**ORDINANCE 2012-009**

**THIS ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING ORDINANCE NO. 2011-006, ADOPTED ON SEPTEMBER 16, 2011, TO REVISE THE FEES CHARGED FOR BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING PERMITS, AND INSPECTIONS; TO ESTABLISH AN ANNUAL FEE FOR ELECTRICAL, MECHANICAL (“HVAC”) CONTRACTORS, AND FOOD SERVICE VENDORS, AS WELL AS POOL CONTRACTORS, ROOFING CONTRACTORS; PROVIDING THAT OTHER FEES NOW CHARGED PURSUANT TO OTHER ORDINANCES SHALL REMAIN IN EFFECT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS ($500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

 **WHEREAS,** on September 16, 2011, the Board of Aldermen of the Town of Talty, Texas, adopted Ordinance No. 2011-006, which established permit fees and inspections for building, electrical, food service vendors, irrigation, mechanical, plumbing, roofing contractors, swimming pool, and fence permits, and the Board of Aldermen now seeks to REVISE AND AMEND said fees and regulations on all such contractors, as well as require all contractors herein to register annual with the Town of Talty, Texas, and to pay an **ANNUAL CONTRACTOR’S REGISTRATION FEE of one-hundred dollars ($100.00)** for any work performed in the Town of Talty;

 **WHEREAS**, although the purpose of this ordinance is to list controlling fees and charges, this ordinance is not intended to amend or change any fee heretofore established that is not identified in this ordinance or in the Town’s Fee Schedule;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN**

**OF THE TOWN OF TALTY, TEXAS:**

**SECTION 1.** That Ordinance No. 99-12, adopted by the Board of Aldermen of the Town of Talty, Texas on November 9, 1999, and Ordinance 2006-007 amending such ordinance, which was adopted by the Board of Aldermen of the Town of Talty, Texas on May 31, 2006, and Ordinance 2011-006 amending such ordinance, which was adopted by the Town of Talty on September 18, 2011, be and the same is

 HEREBY AMENDED in accordance with the provisions hereof, and henceforth, the fees assessed by the Town of Talty, Texas, for the permits, associated inspections, and licenses set forth hereinafter, be and are hereby established for the following permits and licenses at the following rates:

**Permit Rate**

New Home, Accessory Building, concrete, property value each $1,000 in value

Garage, and pool and remodel Divide by $1,000 x $8.00, plus plan review

Concrete Minimum fee of $100

Electrical square feet of structure x $0.016

Fence $100 flat fee

Irrigation $100 flat fee

Mechanical square feet of structure x $0.008

Plumbing NO CHARGE – Lobbied at the state level

Roofing (no permit needed, just register)

**PLAN REVIEWS:**

New Homes, Remodel and/or add on existing Homes $ 75.00

 Garages, Patios, Swimming Pools $ 75.00

Accessory Buildings $ 75.00

Commercial Buildings, including churches $100.00

**Contractor’s Licenses/Permits:**

Electrical Contractors $100 annually – must submit state license and insurance

Fence Contractors $100 annually – must submit driver’s license and insurance

Food Service Vendors $100 annually – must submit state license and insurance

Irrigation Contractors $100 annually – must submit state license and insurance

Mechanical (“HVAC”) $100 annually – must submit state license and insurance

Plumbing Contractors No fee – must submit state license and insurance

Roofing Contractors $100 annually – must submit state driver’s license

Swimming Pool Contractors $100 annually – must submit state license and insurance

**SECTION 2.** That any person erecting, constructing, enlarging, altering, repairing, or demolishing a building or structure within the territorial limits of the Town, or within its extraterritorial jurisdiction, shall remit the foregoing plan review fees, permit fees and/or inspections which may be required in accordance with the Town’s building codes. Any person or corporation, or association, performing electrical, plumbing, or mechanical work for which compliance with the Town’s building codes is required, **shall first register annually with the Town of Talty as a contractor,** and also apply for and be issued a building permit to perform such work, and shall remit the foregoing license/permit fee as a precondition to the issuance of such a permit. Any person owning or operating a food service operation, whereby food may be sold or distributed for on-site premise human consumption shall first apply for and be issued a permit annually to vend food as a precondition, **with the churches being exempt from this requirement.**

**SECTION 3.** That in the event of a conflict between a fee established in this Ordinance and the provisions of any other Town ordinance, the provisions of this Ordinance shall prevail; however; this Ordinance is not intended to, and shall not, amend or change any fee heretofore established that is not listed in this Ordinance, and such fees are continued in effect for all purposes.

**SECTION 4.** That all ordinances of the Town of Talty, Texas in conflict with the provisions of this ordinance be, and the same is hereby repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 5.** That should any article, paragraph, subdivision, clause or provision of this ordinance, or the ordinances of the Town of Talty, Texas, as hereby amended, be adjudged or held invalid or unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole, or any part or provision hereof, other than the part so declared to be invalid or unconstitutional.

**SECTION 6.**  That any person, firm or corporation violating any of the provisions or terms of this ordinance shall, upon conviction, be punished by a fine not to exceed the sum of five hundred dollars ($500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

**DULY PASSED BY THE BOARD OF ALDERMEN,** of the Town of Talty, Texas,

on this 18th day of September 2012.

APPROVED:

Mayor Larry Farthing

ATTEST:

Town Secretary: Sherry Bagby