

ORDINANCE NO – 2013-232

AN ORDINANCE AMENDING THE SCHEDULE OF ENGINEERING FEES CONTAINED IN ORDINANCE NO. 2012-210; PROVIDING A REPEALER; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas incurs administrative expenses in providing inspection services for public improvements which are constructed by developers, and should be properly borne as fees by developers; and

WHEREAS, when contractors or utilities perform work within City of Denton right-of-way, the City incurs right-of-way inspection and administrative expenses, which should be properly borne as fees by the contractor or utility requesting services; and

WHEREAS, when commercial establishments require loading zones, or parking lots, or commercial establishments file variances or appeals to the Traffic Safety Commission regarding the proper traffic flow and safety, the City of Denton thereby incurs inspection and administrative expenses, which should be borne as fees to the commercial establishment seeking the City action; and

WHEREAS, the City Council finds that such fees as are recited herein bear a reasonable relationship to the actual administrative costs and expenses incurred by the City of Denton to conduct such inspections, and that the following ordinance should be enacted; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That the findings and recitations contained in the preamble of this ordinance are incorporated herein by reference.

SECTION 2. That a public works inspection fee is hereby established in an amount equal to 3.5% of the cost to construct public improvements by developers. This inspection fee must be paid to the City by the developer of such development prior to the City's authorization to proceed with construction of the public improvements. The cost to construct the public improvements is the cost set forth in the public improvements agreement by and between the City and the developer. The inspection fee covers inspection services by the City for weekdays, Monday through Friday from 8:00 a.m. to 5:00 p.m. Should the developer request inspection during any other time period including weekends, an additional overtime fee (the "Overtime Fee") shall be paid to the city based upon the following hourly rate:

\$135.00 per hour as of and after the effective date of this ordinance.

A minimum Overtime Fee shall be deposited with the City based upon four hours, at least 24 hours before the overtime inspection is scheduled to start; except that the weekend overtime deposit may be received on or before 12:00 p.m. of the Friday immediately preceding the weekend overtime period. If there are more than four overtime inspection hours, developer will be billed for such additional hours, which shall be paid no later than fifteen (15) days after the date of the billing, and prior to incurring additional overtime inspections. Authorization to

proceed with construction of the public improvements will be withheld until all outstanding inspection fees owing the City are paid in full.

SECTION 3. A right-of-way inspection fee is hereby established in an amount equal to \$100.00 per hour, with a minimum of one hour for each inspection conducted. The inspection fee covers inspection services by the City for weekdays, Monday through Friday from 8:00 a.m. to 5:00 p.m. Should the developer request inspection during any other time period including weekends, an overtime fee (the “Overtime Fee”) shall be paid to the city at a rate of \$135.00 per hour. The right-of-way inspection fee will be invoiced monthly and must be paid to the City by the contractor or utility undertaking construction or repairs with the City right-of-way no later than fifteen (15) days after the date of the invoice. Authorization to proceed with construction of the public improvements will be withheld until all outstanding inspection fees owing the City are paid in full. Failure to pay the fee in full may result in the City terminating the contractor’s or utility’s right to work within the City right-of-way.

SECTION 4. A parking lot permit inspection fee is to be paid to the City of Denton, and is hereby established in an amount equal the following:

<u>Parking lot permit fees</u>	
1 – 50 spaces	\$540.00
51 – 100 spaces	\$720.00
101 – 250 spaces	\$900.00
251 – 500 spaces	\$1,080.00

This parking lot permit inspection fee must be paid to the City by the developer or contractor of such facility prior to the City’s authorization to proceed with construction of the parking lot facilities.

SECTION 5. A fee for appeals or for variances to the City of Denton Traffic Safety Commission is to be paid by the Applicant to the City of Denton, and is as follows:

<u>Fees for appeals or variances to Traffic Safety Commission</u>	
Fee per appeal or variance	\$300.00

SECTION 6: A loading zone permit fee is to be paid by the Applicant to the City of Denton and is hereby established in the following amounts:

1. A single loading zone shall be a fee of \$175.00 per year
2. A double loading zone shall be a fee of \$350.00 per year

That any renewal of a loading zone permit shall require the payment by the Applicant to the City of Denton and is hereby established in the following amounts:

1. A single loading zone shall be a fee of \$175.00 per year
2. A double loading zone shall be a fee of \$350.00 per year

SECTION 7: All ordinances or parts of ordinances in force when the provisions of this ordinance becomes effective which are inconsistent or in conflict with the terms or provisions contained in the amended schedule of rates hereby enacted by this ordinance, are hereby repealed to the extent of any such conflict.

SECTION 8: If any section, subsection, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

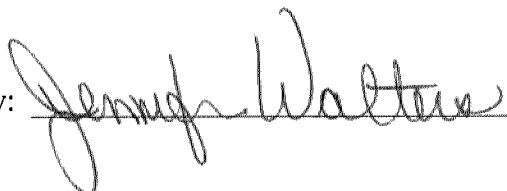
SECTION 9: The Schedule of Rates herein adopted shall be effective, charged, and applied to all engineering services occurring on and after October 1, 2013; and a copy of said rates, fees, and charges shall be maintained on file in the Office of the City Secretary of Denton, Texas.

PASSED AND APPROVED this the 17th day of September, 2013.



MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: 

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

By: 
