

**ORDINANCE 2019-ORD017**

**AN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS, ADOPTING A “MASTER FEE SCHEDULE,” PROVIDING FOR A PENALTY; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Double Horn, Texas (the “City”), a general law municipality, is authorized by state law to adopt and implement necessary and reasonable ordinances in the best interests of its citizenry; and

**WHEREAS**, the City Council of the City of Double Horn, Texas (the “City Council”), desires to adopt certain fees that are reasonably related to the services provided by the City to the citizens and businesses of the City; and

**WHEREAS**, the City Council deems the fees adopted herein as necessary for the City to provide good and efficient government for the benefit of the citizens of the City.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DOUBLE HORN, TEXAS THAT:**

Section 1. Findings Incorporated. The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Adopted. From and after the effective date of this Ordinance, the Master Fee Schedule, attached hereto as Exhibit “A” and incorporated herein for all purposes, is hereby adopted.

Section 3. Penalty. Any person, firm, or corporation that commits any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed \$500 for each incidence of violation. Each violation is considered a separate offense and will be punished separately.

Section 4. Savings/Repealing Clause. All City Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 5. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force

and effect. Double Horn 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 or invalid.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its date of passage and approval, and publication as provided by law.

**DULY ADOPTED** by the City Council of the City of Double Horn, Texas on the 9th-23<sup>rd</sup> day of ~~October 2019~~January 2020.

\_\_\_\_\_  
Cathy Sereno, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Maxwell, City Secretary

**APPROVED AS TO FORM:**

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Patty L. Akers, City Attorney

DRAFT

**EXHIBIT "A"**  
**MASTER FEE SCHEDULE**

**ARTICLE A1.000 GENERAL PROVISIONS**

**Sec. A1.001 City payment charges**

- (a) \$35.00 for any returned check.
- (b) 2% (percent) fee for all credit card payments.

**Sec. A1.002 Notary charges**

- (a) Texas Government Code Ann. sec. 406.024 sets out the maximum fees a notary public, or their employer, may charge for notary public services. A notary public who charges more than the maximum set out below subjects the notary to possible criminal prosecution and suspension or revocation of the notary's notary public commission by the secretary of state's office.
- (b) Notary public may charge the following fees:
  - (1) No charge for signature and seal.
  - (2) No charge for each additional signature.
  - (3) No charge per page for copies of all records or papers in the notary public's office.

**Sec. A1.003 Reduction of fee for governmental agency**

The mayor may, upon written request, reduce any fee to actual costs when the fee is due from an entity of the federal government, the state, a city or county within the state or an independent school district within the state.

**Sec. A1.004 Refunds**

- (a) If no work has begun and no inspections have been performed, the city may issue a refund equal to 75 percent of the original fee less city costs.
- (b) If work has begun or any inspections have been performed on the project, no refund will be made.
- (c) No refunds will be made on any permit after the original expiration date.

**ARTICLE A2.000 MISCELLANEOUS FEES**

**Sec. A2.001 Public information requests**

- (a) The charges in this section to recover costs associated with providing copies of public information are based on estimated average costs to governmental bodies across the state. When

actual costs are 25% higher than those used in these rules, governmental bodies other than agencies of the state, may request an exemption in accordance with [Texas Administrative Code,] section 70.4 (relating to requesting an exemption).

(b) Copy charge.

(1) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$0.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copy. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

(A) Rewritable CD (CD-RW): \$1.00;

(B) Nonrewritable CD (CD-R): \$1.00;

(C) Digital videodisc (DVD): \$3.00;

(D) Flash drive: \$4.00;

(E) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--see also section 70.9 of [Texas Administrative Code,]): \$0.50;

(F) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic): Actual cost.

(c) Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.

(1) The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.

(2) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with section 552.231 of the Texas Government Code.

(3) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of section 552.261(b) of the Texas Government Code.

(d) Labor charge for locating, compiling, manipulating data, and reproducing public information.

(1) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

(2) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

(A) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, subchapter C, chapter 552; or

(B) To research or prepare a request for a ruling by the attorney general's office pursuant to section 552.301 of the Texas Government Code.

(3) When confidential information pursuant to a mandatory exception of the act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, section 552.261(a)(1) or (2).

(4) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, section 552.261(b).

(e) Overhead charge.

(1) Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in subsection (3) of this section. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

(2) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, section 552.261(a)(1) or (2).

(3) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing,  $\$15.00 \times 0.20 = \$3.00$ ; or programming labor charge,  $\$28.50 \times 0.20 = \$5.70$ . If a request requires one hour of labor charge for locating, compiling, and reproducing information ( $\$15.00$  per hour); and one hour of programming labor charge ( $\$28.50$  per hour), the combined overhead would be:  $\$15.00 + \$28.50 = \$43.50 \times 0.20 = \$8.70$ .

(f) Computer resource charge.

(1) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

(2) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

(3) The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s), and set its charge accordingly. Type of system--rate: mainframe: \$10.00 per CPU minute; midsize: \$1.50 per CPU minute; client/server: \$2.20 per clock hour; PC or LAN: \$1.00 per clock hour.

(4) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows:  $\$10.00/3 = \$3.33$ ; or  $\$10.00/60 \times 20 = \$3.33$ .

(5) A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the section 552.231 of the Texas Government Code.

(g) Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

(h) Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

(i) Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, part 1, chapter 3, subchapter O, section 3.341 and section 3.342).

(j) Miscellaneous charges. A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.

(k) These charges are subject to periodic reevaluation and update.

**Sec. A2.002 Miscellaneous permits and approvals**

Item	Fee	Notes	Expiration
<del>Garage sale permit (no inspection)</del>	<del>\$1.00</del>	<del>\$1.00 prior to sale or \$5.00 on day of sale or thereafter</del>	<del>3 days</del>
<del>Non-specified improvements Blasting Fee Residential Use</del>	<del>\$50.00 + cost</del>	<del>Single inspection or reinspection One Time Use</del>	<del>End of Day of scheduled Blast</del>
<del>Street closure Commercial</del>	<del>\$50.00 + cost</del>	<del>Actual cost + 10% admin fee</del>	<del>-</del>
<del>Street closure Neighborhood</del>	<del>\$1.00</del>	<del>Fee only</del>	<del>-</del>
<del>Street closure Government sponsored</del>	<del>No fee</del>	<del>No fee</del>	<del>-</del>
<del>Parade permit Commercial</del>	<del>\$50.00 + police cost</del>	<del>-</del>	<del>-</del>
<del>Parade permit Neighborhood</del>	<del>\$1.00</del>	<del>-</del>	<del>-</del>
<del>Parade permit Government sponsored</del>	<del>No fee</del>	<del>-</del>	<del>-</del>
<del>Blasting Fee Commercial Use Request for special session council or P&amp;Z</del>	<del>\$200.00 (also see M*) [sic]</del>	<del>One Time Use Could be waived by city</del>	<del>End of Day of scheduled Blast</del>
<del>Blasting Fee Industrial Use Permit extensions 1st request</del>	<del>No fee</del>	<del>One Time Use-</del>	<del>End of Day of scheduled Blast</del>
<del>Blasting Fee Industrial Use Permit extensions 2nd or more request</del>	<del>20% of permit fee</del>	<del>Annual Permit Original permit fee</del>	<del>365 days from Permit issue Date-</del>
<del>Special use (other)</del>	<del>\$100.00 + inspections, advertising</del>	<del>Includes Christmas tree sales, outside commercial sales, construction shacks, sales trailers or similar uses</del>	<del>Specified in permit</del>

**Sec. A2.003 Municipal court fees and fines**

(a) Building security fee: Three dollars (\$3.00).

(b) — Technology fee: Four dollars (\$4.00).

(c) — Defensive driving fee: Ten dollars (\$10.00).

(d) — Court juvenile case manager fee: Five dollars (\$5.00) per conviction.

(e) \*\*For Offenses Committed on or after October 23, 2019:

<u>Violation</u>	<u>Fines</u>
<u>Speeding</u>	<u>1-19 Miles Over = \$250.00</u> <u>20-30 Miles Over = \$300.00</u> <u>31-999 Miles Over = \$319.00</u>
<u>Speeding in a School Zone</u>	<u>1-19 Miles Over = \$275.00</u> <u>20-30 Miles Over = \$325.00</u> <u>31-999 Miles Over = \$346.00</u>
<u>Health &amp; Sanitation Regulations</u>	<u>\$350.00<sup>+</sup></u>
<u>Criminal Mischief</u>	<u>\$311.00</u>
<u>Criminal Trespass</u>	<u>\$311.00</u>
<u>Disorderly Conduct</u>	<u>\$311.00</u>
<u>Simple Assault</u>	<u>\$266.00</u>
<u>Public Intoxication</u>	<u>\$368.00</u>
<u>Minor in Possession of Alcohol/Drugs/Tobacco</u>	<u>\$311.00</u>
<u>Possession of Drug Paraphernalia</u>	<u>\$375.00</u>
<u>Open Container</u>	<u>\$349.00</u>
<u>Disregard Stop Sign</u>	<u>\$250.00</u>
<u>Driving Safety Course</u>	<u>\$129.00</u>
<u>Expired Registration</u>	<u>\$200.00</u>
<u>Expired/No Driver's License</u>	<u>\$250.00</u>
<u>Failure to Change Address on Driver's License</u>	<u>\$116.00</u>
<u>Failure to Dim Lights</u>	<u>\$250.00</u>
<u>Failure to Display Driver's License</u>	<u>\$250.00</u>
<u>Failure to Maintain Insurance</u>	<u>1<sup>st</sup> Offense \$311.00</u> <u>Subsequent Offense \$770.00</u>



<u>Failure to Signal w/Turn Indicator</u>	<u>\$250.00</u>
<u>Failure to Yield to Right of Way</u>	<u>\$250.00</u>
<u>Following Too Closely</u>	<u>\$205.00</u>
<u>No/Expired Insurance</u>	<u>\$311.00</u>
<u>Operate Vehicle Without License Plate</u>	<u>\$205.00</u>
<u>Permit Unlicensed Minor to Drive</u>	<u>\$216.00</u>
<u>Violation of Driver's License Restriction</u>	<u>\$216.00</u>

\* The actual fine will depend on the facts of each case.

+ On its face the offense will be Min \$1.00 / Max \$2,000 plus court costs.

—However, the law provides that the maximum fine for violations of ordinances that govern “fire safety, zoning or public health and sanitation, including dumping of refuse” is \$2,000, and the maximum fine for violations of other ordinances is \$500.00

—Therefore, there may be a question of law for the judge to determine in each particular case. If the offense governs fire safety, zoning, or public health and sanitation, the maximum fine is \$2,000 plus court costs. If it does not, then the maximum fine is \$500 plus court costs.

(f) — An additional fee of thirty percent (30%) shall be assessed on all debts and accounts receivable, i.e.: fines, fees, court costs, restitution, and other debts that are more than sixty (60) days past due and have been referred to a private firm for collection.

**Sec. A2.00~~34~~** Administrative fee for abatement of nuisance by city

(a) In addition to collecting the costs and expenses incurred for correcting any violation(s) involving abatement by the city under the City’s Code of Ordinances, the city shall charge a minimum of \$100.00 not to exceed a maximum of \$500.00 per occurrence.

(b) The administrative fee for the first occurrence within a twelve (12) month period shall be \$100.00.

(c) The administrative fee for the second and subsequent occurrences within a twelve (12) month period shall be \$500.00.

**Sec. A2.005**—~~Temporary permit for after-hours construction or operation of equipment~~

~~Application fees under Ordinance No. 2019-ORD013~~           :

~~(1) — Temporary Permit to perform construction activity that causes loud noise: Fifty dollars (\$50.00).~~

**ARTICLE A3.000 LAND USE SERVICES**

**Sec. A3.001**—~~Land use services fees~~

<del>Item</del>	<del>Fee</del>	<del>Notes</del>	<del>Expiration</del>
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Zoning application	\$300.00 + \$10.00/acre	-	-
Appeal, variance, and adjustment	\$100.00 + cost	-	-
Conditional or special use permit	\$100.00 + advertising	-	-
Preliminary plat application	\$325.00 + \$5.00/lot	-	2 years
Final plat application	\$325.00 + \$5.00/lot	-	2 years
Replat	\$325.00 + \$5.00/lot	-	2 years
Site plan	Cost + admin fee	\$500.00 — deposit applied or refunded	-
Filing fee—County	\$50.00	Final plat and replat	-
Public infrastructure inspection	% of cost	4% of the greater of project or cost	-
Engineer review	Cost + 10% admin fee	\$500.00 — deposit applied or refunded	-
Construction plans	\$100.00 + cost	-	2 years
Land use application admin fee	10%	-	-
Site plan	\$200.00	-	-
Landscape plan	\$200.00	-	-