

ORDINANCE NO. 11-082020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ESTABLISHING A COMPREHENSIVE SET OF PERMIT FEES, SERVICE FEES, AND USER FEES DESIGNED FOR THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS; PROVIDING A SEPARATE SCHEDULE OF FEES WHICH OUTLINES FUNCTIONS AND ACTIVITIES WHICH REQUIRE A PERMIT, HAVE A SERVICE FEE, OR HAVE A USER FEE; PROVIDING FOR A PENALTY OF A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00), NOR MORE THAN TWO THOUSAND DOLLARS (\$2000.00) FOR EACH VIOLATION INVOLVING SAFETY, ZONING, OR PUBLIC HEALTH; PROVIDING FOR A PENALTY OF A FINE OF NOT LESS THAN TEN DOLLARS (\$10.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION NOT INVOLVING SAFETY, ZONING, OR PUBLIC HEALTH; PROVIDING FOR EACH DAY OF CONTINUED VIOLATION OF THIS ORDINANCE BEING CONSIDERED A SEPARATE VIOLATION; PROVIDING FOR A TIME LIMIT FOR THE VALIDITY OF PERMITS AND LICENSES ISSUED; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Garden Ridge, Texas has established by ordinance fees for licenses, permits and various services provided by the City; and

WHEREAS, the City Council seeks to provide for reasonable administrative fees to provide and administer various municipal services; and

WHEREAS, after receiving and reviewing the aforementioned costs, the City Council finds that the fees established herein do not exceed the amount reasonably necessary to provide the services and administer and enforce the regulatory programs to which they are related.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. CITY OF GARDEN RIDGE, ORDINANCE 11.

The City Council hereby revokes and repeals in its entirety the now existing Ordinance 11 and replaces it by adoption of the regulations contained in this Ordinance which is effective upon adoption. Attachment 1, Schedule of Permit, and User Fees are a part of this Ordinance.

SECTION 2. PURPOSE OF THIS ORDINANCE.

The purpose of this ordinance is to establish a Schedule of Fees for licenses, permits, inspections and services for the City of Garden Ridge. This Schedule of Fees does not supersede any requirement for the license, permit, inspection or service related to said fee as may be outlined or required by other ordinances of the City of Garden Ridge. The Schedule of Fees outlined in Attachment Number 1 to this ordinance is hereby adopted and incorporated as part of this Ordinance and said Schedule of Fees may be amended from time to time by approval by the City Council, City of Garden Ridge, Texas, without requiring a revision of this ordinance.

The Incorporated Schedule of Fees supersedes all fees heretofore established for the particular license, permit, Inspection or service which may be ordained or required in another ordinance of the City of Garden Ridge. The Incorporated Schedule of Fees ordinance does not supersede any requirement for the license, permit, Inspection or service, which may be ordained by another ordinance of the City of Garden Ridge.

The Incorporated Schedule of Fees shall not be deemed all-inclusive.

SECTION 3. VIOLATIONS.

Any person, group of persons, business, corporation, builder, contractor, or association violating any provision of this Ordinance shall be guilty of an offense and, upon conviction, shall be punished by a fine according to the following schedule:

- a) For conviction of a violation dealing with a license, permit, Inspection or other service which involves the safety, zoning or public health, a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2000.00), with each day that the violation persists being a new and separate offense.
- b) For conviction of a violation dealing with a license, permit, inspection or other service which does not involve the safety, zoning or public health, a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), with each day that the violation persists being a new and separate offense.

In addition to the above, the fee for any required license, permit, inspection or service shall be double the normal fee outlined in the Schedule of Fees attached hereto if any activity or activities requiring a license, permit, inspection or service is commenced prior to securing the required license, permit, inspection or service authorization.

SECTION 4. PERMITS.

City of Garden Ridge permit is required for the following listed activities or projects. Unless otherwise specified, permits issued by the City of Garden Ridge shall be valid for a period of one year from the date of issuance.

