



ORDINANCE NO. 3576

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 22 TITLED “BUILDINGS AND BUILDING REGULATIONS,” ARTICLE II “ADMINISTRATION,” SECTION 22-54 “FINAL CALCULATION AND PAYMENT OF REQUIRED CONSTRUCTION COSTS AND FEES” BY AMENDING THE MANNER OF CALCULATION OF RESIDENTIAL BUILDING PERMIT FEES; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 22-54 of the Farmers Branch Code of Ordinances, the City Council has previously established the manner for calculating fees and charges to be levied with respect to the permitting and inspection of buildings and building systems that are constructed, reconstructed, repaired, maintained, and/or remodeled within the City of Farmers Branch; and

WHEREAS, the Texas Legislature has enacted Texas Local Government Code §214.907 prohibiting cities from considering the value or cost of construction of the construction or improvement of a residential dwelling when establishing building permit fees, which law became effective May 21, 2019; and

WHEREAS, with respect to the calculation of residential dwelling building permits, Code of Ordinances §22-54 is not consistent with Texas Local Government Code §214.907; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to amend the manner of calculation of the City’s building fees to be consistent with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The City of Farmers Branch Code of Ordinances, Chapter 22 “Buildings and Building Regulations,” Article II “Administration,” is amended by amending Section 22-54 “Final Calculation and Payment of Required Construction Costs and Fees” to read in its entirety as follows:

Sec. 22-54. - Final calculation and payment of required construction cost fees.

- (a) Except for permits fees assessed in association with construction of a residential dwelling, the construction values used for calculating permit fees for all projects, shall be not less than the most set forth in the Building Valuation Data (BVD) table published by International Code Council (ICC)

in August of the calendar year immediately prior to the date of submission of the application to the building inspections department. Every permit application shall set forth:

- (1) The applicant's estimated total value of the construction that is the subject of the application including, but not limited to, the estimated value of all materials, equipment, labor, overhead and profit;
 - (2) The square footage area of the structure(s) to be constructed;
 - (3) The type of construction and occupancy class of the structure to be constructed as determined by the applicable construction code(s) adopted pursuant to Articles III through VII.7 of this chapter;
 - (4) The signed statement of the applicant stating that the statements and information set forth in the application is to true and correction.
- (b) Calculating permit fees for all projects associated with residential dwellings will be performed using the rate per square foot or the flat rate that corresponds with the appropriate the scope of work. Every permit application shall set forth:
- (1) The scope of work of the project;
 - (2) The square footage area of the structure(s) to be constructed, remodeled, renovated or otherwise effected;
 - (3) The type of construction and occupancy class of the structure to be constructed as determined by the applicable construction code(s) adopted pursuant to Articles III through VII.7 of this chapter; and
 - (4) The signed statement of the applicant stating that the statements and information set forth in the application is to true and correction.
- (c) If upon completion of construction of the building that is the subject of a permit for which the permit fee was calculated in accordance with Section 22-54(a) the actual cost of construction is determined to exceed by greater than five percent the value of construction set forth in the permit application, not later than ten days after receipt by the applicant of written demand from the city, the applicant shall amend the application and pay the difference between the permit fee(s) calculated based on the increased construction value and the amount of the permit fee(s) paid at the time of issuance of the permit.

SECTION 2. All provisions of the Ordinances of the City of Farmers Branch, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions

of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 5. This ordinance shall take effect immediately following its passage in accordance with the provisions of the charter and state law; provided, however, the calculation of permit fees and charges with respect to residential dwellings as amended pursuant to Section 1 of this Ordinance shall be effective retroactively with respect to building permit and inspection fees assessed with respect to a residential dwelling on or after May 21, 2019, it being the intent that the fees and the manner of calculation thereof in effect prior to the effective date of Texas Local Government Code §214.907 shall remain in effect and be assessed for permits and inspections prior to May 21, 2019.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 18TH DAY OF JUNE 2019.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:6/12/19:108725)