

**ORDINANCE NO. O-2008-140**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 6, "BUILDINGS AND STRUCTURES", ARTICLE I, "BUILDING CODE", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, TO ADJUST THE EXISTING BUILDING PERMIT FEES FOR NEW CONSTRUCTION AND ALTERATION, ADDITIONS AND REPAIRS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to protect the public health, safety and welfare; and

**WHEREAS**, in City Code Chapter 6, Article I., the City Council has adopted building permit fees for new construction and alteration, additions and repairs; and

**WHEREAS**, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

**WHEREAS**, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

**WHEREAS**, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

**WHEREAS**, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

**WHEREAS**, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

**WHEREAS**, Section 1 of the Tyler City Charter provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

**WHEREAS**, Section 1 of the Tyler City Charter states that the City may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City; and

**WHEREAS**, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

**WHEREAS**, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; and

**WHEREAS**, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

**WHEREAS**, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

**WHEREAS**, it is important to amend Tyler City Code Chapter 6, Article I. to create permit fees that are more proportional;

**WHEREAS**, on 10/10/08, the Construction Board of Adjustment and Appeals voted to recommend that this ordinance be adopted by the City Council;

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

**PART 1:** That Tyler City Code Chapter 6, "Buildings and Structures", Article I., "Building Code", is hereby amended by amending Section 6-3 to read as follows:

**Sec. 6-3. Schedule of Permit Fees.**

a. Building permit fees.

1. Building permit and fire inspection fees, not including plumbing and electrical permits and inspections fees, on all new residential construction, shall be per each one thousand dollars (\$1,000.00) of estimated construction valuation in accordance with the following schedule. Residential construction shall include all single family detached residences and single family attached residences including duplexes, townhomes and condominiums. Minimum fee thirty dollars (\$30.00).

\$1,001 to \$50,000	\$30.00 plus \$1.40 per \$1,000 or part thereof
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\$50,001 to \$100,000	\$98.60 for the first \$50,000 plus \$1.10 for each additional \$1,000 or part thereof to and including \$100,000
\$100,001 to \$500,000	\$153.60 for the first \$100,000 plus \$0.80 for each additional \$1,000 or part thereof to and including \$500,000
\$500,001 and up	\$473.60 for the first \$500,000 plus \$0.50 for each additional \$1,000 or part thereof

2. Building permit and fire inspection fees, not including plumbing and electrical permits and inspections fees, on all new nonresidential, commercial and industrial construction, shall be per each one thousand dollars (\$1,000.00) of estimated construction valuation in accordance with the following schedule. Minimum fee thirty dollars (\$30.00).

\$1,001 to \$50,000	\$30.00 plus \$3.30 per \$1,000 or part thereof
\$50,001 to \$100,000	\$191.70 for the first \$50,000 plus \$2.60 for each additional \$1,000 or part thereof to and including \$100,000
\$100,001 to \$500,000	\$321.70 for the first \$100,000 plus \$2.00 for each additional \$1,000 or part thereof to and including \$500,000
\$500,001 and up	\$1,121.70 for the first \$500,000 plus \$1.50 for each additional \$1,000 or part thereof

3. Alteration, additions and repairs. Building permit and fire inspection fees, not including plumbing and electrical permits and inspections fees, on all residential alteration, additions and repairs, shall be per each one thousand dollars (\$1,000.00) of estimated construction valuation in accordance with the following schedule. The minimum fee for any type of permit shall be thirty dollars (\$30.00).

\$1,001 to \$50,000	\$30.00 plus \$1.90 per \$1,000 or part thereof
\$50,001 to \$100,000	\$123.10 for the first \$50,000 plus \$1.50 for each additional \$1,000 or part thereof to and including \$100,000
\$100,001 to \$500,000	\$198.10 for the first \$100,000 plus \$1.10 for each additional \$1,000 or part thereof to and including \$500,000
\$500,001 and up	\$638.10 for the first \$500,000 plus \$0.70 for each additional \$1,000 or part thereof

4. When the estimated construction valuation is not available, or the provided estimate of construction valuation is, in the opinion of the Chief Building Official, not consistent with business or industry-wide construction valuation standards, the Chief Building Official may assign the valuation in accordance with the latest Building Valuation Data, as published by the International Code Council.

5. The fee for reinspection shall be thirty dollars (\$30.00).

6. The fee for checking plans shall be twenty-five (25) percent of the permit fee, to be paid when plans are submitted (nonresidential, commercial, and industrial plans only).

- 7. Clean and Show - \$30.00
- b. No changes...
- c. No changes...
- d. No changes...
- e. No changes...
- f. No changes...

In the event any building or structure is started without a permit, the above fees will be increased one hundred (100) percent. No fees shall be refunded or transferable. (Ord. No. O-93-46, Pt. 2, 7-12-93; Ord. No. O-93-68, Pt. 2, 9-8-93; Ord. No. O-93-83, Pt. 1, 10-1-93) (Ord. No. 0-96-2000, 4/4/96) (Ord. No. 0-2001-59, 12/5/2001) (Ord. No. 0-2002-38, 9/11/02) (0-2006-79; 9-13-2006) (Ord. No. 0-2008-140;11/12/08)

**PART 2:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PART 3.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, or later. The effective date of this ordinance is January 1, 2009.

**PASSED AND APPROVED** this 12<sup>th</sup> day of November, A. D., 2008.

*Barbara Bass*

BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

*Jerry C. Sanders*  
CITY ATTORNEY