- a) **Alcoholic Beverage Permit** – An annual Alcoholic Beverage Special Use Permit is required for any business or commercial entity involved in serving, providing or selling any alcoholic beverage in any business or commercial establishment in the City of Garden Ridge. An Alcoholic Beverage Special Use Permit will be issued only after a petition for such a permit is approved by the City Council.

Permit fees for an Alcoholic Beverage Special Use Permit are as outlined in the Schedule of Fees attached hereto and are due and payable as of January 10th of each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for the following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

- b) **Partial Exemption Permits** – Permits will be applied for in accordance with provisions outlined in City of Garden Ridge Ordinance 34. The Permit fees specified in Ordinance 34 are in addition to the Schedule of Fees attached hereto.
- c) **Building Permits** – A Building Permit is required by any person, business, corporation, builder, commercial enterprise, entrepreneur, or contractor planning to construct a building, fence, wall, addition or modification to an existing structure, swimming pool, or any other construction project, excavation, layout or other activity associated with the construction project. All building and construction will be accomplished in accordance with the Building Code for the City of Garden Ridge, as specified in City of Garden Ridge Ordinance 19.

Building permits will be issued only after plans for the project have been reviewed and approved by the City Building Inspector.

Unless a variance has been applied for and approved by the Planning & Zoning Commission and the City Council of Garden Ridge, no building permit will be issued for construction on City property or in a City or utility easement or right-of-way.

Unless a variance has been applied for and approved by the Planning & Zoning Commission and the City Council of Garden Ridge, no building permit will be issued for construction in any water or storm drainage easement, be it private or public property. Since water or storm drainage easements are designed for the health, safety and welfare of all residents, variances for construction in said water or storm drainage easements will be approved only for reasons deemed to enhance their utility and usefulness to the community.

Building Permit fees specified in any other Ordinance are hereby superseded by the Schedule of Fees attached hereto. Building Permit fees are based on the following:

1. For construction of any house, residence, living (human habitation) quarters, guest or servant quarters, to include any attached structure such as a garage, patio, porch, carport, etc., the permit fee shall be computed at the specified rate per square foot of space, the total area to be determined by the City Building Inspector at the time of building plans review and approval.
2. For construction of any commercial building or establishment, to include any attached structure such as a garage, workshop, parking area, etc., the permit fee shall be computed at the specified rate per square foot of space, the total area to be determined by the City Building Inspector at the time of building plans review and approval.
3. For construction of any detached (from the primary building) or free standing structure such as a workshop, garage, barn; shed, covered patio, carport, playhouse, outbuilding, gazebo, etc., the permit fee shall be as computed at either the specified rate per square foot of space, or the minimum permit fee as specified in the attached Schedule of Fees, whichever is greater. The total area to be determined by the City Building Inspector at the time of building plans review and approval.

4. For construction of any fence, wall; new driveway, uncovered patio, fireplace, chimney, pool or spa deck, in-ground sprinkler systems, etc., the permit fee shall be as specified in the Schedule of Fees attached hereto.
5. For construction of any garage built after the residence is constructed, the permit fee shall be based on generally accepted sizing (one-car, two-car, etc.) of the garage as specified in the Schedule of Fees attached hereto.

d) **Business Permits**

1. Business In-Home Permit – An annual business-in-home permit is required of all individuals operating a business from a personal residence in the City of Garden Ridge and will be applied for in accordance with the provisions specified in City of Garden Ridge Ordinance 13.

The annual Business-In-Home Permit fees are as specified in the Schedule of Fees attached hereto and are due and payable as of January 10th of each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

2. Business Permit – An annual Business Permit is required by this Ordinance for all entities engaged in or conducting a business in the City of Garden Ridge other than a Business-in-Home. This includes, but is not limited to, restaurants, medical and dental offices, realty offices, convenience stores, auto repair and maintenance shops, gasoline stations, welding shops, wholesale and retail sales outlets, Industrial production entities and, in general, all types of commercial business operations except those subject to franchise taxes.

