

**ORDINANCE NO. 2024-21**

**AMENDING FEE SCHEDULE SECTION A14.01.001, SUBDIVISION,  
PUBLIC IMPROVEMENT INSPECTIONS FEES**

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES, APPENDIX A – FEE SCHEDULE, SECTION A14.01.001 – SUBDIVISION, PUBLIC IMPROVEMENT INSPECTIONS; ESTABLISHING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Due to the passage of House Bill 3492 (HB 3492), of the 88th Session of the Texas Legislature (now codified in Texas Local Government Code Section 212.906) , the City may not consider the cost of constructing or improving the public infrastructure for a subdivision, lot, or related property development in determining the amount of a fee imposed by the City for inspections of such public improvements; and

**WHEREAS,** Under HB 3492, the City shall determine the fee for inspecting public infrastructure improvement by considering the municipality's actual cost to, as applicable, review and process the engineering or construction plan or to inspect the public infrastructure improvement; and

**WHEREAS,** To determine the City's actual costs and to set the fees in compliance with HB 3492, the City may consider: (1) the fee that would be charged by a qualified, independent third-party entity for those services; (2) the hourly rate for the estimated actual direct time of the City's employees performing those services; or (3) the actual costs assessed to the City by a third-party entity that provides those services to the City; and

**WHEREAS,** In order to ensure compliance with HB 3492, the City Council finds it is necessary to amend certain provisions of the City of Bastrop Code of Ordinances, Appendix A – Fee Schedule, Section A14.01.001 – Subdivision, Public Improvement Inspections, to amend the fees the City imposes for inspections of public improvements; and

**WHEREAS,** To determine the amended fee rates for public improvement inspections, the City has considered the City's actual costs for such inspections based on the fee that would be charged by qualified, independent third-party entities for those services, and based on actual costs assessed to the City by a third-party entity that provides those services to the City.

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

**Section 1.** Findings of Fact: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** Amendment: The City of Bastrop Code of Ordinances, Appendix A – Fee Schedule, Section A14.01.001, Subdivision, Public Improvement Inspections, is

hereby amended to read as follows, with struck-through text to be deleted from the Code and replaced with the following text shown in red:

APPENDIX A - FEE SCHEDULE

APPLICATION	FEE
<b>Public Improvement Inspections</b>	<del>3.5% of total cost of improvement**, \$2,500 minimum-</del>
Public Improvement Inspections - First 100 acres	\$1,500 per acre
Public Improvement Inspections – Next 150 acres	\$750 per acre
Public Improvement Inspections – All additional acres over 250 acres	\$325 per acre
Erosion and Sedimentation Controls	\$1.00 per linear foot
Public Infrastructure	\$4.00 per linear foot per infrastructure item (i.e. streets, drainage, water, wastewater, etc.)
Re-Inspection Fee	\$150.00 per hour

**Section 3.** Repealer: To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that 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 regulated, herein.

**Section 4.** Severability: If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

**Section 5.** Codification: The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**Section 6.** Effective Date: This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.

**Section 7.** Proper Notice and Meeting: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

[Signature Page to Follow]

**READ & ACKNOWLEDGED on First Reading** by the City Council of the City of Bastrop, on this, the 23<sup>rd</sup> day of July 2024.

**PASSED & APPROVED on Second Reading** by the City Council of the City of Bastrop, on this, the 13<sup>th</sup> day of August 2024.

**APPROVED:**

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Lyle Nelson, Mayor

**ATTEST:**

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Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

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Alan Bojorquez, City Attorney