

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTIONS 113.2 AND 113.3 OF THE INTERNATIONAL FIRE CODE, CONTAINED IN SECTION 5.03.002, "AMENDMENTS," OF ARTICLE 5.03, "FIRE CODE," OF CHAPTER 3, "FIRE PREVENTION AND PROTECTION," OF THE TOWN'S CODE OF ORDINANCES; AMENDING VARIOUS FEES CONTAINED IN APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES, RELATING TO CONSTRUCTION PERMITS AND FEES, SIGN-RELATED FEES, DEVELOPMENT FEES, MISCELLANEOUS FEES, HEALTH AND SANITATION FEES, PUBLIC WORKS FEES, AND BACKFLOW PREVENTION PLAN AND ENFORCEMENT FEES; REPEALING SECTION II, "MECHANICAL/PLUMBING PERMIT FEES," AND SECTION III, "ELECTRICAL PERMIT FEES," CONTAINED IN APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council"), has investigated and determined that certain provisions, including certain fees, contained in the Code of Ordinances as well as Appendix A to the Town's Code of Ordinances, should be revised; and

WHEREAS, the Town Council has reviewed the current and proposed provisions and fees in the Code of Ordinances and Appendix A to the Town's Code of Ordinances and has determined that the following revisions will be advantageous, beneficial and in the best interests of the citizens of Prosper.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, existing Sections 113.2 and 113.3 of the International Fire Code, 2015 edition, found in Section 5.03.002, "Amendments," of Article 5.03, "Fire Code," of Chapter 5, "Fire Prevention and Protection," of the Town's Code of Ordinances is hereby repealed in its entirety and replaced with new Sections 113.2 and 113.3, to read as follows:

"113.2 Schedule of Permit and Inspection Fees. A fee for each permit and inspection shall be paid as required, in accordance with this section.

113.2.1 Inspection Fees. The following fees shall be assessed as outlined below for the initial inspection.

1. Residential fire suppression fee \$200

2. Commercial fire sprinkler system fee	\$300 Per Riser
3. Commercial fire suppression (special hazards) fee	\$300 Per System
4. Standpipe Systems	\$300 Per Riser
5. Commercial fire alarm system	\$300 Per Panel
6. Commercial fire alarm system modification	\$300
7. Emergency responder communications system	\$300
8. Building Access Controlled Doors	\$100
9. Access Controlled Vehicular Gates	\$300
10. Fire Pump fee	\$300
11. Fire Sprinkler Underground Water Line	\$100
12. Remote FDC Underground Water Line	\$100
13. Fire Lane Repair/Modification/Alteration	\$100
14. Tent, Membrane Structures	\$50
15. Re-Inspection Fees	\$150 Per Hour (1-hour minimum)
16. Inspection fees for which no fire fee was assessed.	\$150 Per Hour (1-hour minimum)
17. Flammable Liquid Storage Tanks	\$250
18. LP Gas Stationary Tanks	\$250
19. LP Portable Container Site (retail sales)	\$100 Per Site
20. Above Ground Storage Tank Removal	\$100
21. Repair of Existing Tank	\$100
22. Underground Storage Tank New	\$250
23. Underground Storage Tank Removal	\$150
24. Mechanical Trench Burn	\$500
25. Standby/Emergency Generator	\$100 Per Generator
26. After Hour Inspections	\$150 Per Hour (1-hour minimum)
27. Fire Hydrant Flow Test	\$100

28. For use of outside consultants for inspections, actual costs.
29. Fireworks Display \$250 per event plus standby personnel as needed.
30. Standby personnel for the fireworks display and special events if deemed necessary in the interest of public safety \$65 per hour, per staff member (minimum 4 hours). The minimum number of personnel shall be set by the Fire Chief or Fire Marshal.
31. Fee of \$100 will be assessed for any inspections in which the contractor does not show up.
32. Fee of \$100 will be assessed for any inspection that is not cancelled within 24 hours prior to the scheduled inspection.
33. Unless stipulated elsewhere in this section, a minimum fee of \$100 shall be assessed for any plan review and/or permits issued.

113.2.2 Operational and Construction Permit Fee. Permits fees shall be assessed in accordance with this section, or as outlined in Table 106.1.

1. All operational permits listed in section 105.5 shall be assessed a minimum permit fee of \$100 annually, unless otherwise noted in this section. Maximum of \$200 per year per facility.
2. All construction permits listed in section 105.6 shall be assessed a minimum permit fee of \$100, unless otherwise noted in Section 107.2.
3. Special Amusement Buildings shall be assessed an operational permit fee of \$100 annually.

113.2.3 Plan review fees:

1. Plan review required by changes, additions, or revisions to plans \$100 per hour (1-hour minimum)
2. For use of outside consultants for plan review, actual costs
3. For use of outside consultants for plan review, inspections, or both: actual costs
4. Expedited plan review for projects less than 20,000 square feet shall be assessed a fee of \$500 in addition to any other inspection or permitting fees. Expedited plans shall be at the discretion of the Fire Marshal or designee on a case-by-case basis.