The annual Business Permit fees are as specified in the Schedule of Fees attached hereto and are due and payable as of January 10th each year. The initial permit issued shall be valid from the date of issuance thru December 31st of the year in which it was issued. Each succeeding renewal will be for following calendar year beginning on January 1st and ending on December 31st. Permit renewals will be applied for in December of each year and any permit not renewed prior to January 11th of the year following the expiration date on the permit will lapse.

- e) **Electrical Permits** – An Electrical Permit is required by any person, business, corporation, builder, commercial enterprise, entrepreneur, or contractor planning to construct any building, fence, wall, addition or modification to an existing structure, swimming pool, in-ground sprinkler system, or any other construction project where the use of electrical wiring, fixtures, etc., are required.

All electrical wiring and construction will be accomplished in accordance with the Electrical Code for the City of Garden Ridge as specified in City of Garden Ridge Ordinance 20.

Electrical permits are, unless otherwise specified, required in addition to any other permit (such as a building permit) issued for the project. Electrical permits will be issued only after plans for the project have been reviewed and approved by the Building Inspector. Electrical Permit fees specified in any other Ordinance are hereby superseded by the Schedule of Fees attached hereto. Electrical Permit fees are based on the following:

1. For construction of any house, residence, living (human habitation) quarters, guest or servant quarters, to include any attached structure such as a garage, patio, porch, carport, etc., having electricity, the permit shall be a set fee as specified in the Schedule of Fees attached hereto.
 2. For construction of any commercial building or establishment, to include any attached structure such as a garage, workshop, parking area; etc., the permit fee shall be computed at the specified rate per square foot of space, as specified in the Schedule of Fees attached hereto, the total area to be determined by the Building Inspector at the time of building plans review and approval.
 3. For construction of any swimming pool or minor project (such as a garage, barn, shed, covered patio, carport, play house, outbuilding, gazebo, fence, wall, in-ground sprinkler system, driveway, etc.) requiring electricity, the permit shall be a set fee as specified in the Schedule of Fees attached hereto. An individual and separate circuit breaker shall be required for all in-ground sprinkler systems.
- f) **Sign Permits** – Sign Permits as specified and authorized by City of Garden Ridge Ordinance 55 will be issued in accordance with Ordinance 55.
- g) **Swimming Pool Permits** – Both a building permit and an electrical permit are required for the construction of any swimming pool, spa, or similar facility in the City of Garden Ridge. If blasting is necessary, a separate permit is required. The fee for the building permit required for a swimming pool, spa, or similar facility shall be based on the volume of water to be contained in the facility, as specified in the Schedule of Fees attached hereto. The electrical permit fee for a swimming pool, spa or similar facility designated in Section 4e of this ordinance.
- h) **Water Well Permit** – Special Use Building Permit is required for all water wells drilled in the City of Garden Ridge. Permits for drilling of water well are only authorized for property owners in the following classifications and are only authorized for the purpose of serving the residence, business or commercial property and grounds physically situated on the property where the well is to be drilled. In no event are permit fees refundable due to inability to secure water (a dry hole), wells running dry, subsequent availability of water service, or other reason or cause.
1. **Residential Property** – Residential property, regardless of location, lot size, or zoning classification, whose location is not serviced with water by the City of Garden Ridge Water Department and such service cannot be made available to that location within one hundred and twenty (120) days from the date the application for a water well permit is received by the City.

2. Business or Commercial Property – Business or commercial property, regardless of location, lot size or zoning classification, whose location is not served with water by the City of Garden Ridge Water Department and such service cannot be made available to that location within one-hundred and twenty (120) days from the date application for a water well permit is received by the City.
3. Farm and Ranch Property – Farmers and ranchers owning and residing on property in zoning classification RA-Residential Agricultural are authorized to drill water wells on that property when such property is used for farming and/or ranching purposes. A "no-fee" Special Use Building Permit is required to drill a well on such property, provided the well is used strictly for farming, ranching and personal use activities on the property. The City will approve well location and reserves the right to inspect well drilling and installation. If the well is to be used for any purpose other than farming, ranching and personal use activities, a special use permit must be applied for from the City of Garden Ridge and must be approved by the City Council.

