

**ORDINANCE No. 2013-140  
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES PROVIDING FOR AN INCREASE IN THE NUMBER OF BUILDING INSPECTORS; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

\* \* \* \*

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

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That section 10-7 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 10-7. – Length of time permit is valid.**

No permit issued by the building official shall be valid for a period of more than one year from date of issuance. If work is not completed within that period of time, the applicant must secure a new permit from the city. The new permit may be valid for a period of time less than one year if specified by the building official. If no new permit is secured to continue work, the building official may require demolition of all existing construction. The building official may require that plans be reviewed again. If so, a new plan check fee shall be charged and paid for by the applicant before the [inspector] building official reviews the plans. If no additional plan checking is required, the applicant shall be charged the permit fees shown in Attachment "A".

That section 10-8 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 10-8. - Permit fees.**

Building permit fees are listed in Attachment "A" of this ordinance (Ord. No. 2004-23). Additional fees may also be charged for use of an outside consultant for plan review, inspections, or both and administrative or overhead costs not designated by Attachment "A". No permit shall be issued until fees are paid in full, except as detailed in the following paragraph.

For all applications for a dwelling or extensive remodeling in which plans or drawings are required to be submitted, the applicant shall pay \$150.00 at the time of original submission. After review of the plans, this fee shall be deducted from the overall permit price. This may not include the total plan review fee. Any additional fee will be included in the overall permit. This fee shall not be returned to the applicant due to change of mind or failure of applicant to meet the city ordinances and codes in his/her plans. If, in the opinion of the building official, the plans are incomplete or inadequate and therefore cannot be used to issue a permit, the [inspector] building official may charge an additional plan review fee for rechecking the plans after correction. Plans shall not be rechecked until all appropriate fees have been paid.

That section 10-57 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 10-57. - Application and fees.**

- (a) An application shall be made to the city building [inspector] official for each permit required under section 10-56, in such form as specified by the building [inspector] official.
- (b) Building permit fees are listed in section 10-59 under the category "Charged by City." No permit shall be issued until fees are paid in full.
- (c) For all applications in which plans or drawings are required to be submitted, the applicant shall pay the cost of the plan check fee at the time of original submission. This fee shall not be returned to the applicant due to change of mind or failure of applicant to meet city ordinances and codes in his proposed plans. If in the opinion of the building official the plans are incomplete or inadequate and therefore cannot be used to issue a permit, the [inspector] building official may charge an additional plan check fee for rechecking the plans after correction. Plans shall not be rechecked until all appropriate fees have been paid.
- (d) The building official shall issue a permit for a purpose as set forth in this article only when the proposed activity and plans are not in conflict with city ordinances or other law and only after fees as set forth in this article have been paid to the city.

That section 10-8 of the Shoreacres City Code is hereby amended by adding a section to be numbered Section 10-90 which reads as follows:

**Sec. 10-90. – Building Officials.**

- (a) A building official shall perform building plan and permit application review and approval based on adopted building codes and related city ordinances. They shall also issue a certificate of occupancy or completion after a building or project

- has been completed according to city requirements. All inspections shall be performed by an official building official.
- (b) All building officials shall be code-certified inspectors in the International Building Code and the National Electric Code.
- (c) The mayor, subject to approval of city council, shall appoint building officials. Building officials may be construed to mean a private company, provided the private company and their employees meet Sec. 10-90(b) requirements.
- (d) The city shall not enter into any contract of for building official services for a period of time longer than 12 months. All new and renewal contracts for appointment of a building official must be approved by at least a three-fifths majority of members of the city council in an open meeting.
- (e) Where this section differs from the International Building Code, adopted in Sect. 10-116, this section shall have precedence, regardless if a newer and updated International Building Code is later adopted.

That section 10-91 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 10-91. – Inspection [department] fees.**

[The city building inspector shall also serve as the plumbing official, gas inspector, mechanical official and electrical inspector for the city, performing the duties and responsibilities set forth in the codes adopted herein.]

- (a) All inspection fee schedules shall be approved by city council.
- (b) All inspection fee schedules shall be posted on the city web site and made available to citizens, upon request, from city hall.

That section 10-92 of the Shoreacres City Code is hereby repealed in its entirety:

**[Sec. 10-92. – Building contract services — Contract.]**

[An agreement has been made between the city and Latane Lamb for to provide the following inspections and plan review services to the city.

