

**ORDINANCE NO. 2024-41**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS, AMENDING CITY CODE OF ORDINANCES SECTION 98-23 (ENTITLED "CONSTRUCTION PLANS"); AND AMENDING CHAPTER 98, APPENDIX "A" TO AMEND THE FEE "CONSTRUCTION PLANS INSPECTION AND TESTING"; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 (entitled "Subdivisions") was adopted to regulate the subdivision of land within the city's corporate and extraterritorial jurisdiction to protect the health, safety, and welfare of the public; and

**WHEREAS**, in Section 98-23 thereof City Council has adopted procedures for the submission of construction plans for infrastructure supporting a subdivision; and

**WHEREAS**, it is necessary to impose a fee to adequately cover the costs of such inspections; and

**WHEREAS**, Texas Local Government Code Chapter 212.906 sets forth the appropriate measures for imposing such fees; and

**WHEREAS**, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

**Section One. Code Amendment.** Section 98-23 (entitled "Construction Plans") of the Code of Ordinances of the City of Burnet, is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

- (d) *Procedure.* After all necessary approvals of the preliminary plat have been granted, construction plans, together with a completed application form, administrative fees, and any other federal, state or local permits required prior

to construction (L.C.R.A. NPS permit, SWPPP, etc.) shall be submitted to the city engineer for approval subject to the following:

- (1) Construction plans may be submitted for review and approval simultaneously with a final plat, provided however that the final plat shall not be approved until the construction plans have been approved. If the construction plans and the final plat are to be reviewed simultaneously, a complete application for construction plans and a complete application for final plat must be submitted to the city simultaneously.
- (2) City staff shall review all construction plan submittals for administrative completeness at the time of application. If in the judgment of the city, the construction plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review and the construction plan shall be deemed rejected. The developer shall have up to 60 days from the date the construction plan is deemed denied to remedy all deficiencies or the construction plan shall be rejected for filing and new filing fees will be required for subsequent submittals.
- (3) The City Engineer shall review the construction plans to insure compliance with this chapter, and other applicable city ordinances, codes, standards and specifications, and good engineering practices.
- ~~(4) Upon approval of the construction plans, the applicant shall pay an inspection fee in the amount of one and one half percent of the estimated construction cost for the roads, water, sewer and drainage facilities, according to calculations by a registered professional engineer. These calculations must be approved by the city engineer.~~
- (4) The City Engineer, and/or his/her designee, shall inspect all required improvements to ensure compliance with City requirements and approved construction plans. Inspections mandated under this section shall be at the applicant's expense. An inspection fee, in the amount of \$450.00 per lot, must be paid prior to the approval of the construction plans.

**Section Two. Code Amendment.** Chapter 98, Appendix A (entitled "Fee Schedule") of the Code of Ordinances of the City of Burnet, is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

CHAPTER 98—APPENDICES

APPENDIX A

TYPE APPLICATION	FEES	CITY ENGINEER REVIEW COSTS*	CITY CONSULTING ENGINEER REVIEW COSTS**
Preliminary Plat	\$425.00 + \$10.00 per lot + Current USPS costs +Engineer review costs	\$350.00 + \$30.00 per lot***	Amount consulting engineer invoices city + 15%
Construction Plans***	\$400.00 + Engineer review costs + Current USPS costs	Site Plan**** \$2,000.00 Subdivision \$3,000.00	Amount consulting engineer invoices city + 15%
Construction Plans Inspection and testing	1.5% of approved and certified engineer's estimate  \$450.00 per lot		
Final Plat	\$400.00 + \$10.00 per lot + \$75.00 GIS + Current USPS costs + Engineer review costs	\$350.00 + \$50.00 per lot***	Amount consulting engineer invoices city + 15%
Replat or Amended Plat	\$300.00 + \$10.00 per lot + \$75.00 GIS + Current USPS costs + Engineer review costs		Amount consulting engineer invoices city + 15%

Short Form Plat	\$200.00 + \$25.00 per lot + 75.00 GIS + Current USPS costs + Engineer review costs		Amount consulting engineer invoices city + 15%
Plat Vacation	\$100.00 + Estimated recording fees + Current USPS costs + Engineer review costs		Amount consulting engineer invoices city + 15%
Subdivision Variance	\$200.00 Each variance + Current USPS costs + Engineer review costs		Amount consulting engineer invoices city + 15%
Traffic Impact Analysis	\$200.00 + Engineer review fees		Amount consulting engineer invoices city + 15%

**Section Three. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section Four. Penalty.** A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

**Section Five. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

**Section Six. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of

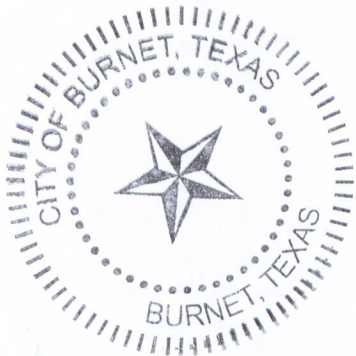
such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section Seven. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section Eight. Publication.** The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**Section Nive. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof.

**PASSED, APPROVED, AND ADOPTED** on this 10<sup>th</sup> day of September 2024.



**CITY OF BURNET, TEXAS**

A handwritten signature in blue ink, appearing to read "Gary Wideman", is written over a horizontal line.

Gary Wideman, Mayor

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Maria Gonzales", is written over a horizontal line.

Maria Gonzales, City Secretary