Persons, companies, political entities, or any other legal entity or entities, located in any area of the City of Garden Ridge, which are not covered by the above categories and who desire water well, must apply for a Special Use Permit from the City of Garden Ridge. The permit fee, if special use is approved, is to be established by the City Council based on the intended use of the well.

In no event will water from any private well be used for purposes or activities beyond the owner's property unless a true emergency situation (such as fire or emergency water use) exists. In no event will water from a private well be sold to a person, company, corporation or other entity, nor may the well be used for commercial purposes.

No commercial sale of an existing or newly developed water producing well, truck or water line delivery, which is privately owned or owned by a commercial or political entity, shall be permitted within the corporate limits of the City of Garden Ridge without approval of the City Council of Garden Ridge.

SECTION 5. FEES.

- a) **City Document Fee** – Anyone requesting Public Information from the City of Garden Ridge must make a Public Information Request. Any information provided will be made available pursuant to the Texas Public Information Act and any fee shall be assessed in accordance with the Texas Attorney General Charge Schedule as provided in 1 Texas Administrative Code 70.1-.12, as amended.
- b) **Copying and Fax Fee** – Use of the City's copier to create a photo static copy or copies of private or personal documentation is authorized on an as-the-machine-is-available basis and provided the person requesting such service pays the copying fee or fees as specified in the Schedule of Fees attached hereto. The City Secretary has authority to deny use of the City's copier to any user if, in her judgment, such use would be detrimental to City operations or would impair future use of the copier.

Use of the City's fax machine to send or receive faxes of private or personal documentation is authorized on an as- the-machine is available basis and provided the person requesting such service pays the fax fee or fees as specified in the Schedule of Fees attached hereto. The City Secretary has authority to deny use of the City's fax machine to any user if, in his or her judgment, such use would be detrimental to City operations or would impair future use of the fax machine.

- c) **Notary Public Fee** – Fees for notary public services and endorsements are as outlined in the Schedule of Fees attached hereto.
- d) **Planning and Zoning Fee** – Fees for Planning & Zoning Commission services contained in any other City of Garden Ridge Ordinance are hereby superseded by the fees specified in the Schedule of Fees attached hereto.
- e) **Returned Check Fee** – A fee will be assessed for any personal check or auto draft given to the City of Garden Ridge in payment of any service, fine, permit, tax, fee or other charge, which is returned for any reason by a financial institution due an inability to process for payment. The Returned Check fee is as specified on the Schedule of Fees attached hereto.

SECTION 6. SEVERABILITY.

If any section, paragraph, subdivision, clause or phrase of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of any provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE.

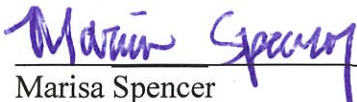
This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED ON this 5th day of August 2020.



Larry Thompson
Mayor

ATTEST:



Marisa Spencer
City Secretary

Attachment 1
 SCHEDULE OF PERMIT & USER FEES

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|---|-----------------------------------|
| <u>Alcoholic Beverage.</u> | |
| Beer and/or wine off premises (annual permit) | \$35.00 |
| Beer and/or wine on premises (annual permit) | \$60.00 |
| Package Store (annual permit) | \$100.00 |
| Mixed Beverage (annual permit) | \$100.00 |
| <u>Partial Exemption Permit.</u> | |
| Fee Determined by City Council in accordance with Ordinance 34 in addition to fee attached hereto | \$175.00 Plus City Council fee |
| <u>Business Permit.</u> | |
| In-Home Permit (annual permit, see footnote) | \$15.00 |
| Business Permit (annual permit required for all businesses except those having a valid in-home business permit, see footnote) | \$25.00 |
| <u>Satellite/Other TV Antenna (special use permit required).</u> | |
| | \$50.00 |
| <u>Sign.</u> | |
| Permanent sign requiring a variance in accordance with Ordinance 55 | \$50.00 |
| Permanent sign not requiring a variance | \$15.00 |
| <u>Water Well.</u> | |
| No service available from the Water Department | \$150.00 |
| Service available from the Water Department and City Council approves permit fee to be established by City Council on an individual basis | |

