

**CITY OF MABANK, TEXAS  
ORDINANCE NO. 2019-02**

**AN ORDINANCE OF THE CITY OF MABANK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MABANK, AS AMENDED, BY AMENDING APPENDIX "A," ENTITLED "PERMIT FEE SCHEDULE," AS ADOPTED IN THE CODE OF ORDINANCES OF THE CITY OF MABANK, TO REMOVE CONSIDERATION OF VALUE OF RESIDENTIAL DWELLING AND TO REMOVE CONSIDERATION OF COST OF CONSTRUCTION OR IMPROVING OF RESIDENTIAL DWELLING RELATED TO BUILDING PERMIT AND INSPECTION FEES; ADOPTING BUILDING PERMIT FEE SCHEDULE BASED ON SQUARE FOOTAGE OF THE STRUCTURE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION.**

**WHEREAS**, the City of Mabank, Texas (the "City"), a home-rule municipality, is authorized by state law and the Charter to adopt and implement necessary and reasonable ordinances in the best interests of its citizenry; and

**WHEREAS**, the City Council of the City of Mabank, Texas ("City Council"), has previously adopted by ordinance a Permit Fee Schedule as Appendix "A" to the Code of Ordinances, City of Mabank, Texas ("Code"), setting forth the cost of all services provided to citizens and businesses of the Town by the City and removing the listing of such fees from within the text of the Code; and

**WHEREAS**, Texas House Bill No. 852 provides that in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and

**WHEREAS**, Texas House Bill No. 852 was signed by the governor on May 21, 2019 and became effective immediately; and

**WHEREAS**, the City has reviewed the currently adopted fees in the Permit Fees Schedule and the associated costs to the City for providing those services, and has determined that there is a need for amendments to the Permit Fee Schedule to remove all consideration related to the value of the residential dwelling and the cost of construction or improving the residential dwelling in various fees already adopted, and to make amendments to the regulations governing fees and the administration of City services associated with those fees in accordance with this new law, which is now known as Texas Local Government Code, Section 214.907; and

**WHEREAS**, the City Council finds the amendments to the Permit Fee Schedule proposed herein below are now reasonable and commensurate with the services provided, are not excessive, and should be adopted to further the public health, safety, and welfare.

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

#### **Section 1. FINDINGS INCORPORATED**

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

#### **Section 2. AMENDMENT OF APPENDIX "A," "PERMIT FEE SCHEDULE," AS ADOPTED IN THE CODE OF ORDINANCES OF THE CITY OF MABANK, BY AMENDING PERTINENT SECTIONS AS SET FORTH ON EXHIBIT A**

From and after the effective date of this Ordinance, the Permit Fee Schedule is hereby amended by revising **Building Regulations** fees, as set forth in **Exhibit A** attached and incorporated herein by reference for all purposes.

#### **Section 3. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **Section 4. REPEALER CLAUSE**

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

#### **Section 5. SAVINGS CLAUSE**

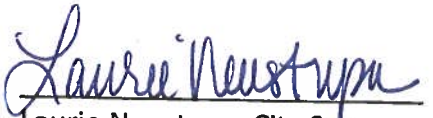
All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinance governing water and wastewater fees as of the effective date of this Ordinance; and any accrued violations, or pending litigation, both civil and criminal,

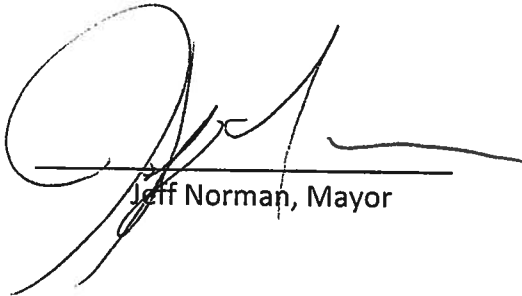
whether pending in court or not under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section. 6. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MABANK, TEXAS, THIS 8th  
DAY OF October, 2019.

  
Laurie Neustupa, City Secretary

  
Jeff Norman, Mayor

**Exhibit A  
Permit Fee Schedule**

- (a) Residential construction. New construction (includes residential inspections)**                      \$0.50 per square foot for new construction.
- (b) Residential construction. Additions and alterations**                      \$0.50 per square foot of addition or affected area of alteration.