**Art. 1. Services provided by Latane Lamb:**

- 1.1. Building plan and permit application review and approval based on adopted building codes and related city ordinances.
- 1.2. Set a maximum time limit for plan review approvals or denials.
- 1.3. Notify contractors of plan review approvals by telephone regarding denials in writing.
- 1.4. Assign permit fees based on city approved fee schedule.
- 1.5. Provide for structural, electrical, plumbing and mechanical inspections. Number and type to be agreed upon.

- 1.6. Set days and times that inspections would be provided.
- 1.7. Issue a certificate of occupancy or completion after a building or project has been completed according to city requirements.
- 1.8. Help the city establish a tracking system that would provide the city with detailed day-to-day knowledge of all building department activities.
- 1.9. Provide restoration of service inspections as needed.
- 2.0. Provide a backup inspector if needed.
- 2.1. Provide billing twice a month that will reconcile with tracking system listed above.

Art. 2. *Services provided by the city:*

- 2.1. *Office space.* Table, chair, legal size file cabinet, access to a computer, etc.
- 2.2. *Clerical personnel.* Filing, telephone answering, message taking, writing inspection requests, issue permits and receive permit fees, fax receiving/sending, etc.
- 2.3. Building department forms of all types. Carbonless copies as needed.
- 2.4. Building department plan stamps and ink pads.
- 2.5. Adoption of permit fee schedule as attached. The city will be billed 80 percent of permit fees. Fees will be billed as individual plan reviews/inspections are made. Separate permits will be required for all trades per the fee schedule. Inspections made for existing permits will be billed at 80 percent of the fee collected under the existing system. City will not be invoiced for fees generated by violation of city ordinances.
- 2.6. Appoint Latane Lamb the building official.
- 2.7. Adopt and administer a contractor registration program for all contractors required pulling a permit. Adopt registration fee to cover the city's cost of registration, license and insurance verification of all contractors working in the city under a required permit. Adopt insurance requirements for all contractors working in the city under a required permit. Adopt an electrical licensing requirement for all electrical contractors working in the city under a required electrical permit.

**Art. 3. Termination of agreement.**

- 3.1. Either party without cause upon may terminate this agreement no less than 30 days prior written notice to the other party.
- 3.2. In the event of termination by the city, Latane Lamb shall be compensated for all work performed (and all direct expenses) and reimbursable expenses accrued prior to termination under the terms of this agreement.
- 3.3. Time and reimbursable expenses arising from ongoing litigation, litigation arising subsequent to the termination and attributable thereto and services as a witness shall be paid by the city at the rates enumerated herein.
- 3.4. All material and property of the city shall be returned to same within the 30-day notification period. All pertinent records, photos and all evidence shall be returned to the city within the same 30-day period.
- 3.5. Latane Lamb shall prepare and submit to the city a final accounting and closing invoice within 45 days of termination.

**Art. 4. Terms of agreement.** The terms of this agreement may be reviewed annually. The terms will remain in effect from year to year unless otherwise modified in writing.]

That section 10-93 of the Shoreacres City Code is hereby repealed in its entirety:

**[Sec. 10-93. - Same—Fees.**

Inspections fees			
Single-family dwelling	Per inspection	Per reinspection	Plan review
0–1,499 sq. ft.	\$50.00	\$50.00	\$80.00
1,500–1,799 sq.ft.	80.00	50.00	100.00
1,800–2,199 sq. ft.	120.00	50.00	110.00
2,200–2,999 sq. ft.	180.00	50.00	130.00
3,000–4,399 sq. ft.	210.00	50.00	190.00
4,400–5,000 sq. ft.	250.00	50.00	230.00
Each 1,000 sq.ft. over 5,000	50.00		50.00
<i>Commercial</i>			
0–4,000sq.ft.	\$180.00	\$50.00	\$210.00
Each 1,000 sq. ft. over 4,000	50.00		50.00
Swimming pools	50.00	50.00	50.00
Temporary electric pole	50.00		50.00
<i>Plumbing, electrical and mechanical</i>	50.00		50.00
All work not listed above: Use single-family dwelling schedule			

Persons working without pulling a permit or to continue work started without a permit for which a permit is required will be charged the normal fee + 200% + all legal and administrative fees.]

This Ordinance shall be effective immediately after its passage and approval.

PASSED AND APPROVED this the 9th day of September 2013.

( CITY SEAL )

\_\_\_\_\_  
Matt Webber, Mayor

ATTEST:

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David K. Stall, CFM  
City Secretary

M/2		Yea	Nay	N/V	Absent
<input type="checkbox"/>	M. Webber	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	B. Bunker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	S. Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	R. Moses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	N. Schnell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	M. Wheeler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed \_\_\_\_\_  
David Stall, City Secretary - Date