BUILDING AND CONSTRUCTION RELATED PERMITS

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| <p><u>House/Residence/Living Quarters.</u> Review and approve building plans Review and approve revised building plans Building Construction Permit \$0.30 per sq. ft. of foundation plus square footage of additional floor levels Additions to residences \$0.22 per sq. ft of additional floor space</p> | <p>\$250.00 \$125.00 \$500.00+ \$150.00+</p> |
| <p><u>Commercial Buildings.</u> Review and approve building plans City Engineer review Review and approve revised building plans City Engineer review Building construction permit \$0.32 per sq. ft. of foundation plus square footage of additional floor levels</p> | <p>\$350.00+ \$150.00 \$100.00+ \$150.00 \$500.00+</p> |
| <p><u>Commercial (Open) Storage Buildings.</u> \$0.32 per sq. ft. of foundation</p> | <p>\$100.00+</p> |
| <p><u>Residential Outbuildings.</u> Workshops, barns, sheds, patios, wooden decks, gazebos, playhouses, etc. OR *\$0.32 per sq. ft. (whichever is higher) <i>If electrical or plumbing is involved separate permits for each is required.</i></p> | <p>\$100.00* \$100.00</p> |
| <p><u>Miscellaneous Structures.</u> Fences, retaining walls, landscape walls over two feet from the ground level, driveways not in original house plans, driveways converted from gravel or asphalt to concrete, sidewalks, fireplaces, dog runs, dog kennels (fixed), etc.</p> | <p>\$125.00</p> |
| <p><u>Remodeling of house or Commercial Building.</u> Generally, there is no fee to remodel a house or building except for alternations of electrical plumbing, mechanical (heat and air conditioning) systems and modifications to load bearing structural members of the facility. In these instances, the minor project fees for electric, plumbing, heating, etc. apply. The fee for remodeling impacting on a load bearing structural member of the building/facility.</p> | <p>\$100.00+ \$0.32/sq. ft.</p> |
| <p><u>Additions to pavement surfaces.</u> *OR \$0.22 per square yard (whichever is higher)</p> | <p>\$100.00*</p> |
| <p><u>Carports (Open).</u></p> | <p>\$100.00</p> |