113.2.4 Burn permit fees:

1. Contractors or property owners per occurrence (one-acre minimum) \$150.00 deposit required. If the Fire Department responds, and or extinguishes the fire for failure to comply with the conditions outlined on the permit, the deposit fee is non-refundable.
2. Agricultural/contractor/property owner (over one acre), per occurrence per day \$150.00.

113.3 Work commencing before permit issuance. Any person, firm, partnership, corporation, association, or other entity who commences any work, activity or operation regulated by this code before obtaining the necessary permits and or approval. Shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of not more than \$2,000.00, and each day work continues shall constitute a separate and distinct violation.

113.3.1 All applicable fees shall be doubled for the respective permit and inspection types regulated by this section in which the installation of the said system has commenced without the issuance of a permit(s)."

SECTION 3

From and after the effective date of this Ordinance, existing Subsection (b), "Building Permits/Inspection Fees" of Section I, "Construction Permits and Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is amended to read as follows:

"Sec. I. Construction Permits and Fees.

* * *

(b) *Building permits/inspection fees.* The building permit and inspection fees as follows are hereby for various construction-type projects in conjunction with, among others, residential, commercial and industrial structures prior to the start of construction. A determination of the valuation for any enclosed structure other than residential shall be determined at the discretion of the town.

BUILDING PERMITS/INSPECTION FEES

* * *

(2) Residential New Construction:

* * *

(3) Residential accessory buildings and carports: \$0.75 per sq. ft. + \$75.00.

(4) Residential alteration or addition: \$0.75 per sq. ft. + \$75.00.

(5) Residential roof repair or replacement: \$100.00.

* * *

(7) Commercial (new construction, additions, alterations, and single trade permits for mechanical, electrical or plumbing):

* * *

The note following the commercial building permit fee table shall have the following language added thereto: "For shell only buildings, deduct 20% of the construction cost. For finish outs only, deduct 50% of the construction cost."

* * *

- (9) Contractor registration (except where such registration is prohibited by state law): \$100.00 each. All contractors are required to register with the Town. Annual \$100.00 registration fee.
- (10) After-hours inspections: \$50.00 per hour with a 2-hour minimum.
- (11) Demolition: \$50.00 permit fee.

* * *

- (14) Fence: \$50.00 per permit. No permit needed if replacing less than 2 panels of fence totaling less than 16' in length.

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- (16) Lawn irrigation systems: \$50.00 permit fee. Inspection must be performed by a certified backflow tester and report must be given to building inspector.
- (17) Miscellaneous inspections: Backflow prevention, building, electrical, mechanical, and plumbing: \$50.00 each.
- (18) Multifamily: One application is required per building: \$5.00 per \$1,000.00 valuation of project.
- (19) Reinspection fee:
 - (A) \$50.00 for the first reinspection.
 - (B) \$75.00 for the second reinspection.
 - (C) \$100.00 for the third reinspection.
 - (D) Fees will increase on a basis of \$25.00 each reinspection thereafter.
- (20) Concrete flatwork including sidewalks, approaches and patios: \$50.00 per permit.
- (21) Temporary outdoor seasonal sale or special event permit: \$100.00 permit fee + \$1,000.00 deposit.
- (23) Construction trailer: \$100.00.
- (24) Residential solar and generators permit: \$150.00.
- (25) Revision/Restamp Fee and fee for multiple round plan review (starting after second round): \$50.00 per hour with a 2-hour minimum.
- (26) Residential single-trade permits for mechanical, electrical or plumbing: \$75.00."

* * *"

SECTION 4

From and after the effective date of this Ordinance, Section II, "Mechanical/plumbing permit fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances, and Section III, "Electrical permit fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances, are repealed in their entirety and shall be replaced with the following:

"Sec. II Reserved.

Sec. III Reserved."

SECTION 5

From and after the effective date of this Ordinance, Section IV, "Sign-related Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is amended to read as follows:

"Sec. IV. Sign-related Fees.

(a) Any sign permit: \$100.00.

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SECTION 6

From and after the effective date of this Ordinance, Section V, "Development Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is amended to read as follows:

"Sec. V. Development Fees.

The following development fees are hereby and shall be applied in accordance with the procedures established by the town's Subdivision Ordinance No. 03-05, as it exists or may be amended, and the town's Zoning Ordinance No. 05-20, as it exists or may be amended.

* * *

(2) *Other fees.*

* * *

(I) Engineering plan review fee:

(i) Residential Development: \$500.00 + \$25.00/lot.

(ii) Non-Residential Development: \$500.00 + \$200.00/acre.

(J) Land Disturbance Fee:

(i) Single Family Residential Lot: \$50.00.

(ii) Tracts 1 acre or less: \$50.00.

- (iii) Tracts greater than 1 acre: \$200.00.
- (iv) Floodplain reclamation only: \$500.00.
- (K) Floodplain Study Review Fee: \$3,000.00 deposit (includes 2 reviews and 1 meeting) + \$150.00 nonrefundable administrative fee. After third party billing, any excess fees will be refunded."

