 8-19-19; Ord. No. 4723, § 1(Exh. A), 9-16-19)

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