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| <p><u>Garages.</u></p> <p>One-car garage (built after residence is constructed) *OR \$0.32 per sq. foot (whichever is higher)</p> <p>Two-car garage (built after residence is constructed) *OR \$0.32 per sq. foot (whichever is higher)</p> <p>Third-car garage (built after residence is constructed) *OR \$0.32 per sq. foot (whichever is higher)</p> | <p>\$150.00*</p> <p>\$175.00*</p> <p>\$200.00*</p> |
| <p><u>Electrical.</u></p> <p>House, residence or living quarters (New Construction) *OR \$0.10 per sq. foot (whichever is higher)</p> <p>Commercial building/establishments *OR \$0.10 per sq. foot of space (whichever is higher)</p> <p>Swimming pools and minor electrical projects</p> | <p>\$175.00*</p> <p>\$300.00*</p> <p>\$125.00</p> |
| <p><u>Plumbing.</u></p> <p>House, residence or living quarters (New Construction) *OR \$0.10 per sq. foot of space (whichever is higher)</p> <p>Commercial building/establishments *OR \$0.08 per sq. foot of space (whichever is higher)</p> <p>Minor plumbing projects (as described by the inspector)</p> <p>Hot Water Heater Replacement – In the event of a water heater failure after business hours, weekends or holidays, the resident or business may have the water heater replaced and then obtain a permit and have the water heater inspected within five (5) business days.</p> | <p>\$175.00*</p> <p>\$300.00*</p> <p>\$100.00 \$0</p> |
| <p><u>Heating/AC.</u></p> <p>House, residence or living quarters (New Construction) *OR \$0.10 per sq. foot of space (whichever is higher)</p> <p>Commercial building/establishments *OR \$0.10 per sq. foot of space (whichever is higher)</p> <p>Minor heating and AC projects (as determined by the inspector)</p> | <p>\$175.00*</p> <p>\$300.00*</p> <p>\$100.00</p> |
| <p><u>Sprinkler System.</u></p> | <p>\$100.00</p> |
| <p><u>Swimming Pool.</u></p> | <p>\$150.00</p> |
| <p><u>Hot Tub/Spa.</u></p> | <p>\$100.00</p> |
| <p><u>Pool Deck.</u> *OR \$0.32 per sq. foot (whichever is higher)</p> | <p>\$100.00*</p> |
| <p><u>Flag Poles.</u></p> | <p>\$50.00</p> |
| <p><u>Permit Renewals (Issued permits that have expired only).</u></p> <p>Major Project</p> <p>Minor Project</p> | <p>\$500.00</p> <p>\$50.00</p> |
| <p><u>Re-Inspection Fee -for any building & construction related permit.</u></p> | <p>\$150.00</p> |

PLANNING AND ZONING FEES

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| <p><u>Planning and Zoning.</u> Request for variance to zoning ordinance: Residential Commercial Request for after the fact variance to zoning Residential Commercial Application for rezoning Application for Special Use Permit</p> | <p>\$400.00 \$650.00 \$500.00 \$750.00 \$500.00 \$250.00</p> |
| <p><u>Platting Fees - Residential.</u> Master Plan Amended/Replat - Single Lot Minor Plat Amendment as defined in Ordinance 7 Amended/Replay – Subdivision Minor Plat Amendment as defined in Ordinance 7 Preliminary Plat – Single Lot/Subdivision Final Plat Vacate Plat Recording Fees – Current Fee Schedule of Comal County *Engineering Fees (Eng. Fee) – \$50.00 per lot plus engineering fees incurred by the city for Consultation / Review on project</p> | <p>\$500.00+ Eng. Fee* \$250.00+ Eng. Fee* \$200.00 \$500.00+ Eng. Fee* \$400.00 \$500.00+ Eng. Fee* \$1,500.00+Eng. Fee* \$500.00+ Eng. Fee* Comal Fees *See Note</p> |
| <p><u>Platting Fees – Commercial.</u> Master Plan Amended/Replat - Single Lot Minor Plat Amendment as defined in Ordinance 7 Amended/Replay – Subdivision Minor Plat Amendment as defined in Ordinance 7 Preliminary Plat – Single Lot/Subdivision Final Plat Vacate Plat Recording Fees – Current Fee Schedule of Comal County *Engineering Fees (Eng. Fee) – \$50.00 per lot plus engineering fees incurred by the city for Consultation / Review on project</p> | <p>\$500.00+ Eng. Fee* \$350.00+ Eng. Fee* \$300.00 \$600.00+ Eng. Fee* \$500.00 \$500.00+ Eng. Fee* \$1,500.00+Eng. Fee* \$300.00 + Eng. Fee* Comal Fees *See Note</p> |

DOCUMENTS AND OTHER FEES

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| <u>City Documents.</u> In accordance with Texas Attorney General Charge Schedule, as provided in 1 Texas Administrative Code 70.1-.12, as amended | As attached |
| <u>Copy Machine Usage</u> – per page | \$0.10 |
| <u>Fax Machine Usage</u> (Incoming/Outgoing) – per page | \$0.50 |
| <u>Notary Fee</u> – per document notarized | \$5.00 |
| <u>Returned Check Fee.</u> | \$30.00 |