

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING APPENDIX A, "FEE SCHEDULE," TO THE TOWN'S CODE OF ORDINANCES BY REPEALING EXISTING SECTION I, "CONSTRUCTION PERMITS AND FEES," AND SECTION II, "RESERVED," AND REPLACING THE FOREGOING SECTIONS WITH A NEW SECTION I, "ENGINEERING INSPECTION FEES," AND A NEW SECTION II, "BUILDING PERMITS/INSPECTION FEES"; 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, as a result of recent legislation, House Bill 3492, approved by the 88th Texas Legislature and signed by the Governor, the Town's engineering inspection fees should be contained in a separation section of Appendix A, "Fee Schedule," since House Bill 3492 specifically addresses inspection fees related to public infrastructure; and

WHEREAS, since engineering inspection fees will be contained as a stand-alone item in new Section I, new Section II will address building permit and inspection fees which are not the subject of House Bill 3492; and

WHEREAS, the Town Council has reviewed the current and proposed engineering inspection fees and recommends the adoption of the revised fee schedule, as contained in proposed Sections I and II of Appendix A; and

WHEREAS, the Town Council hereby finds and determines that it will be advantageous, beneficial and in the best interests of the citizens of Prosper to repeal existing Section I, "Construction Permits and Fees," and Section II, "Reserved," of Appendix A, "Fee Schedule," and replace said sections with a new Section I, "Engineering Inspection Fees," and a new Section II, "Building Permits/Inspection Fees."

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 Section I, "Construction Permits and Fees," and existing Section II, "Reserved," of Appendix A, "Fee Schedule," to the Town's Code of Ordinances are hereby repealed in their entirety and replaced with a new Section I, "Engineering Inspection Fees," and a new Section II, "Building Permits/Inspection Fees," to read as follows:

“Sec. I. Engineering Inspection Fees.

The following engineering inspection fees are hereby adopted for all public infrastructure and related development:

Single Family Residential Development	\$1,000 base fee plus \$600 per platted lot
Non-Residential Development	\$1,000 base fee plus \$1,500 per final platted acreage
Non-Residential Infrastructure * = or as identified on preliminary site plan	\$1,000 base fee plus \$1,200 per conveyance* platted acreage
Linear Utility Infrastructure For off site utilities outside of platted boundary **=no base fee if done w ith platted development	\$1,000 base fee** plus Wastewater \$3.00 per linear foot Water \$3.00 per linear foot Storm Sewer \$4.00 per linear foot
Development Road Separate from platted development **=no base fee if done w ith platted development	\$1,000 base fee** plus \$3.00 per square yard of concrete surface
Turn Lanes and Median Openings **=no base fee if done w ith platted development	\$1,000 base fee** plus \$3.00 per square yard of concrete surface
Creek Stabilization **=no base fee if done w ith platted development	\$1,000 base fee** plus \$0.50 per square yard of disturbed area

Sec. II. Building Permits/Inspection Fees.

(a) 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.

- (1) Minimum building permit fees: \$20.00.
- (2) Residential new construction:
 - (A) Residential building plan review fee: A nonrefundable plan review of \$300.00 or 10% of the building permit, whichever is less, is due at the time of submittal.
 - (B) Residential building permit fee:

Gross Square Feet	Fee
999 sq. ft. or less	\$1.00 per sq. ft. up to and including 999 sq. ft.
1,000 sq. ft. to 4,900 sq. ft.	\$1,040.30 for the first 1,000 sq. ft.; plus \$0.713 for each additional one (1) sq. ft., up to and including 4,900 sq. ft.
4,901 sq. ft. to 7,999 sq. ft.	\$3,824.11 for the first 4,901 sq. ft.; plus \$0.509 for each additional one (1) sq. ft., up to and including 7,999 sq. ft.
8,000 sq. ft. or greater	\$5,403.00 for the first 8,000 sq. ft.; plus \$0.30 for each additional one (1) sq. ft.

- (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.
- (6) Swimming pools:
 - (A) In ground: \$300.00 permit fee.
 - (B) Above ground: \$100.00 permit fee.
 - (C) Spas: \$100.00.
- (7) Commercial (new construction, additions, alterations, and single trade permits for mechanical, electrical or plumbing):
 - (A) Commercial building plan review fee: A nonrefundable plan review of \$300.00 or 10% of the building permit, whichever is less, is due at the time of submittal.
 - (B) Commercial building permit fee:

Total valuation	Plan Review Fee	Inspection Fee
\$1.00 to \$10,000.00	\$50.00	\$76.92
\$10,001.00 to \$25,000.00	\$70.69 for the first \$10,00.00; plus \$5.46 for each additional \$1,000.00	\$108.75 for the first \$10,00.00; plus \$8.40 for each additional \$1,000.00
\$25,001.00 to \$50,000.00	\$159.59 for the first \$25,000.00; plus \$3.94 for each additional \$1,000.00	\$234.75 for the first \$25,000.00; plus \$6.06 for each additional \$1,000.00
\$50,001.00 to \$100,000.00	\$251.09 for the first \$50,000.00; plus \$2.73 for each additional \$1,000.00	\$386.25 for the first \$50,000.00; plus \$4.20 for each additional \$1,000.00
\$100,001.00 to \$500,000.00	\$387.59 for the first \$100,000.00; plus \$2.19 for each additional \$1,000	\$596.25 for the first \$100,000.00; plus \$3.36 for each additional \$1,000.
\$500,001.00 to \$1,000,000.00	\$1,263.59 for the first \$500,000.00; plus \$1.85 for each additional \$1,000.00	\$1,940.25 for the first \$500,000.00; plus \$2.85 for each additional \$1,000.00
\$1,000,001.00 and over	\$2,188.59 for the first \$1,000,000.00; plus \$1.23 for each additional \$1,000.00	\$3,365.25 for the first \$1,000,000.00; plus \$1.89 for each additional \$1,000.00

The valuation shall be based upon the square foot construction cost per the most current ICC Building Valuation Data. The valuation is determined using the building gross area times the square foot construction cost. For shell only buildings deduct 20 percent of construction cost. For finish outs only, deduct 50 percent of the construction cost.

- (8) Certificate of occupancy: \$50.00 each.
- (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 inspection with a 2-hour minimum.
- (11) Demolition: \$50.00 permit fee.
- (12) Document retrieval fee: \$10.00.
- (13) Dumpster enclosure: \$20.00 permit fee/per enclosure.
- (14) Fence: \$30.00 per permit. No permit is needed if replacing less than 2 panels of fence totaling less than 16' in length.
- (15) Foundations/foundation repair: \$50.00.

- (16) Lawn irrigation systems: \$30.00 permit fee. The inspection must be done by a certified backflow tester and report must be given to building inspector.
- (17) Miscellaneous inspections: Backflow prevention, 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) Re-inspection fee:
 - (A) \$50.00 for the first re-inspection.
 - (B) \$75.00 for the second re-inspection.
 - (C) \$100.00 for the third re-inspection.
 - (D) fees will increase on a basis of \$25.00 each 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.
- (22) Construction Trailer: \$100.00.
- (23) Residential solar and generators permit: \$150.00.
- (24) Revision/Restamp Fee and fee for multiple round plan review (starting after second round): \$50.00 per hour with a 2-hour minimum.
- (25) Residential single-trade permits for mechanical, electrical or plumbing: \$75.00.

(b) Third-party geotechnical and material testing fee. The Town shall hire and manage third-party geotechnical and material testing companies for any project where such testing is deemed necessary and proper by the town. The town shall be reimbursed by the developer for the town's actual costs for such geotechnical and material testing.

(c) Camera inspection fee for wastewater mains. Prior to the Town's acceptance of any wastewater main, the town shall inspect the wastewater main by camera. The fee for such inspection shall be \$1.00 per linear foot of wastewater main."

SECTION 3

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 4

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 5

This Ordinance shall take effect and be in full force from and after its passage and 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 12TH DAY OF SEPTEMBER, 2023.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney