

ORDINANCE NO. 2021-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY ADDING A CONSTRUCTION PLAN INSPECTION FEE TO SECTION 98-23 ; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 (entitled "Subdivisions") was adopted to regulate the subdivision of land within the city's corporate and extraterritorial jurisdiction to protect the health, safety and welfare of the public; and

WHEREAS, in Section 98-23 thereof city council has adopted procedures for the submission of construction plans for infrastructure supporting a subdivision; and

WHEREAS, city council has determined that it is of great importance to the proper installation of the infrastructure shown on the construction plans for there to be city inspections of such installation;

WHEREAS, it is necessary to impose a fee to adequately cover the costs of such inspections; and

WHEREAS, city council has conducted a public hearing allowing members of the public to provide testimony and comments on the proposed code amendment.

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

Section one. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section two. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivision") Section 98-23 (entitled "construction plans") is hereby amended by adding the language that is underlined (underlined) to subsection 9-23(d)(4) as follows:

- (d) *Procedure.* After all necessary approvals of the preliminary plat have been granted, construction plans, together with a completed application form, administrative fees, and any other federal, state or local permits required prior to construction (L.C.R.A. NPS permit, SWPPP, etc.) shall be submitted to the city engineer for approval subject to the following:
 - (1) Construction plans may be submitted for review and approval simultaneously with a final plat, provided however that the final plat shall not

be approved until the construction plans have been approved. If the construction plans and the final plat are to be reviewed simultaneously, a complete application for construction plans and a complete application for final plat must be submitted to the city simultaneously.

- (2) City staff shall review all construction plan submittals for administrative completeness at the time of application. If in the judgment of the city, the construction plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review and the construction plan shall be deemed rejected. The developer shall have up to 60 days from the date the construction plan is deemed denied to remedy all deficiencies or the construction plan shall be rejected for filing and new filing fees will be required for subsequent submittals.
- (3) The city engineer shall review the construction plans to insure compliance with this chapter, and other applicable city ordinances, codes, standards and specifications, and good engineering practices.
- (4) Upon approval of the construction plans, the applicant shall pay an inspection fee in the amount of 1.5% of the estimated construction cost for the roads, water, sewer and drainage facilities, according to calculations by a Registered Professional Engineer. These calculations must be approved by the City Engineer.

Section three. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section five. Repealer. All ordinances and codes, or parts thereof, which 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 resolved herein.

Section six. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, as required by Texas Government Code Chapter 551.

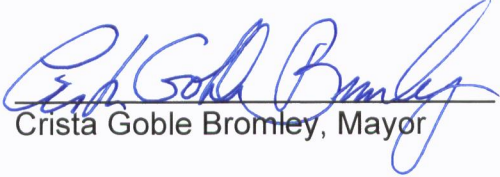
Section eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law; and shall apply to all construction plans submitted after the Effective Date.


Passed on first reading on the 22nd day of June 2021

Passed, approved and adopted on the 13th day of May, 2021

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