SECTION 7

From and after the effective date of this Ordinance, Section VIII, "Miscellaneous," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is amended to read as follows:

"Sec. VIII. Miscellaneous.

The following miscellaneous fees are hereby adopted:

- (1) Copies: \$0.20 per page.

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SECTION 8

From and after the effective date of this Ordinance, Section XIV, "Public Works Fee Schedule," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is amended to read as follows:

"Sec. XIV. Public Works Fee Schedule.

* * *

- (b) *Damages to meters/equipment.* (Cost does not include water and sewer impact fees.)

5/8-inch PD	\$245.00
3/4-inch PD	\$335.00
1-inch PD	\$335.00
1-1/2-inch PD	\$638.00
2-inch PD	\$767.00
1-1/2-inch turbine (irrigation)	\$869.00
2-inch turbine (irrigation)	\$916.00

14 × 18 inch meter box	\$200.00
14 × 18 inch meter box & MTU	\$360.00
18 × 24 inch meter box	\$383.00
18 × 24 inch meter Box & MTU	\$425.00
Replace readable register	\$250.00
Replace damaged/unreadable register	\$747.00
Transmitter (MTU)	\$374.00
Transmitter (MTU) dual	\$0
3-inch turbine	\$1,636.00
4-inch turbine	\$2,136.00
6-inch turbine	\$3,627.00
3-inch compound	\$4,975.00
4-inch compound	\$5,600.00
6-inch compound	\$7,636.00
Larger meters on request	(Amount TBD)
Replace $\frac{5}{8}$ & 1-inch meter, MTU register & box	\$711.00
Replace MTU, register & box	\$511.00
Replace $\frac{5}{8}$ & 1-inch meter, register & box	\$596.00
Replace $\frac{5}{8}$ & 1-inch meter, MTU & box	\$596.00
Replace $\frac{5}{8}$ & 1-inch meter & MTU	\$458.00
Replace $\frac{5}{8}$ & 1-inch meter & box	\$368.00

Replace MTU & box small	\$320.00
Replace register & box	\$315.00
Replace $\frac{5}{8}$ & 1-inch meter & register	\$470.00
Replace register & MTU	\$363.00
Replace unreadable register, MTU and small box	\$840.00
Replace unreadable register & MTU	\$0

(c) *Fire hydrant meter fee.*

- (1) Deposit (based upon approved condition): \$1,819.00.
- (2) Relocate fire hydrant meter: \$84.00.
- (3) Repair hydrant meter:
 - (A) Replace fire hydrant with register: \$1,980.00.
 - (B) Repair hydrant meter RPZ: \$657.00.
 - (C) Replace backflow on hydrant: \$1,012.00.
 - (D) Repair hydrant broken collar: \$224.00.
 - (E) Repair hydrant meter valves: \$275.00.
- (4) Replace fire hydrant meter: \$924.00.

(d) *Water fee.*

- (1) Water tap size, does not include other items such as, among other things, boring, impact fees, pavement removal and replacement (lots without service):
 - (A) 1-inch water service: \$1,610.00.
 - (B) 1-½-inch water service: \$2,745.00.
 - (C) 2-inch water service: \$3,675.00.
 - (D) 4-inch water service: \$1,956.00.

- (E) 6-inch water service: \$2,026.00.
- (2) For total price, please contact the Town's Public Works Department at (972) 569-1050.
- (e) *Meter moves.* This work does not include additional items such as, among other things, bores, impact fees, grass replacement and pavement removal. The town does not relocate customer-side service.
 - (1) 1-inch water service: \$675.00.
 - (2) 1-½-inch water service: \$998.00.
 - (3) 2-inch water service: \$1,157.00.
- (f) *Curbstop repair.*
 - (1) 1-inch water service: \$426.00.
 - (2) 1-½-inch water service: \$770.00.
 - (3) 2-inch water service: \$875.00.
- (g) *Callback or second time call.* \$102.00.
- (h) *Accuracy testing.*
 - (1) Meter requested testing local: \$379.00.
 - (2) Meter requested testing outside: \$497.00.

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SECTION 9

From and after the effective date of this Ordinance, Section XX, "Health and Sanitation Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is amended to read as follows:

"Sec. XX. Health and Sanitation Fees.

- (a) *Food establishment permit and inspection fees.*

* * *

- (7) Temporary food establishment: \$75.00 for a maximum of fourteen (14) days.

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- (b) *Certain food establishment inspection fees.*

- (1) Reinspection: \$100.00/inspection.

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SECTION 10

From and after the effective date of this Ordinance, Subsection (a)(1)(C), "CSI Fee," of Section XVIII, "Backflow Prevention Plan and Enforcement Fees," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances is amended is hereby amended to reflect a CSI Fee of \$172.00.

SECTION 11

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 12

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 13

This Ordinance shall take effect and be in full force from January 1, 2023, and after its publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 8TH DAY OF NOVEMBER, 2022.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney