

ORDINANCE NO. 2022-02-06

AN ORDINANCE OF THE CITY OF CUMBY AMENDING ORDINANCES 2020-05-03; PROVIDING FOR CONTRACTOR PERMITTING AND YEARLY FEE; PROVIDING FOR RESIDENTIAL PLAN REVIEW AND COMMERCIAL PLAN REVIEW REQUIREMENTS AND FEES; PROVIDING FOR MOVING INSPECTION REQUIREMENT, TERMS AND FEES; PROVIDING FOR NEW RESIDENTIAL PERMIT REQUIREMENT, TERMS AND FEES; PROVIDING FOR RESIDENTIAL REMODEL PERMIT REQUIREMENT, TERMS AND FEES; PROVIDING FOR NEW COMMERCIAL PERMIT REQUIREMENT, TERMS AND FEES; PROVIDING FOR COMMERCIAL REMODEL PERMITE REQUIREMENT, TERMS AND FEES; PROVIDING FOR ALTER EXISTING COMMERCIAL STRUCTURE PERMIT REQUIREMENT, TERMS AND FEES; PROVIDING FOR DEMOLITION PERMIT REQUIREMENT, TERMS AND FEES; PROVIDING FOR SIGN PERMIT REQUIREMENT, TERMS AND FEES; ESTABLISHING THE LONGEVITY OF PERMITS ISSUED UNDER THIS ORDINANCE; ESTABLISHING A PENALTY FOR THE VIOLATION OF THE TERMS OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Mayor and City Council of the City of Cumby, Texas recognize the importance and necessity of amending the existing permit requirements, terms, and fees; and

WHEREAS, as authorized under law, and in the best interest of the citizens of Cumby, Texas, the Mayor and City Council deems it expedient and necessary to adopt this Ordinance amending the existing permit requirements, terms, and fees;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CUMBY, TEXAS:

SECTION 1. FINDINGS OF FACT. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. REGISTRATION, LICENSURE, PLAN SUBMISSION AND REVIEW, AND PERMIT REQUIREMENTS, TERMS AND FEES. The following is hereby adopted as effective and binding in and for the City of Cumby and is incorporated herein for all purposes:

- A. Annual Contractor Permit Fee.**
\$50.00 Yearly Permit Fee

Each person who performs electrical, plumbing, heating/AC, and general contractors are considered contractors and must complete the register with the City of Cumby prior to beginning work within the City of Cumby, Texas, by completing a Contractor Permit Form. Each contractor must be licensed in at least one of the following areas: Electrical, Plumbing, Heating/AC, and/or General Contractor (if license is legally applicable).

B. Plan Submission and Review.

Residential House Plan Review - \$50.00 Fee
Commercial Plan Review - \$150.00 Fee

If a permit is required, a plan must be submitted to the City of Cumby, Texas. Plans must be submitted prior to receiving a permit. The plan must be submitted at least five (5) days prior to the date the applicant intends to begin utilizing the permit, and the plan must be approved by the building inspector prior to issuance of the requested permit(s).

C. Moving Inspection Fee.

Cost of Service incurred by the City of Cumby plus 15%

Before any previously-constructed, fabricated, and/or used structure(s) intended for living and/or residential purposes, including, but not limited to, homes constructed on-site, mobile homes, modular homes, and/or any other homes partially or totally constructed off-premises, as well as any other residences that are to be moved from one premises to another located within the city limits of the City of Cumby, Texas, there must first be an inspection from the City of Cumby's building inspection with a non-refundable fee as listed above to determine if the structure is structurally sound to move.

D. Permits Required. Permits are required for the following:

- i. **New Residential Permit and Residential Remodel Permit:**
Cost of Service incurred by the City of Cumby plus 15%

The permit fee includes one of each of the following inspections:

- T-Pole
- Plumbing Rough
- Foundation
- All Trades
- Flatwork (walks, drives, approaches)
- Temporary Final (electrical & gas)
- Certificate of Occupancy

- ii. **New Commercial Permit and Commercial Remodel Permit:**

Cost of Service incurred by the City of Cumby plus 15%. The

permit fee includes one of each of the following inspections:

- T-Pole
- Plumbing Rough
- Slab
- Wall Rough (framing, plumbing, and electrical)
- Paving
- Metal Duct Inspection (before insulated more than one)
- Above Ceiling (electrical, mechanical & plumbing)
- Underground Electrical
- Underground Gas Service
- Final
- Certificate of Occupancy

iii. Alter Existing Commercial Structure Permit.

Cost of Service incurred by the City of Cumby plus 15%.

A determination at the time of plan submission and review will be made as to the amount of inspections and increase, if any, to cost.

iv. Demolition Permit.

Cost of Service incurred by the City of Cumby plus 15%

No Fee for Residential Demolition (Permit is still required.) All plans submitted for issuance of a demolition permit must comply with the Asbestos Survey Requirement as part of Senate Bill 509, and the applicant must also file with the City of Cumby, Texas an Asbestos Affidavit Verification of Survey.

v. Sign Permits.

Cost of Service incurred by the City of Cumby plus 15%

In the event any work is started or proceeded with prior to obtaining the necessary permit, the applicable above-specified fee shall be doubled to obtain the required permit. If a permit is denied, the sign content permit fee will be refunded.

F. Cost Increase.

In the event that additional inspections are required, as determined by the City of Cumby, the permit price will increase accordingly. The increased amount will be determined prior to the final inspection and shall be remitted to the City of Cumby at the amount determined by the City.

F. Longevity of Permits.

All permits shall be valid for a term of 180 days from the date of the last inspection or from the date the permit was issued, as determined by the City of Cumby, Texas.

SECTION 3. PENALTY PROVISION. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not to exceed the sum of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00), unless the violation is related to fire safety, zoning, or public health and sanitation, including dumping and refuse, in which case the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Cumby from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All Ordinances, or other Policies of the City, or portions of those Ordinances and/or Policies, that are in conflict with the Provisions of this Ordinance shall be repealed unto the conflict only and shall otherwise remain in full force and effect.

SECTION 5. SEVERABILITY. Should any paragraph or part or section of this Ordinance be adjudged or held to be illegal or invalid, such severability shall not affect the validity of the remainder of the Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be of full force and effect immediately upon the adoption by the City Council of the City of Cumby.

ADOPTED AND APPROVED on this 8th day of February, 2022, by the City Council of the City of Cumby, Texas.


Mayor Douglas Simmerman

ATTEST:

Betty Jo Hardman, City Secretary