

**ORDINANCE NO. 2019-05-09 BP**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRACKETTVILLE IN ORDER TO ADOPT NEW FEES; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Brackettville, Texas desires to adopt rules and regulations governing building permit fees in the City of Brackettville, Texas; and

**WHEREAS**, the Texas Legislature has passed legislation (HB 852) prohibiting the assessment of building permit fees for residential structures on a valuation-based structure; and

**WHEREAS**, the City Council of the City desires to update fees involving residential building permits; and

**WHEREAS**, in order for the City to collect said fees it is necessary that the Council authorize the City Administrator to do so by Ordinance.

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

**SECTION 1. Definitions**

- a.* Accessory buildings and use. A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises. Examples: Garages, storages, sheds, detached carports, porches, gazebos.
- b.* Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property.
- c.* Mobile home. See travel trailer.
- d.* Residential Structure. Any building or portion thereof which is designed and used exclusively for residential purposes.
- e.* Storage shed. An accessory building designed for use to store basic household items such as lawnmower, bicycles, tools, etc.

- f. Travel trailer. Any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car.

**SECTION 2.** Building Permit Fees for residential construction in the City of Brackettville shall now be established as follows:

- a. *Residential Structures.* On all residential buildings, structures, or alterations requiring a building permit, a fee of forty cents (\$.40) per square foot under roof
- b. A minimum fee of thirty dollars (\$50.00) will be assessed when no square footage is involved
- c. *Onetime fee.* In addition to the fees or dedication required, a one-time fee of ten cents (\$.10) per square foot under roof will be assessed per building permit issued for new construction in a new or existing subdivision for a single-family residential unit.
- d. *Accessory buildings.* Accessory buildings are not subject the residential structure fees outlined in this ordinance.
- e. This permit shall be valid for 90 days, any activity not complete within the 90-day time period will require additional building permits every 90 days until project completion.

**SECTION 3.** Building Permit Fees for commercial construction in the City of Brackettville shall be established as follows:

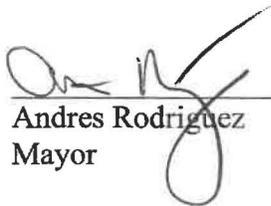
Valuation	Fee
\$1.00 to \$2,000.00	\$50.00
\$2,001.00 to \$10,000.00	\$100.00
\$10,001.00 to \$25,000.00	\$100.00 for the first \$10,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, up to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, up to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, up to and including \$100,000.00

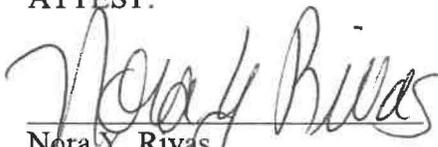
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, up to and including \$500,000.00
\$50,001.00 to \$1,000,000.00	\$3,233.75 for the first \$50,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, up to and including \$1,000,000.00
\$1,000,001.00 and up.	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof.

**SECTION 3.** If any section, part, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable, and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**SECTION 4.** This Ordinance shall be in full force and effect from and after its final passage and publication thereof, in accordance with the Code of Ordinances of the City of Brackettville.

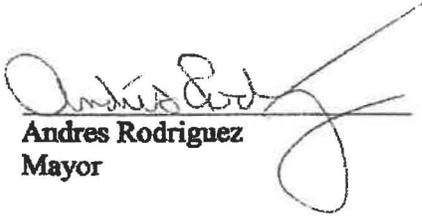
**READ, PASSED, AND APPROVED ON FIRST READING, this 5<sup>th</sup> day of September, 2019.**

  
 \_\_\_\_\_  
 Andres Rodriguez  
 Mayor

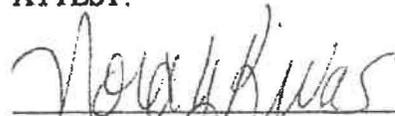
ATTEST:  
  
 \_\_\_\_\_  
 Nora Y. Rivas  
 City Administrator

AYES: |||  
 NAYS:  
 ABSTAINED:  
 ABSENT: ||

**READ, PASSED, AND APPROVED ON SECOND READING, this 10th day of  
September, 2019.**

  
Andres Rodriguez  
Mayor

**ATTEST:**

  
Nora Y. Rivas  
City Administrator

AYES: ||||  
NAYS:  
ABSTAINED:  
ABSENT: |

**APPROVED AS TO FORM AND LEGALITY:**

  
Langley & Banack, Inc.  
City Attorney