

ORDINANCE 2021-03-03

AN ORDINANCE REPEALING ORDINANCE 2020-05-10 AMENDING THE CITY OF DECATUR SCHEDULE OF FEES AND ADOPTING A NEW CITY OF DECATUR SCHEDULE OF FEES AS SET FORTH IN EXHIBIT “A”; PROVIDING FOR AN IMPOUND NOTIFICATION FEE; PROVIDING FOR AMENDMENTS TO FEES IMPOSED BY THE CITY FOR RESIDENTIAL AND COMMERCIAL SOLID WASTE COLLECTION SERVICES; PROVIDING AMENDMENTS TO TRASH BAG FEES; PROVIDING AMENDMENTS TO WATER DEPOSITS REQUIRED FOR TENANTS; PROVIDING FOR AMENDMENTS TO FIRE AND PUBLIC SAFETY RELATED FEES FOR CONSTRUCTION AND MODIFICATION PERMITS (TABLE 4); AND RATIFYING AND REAFFIRMING ALL OTHER FEES SET FORTH IN EXHIBIT “A” WITHOUT AMENDMENT; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A CUMULATIVE REPEALER AND SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Decatur, Texas is a home-rule municipality located in Wise County, Texas; and

WHEREAS, the cost of providing impound notifications reflects the fee charged in Exhibit A; and

WHEREAS, pursuant to Chapter 12, “Solid Waste” of the Code of Ordinances of the City of Decatur, all residential and business premises within the City shall be assessed an amount for solid waste services provided based upon minimum charges and the actual cost of furnishing such services incurred by the City for the provision of solid waste services; and

WHEREAS, pursuant to the City’s solid waste franchise agreement with Waste Connections, the City Council approved a .33% consumer price index (“CPI”) rate adjustment to become effective April 1, 2021 (“CPI Adjustment”); and

WHEREAS, due to the CPI Adjustment, it has become necessary for the City to amend its Schedule of Fees in order to pass the additional fee through to solid waste customers so that the City collects all amounts due pursuant to the franchise agreement with Waste Connections for furnishing solid waste services; and

WHEREAS, the increased costs in the fees for trash bags reflects the amount necessary to reimburse the City for the costs of making trash bags available to the public; and

WHEREAS, based upon increased costs of providing water service and making collections for unpaid services provided, it has become necessary to make increases to water deposits for tenants; and

WHEREAS, the City Council further desires to remove fees for certain permits and plan reviews as provided herein as the City Council has determined there is not a need to collect a fee for such services at this time; and

WHEREAS, based upon the foregoing, the City Manager has reviewed the City's fees and has determined that changes are necessary, and that the proposed changes to the Fee Schedule as set forth in Exhibit "A" to this Ordinance represent fees that are revenue neutral and fairly compensate the City for costs incurred for the services provided; and

WHEREAS, after evaluating existing fees and the increased costs incurred by City for third-party services and for services provided to residents and businesses, the City Council finds that the fees proposed in Exhibit "A", attached hereto, are not excessive; rather, the fees are determined to be reasonable and necessary to fairly reimburse the City for costs incurred and for costs contractually required; and

WHEREAS, in order to amend impound notification fees, solid waste collection fees, trash bag fees, water deposits and transfer fees, and fire and public safety related fees for construction and modification permits, the City Council has determined it necessary to repeal Ordinance No. 2020-05-10 and to adopt this Ordinance setting forth a new City of Decatur Schedule of Fees adopting the newly amended fees for impound notification, solid waste collection, trash bags, water deposits and transfers, and fire and public safety related fees for construction and modification permits, and ratifying and reaffirming all fees not expressly amended hereby as set forth in Exhibit "A"; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the Schedule of Fees should be amended as set forth below.

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

SECTION 1. Incorporation of Premises. The forgoing recitals are the findings of the City Council and are incorporated into this Ordinance as if set forth fully herein.

SECTION 2: Amendment. That the City of Decatur hereby repeals Ordinance 2010-05-10 in its entirety and adopts a new City of Decatur Schedule of Fees as set forth in its entirety as **Exhibit "A"**, a copy of which is attached hereto and incorporated as if set forth fully herein. **Exhibit "A"** sets forth new fees for impound notification, residential and commercial solid waste collection services, trash bags, water deposits for tenants, fire and public safety related fees for construction and modification permits, and all other fees provided for various services set forth in **Exhibit "A"** are hereby ratified and reaffirmed without amendment.

SECTION 3: Cumulative Repealer. That this Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City of Decatur, and this Ordinance shall

not operate to repeal or affect the Code of Ordinances of the City of Decatur or any Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such Code of Ordinance are hereby repealed.


SECTION 4. Severability. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. Effective Date. This Ordinance shall take effect upon its final passage as required by law, and it is so ordained, after a second reading in accordance with the City Charter, and those fees ratified and reaffirmed shall continue in full force and effect pursuant to Ordinance No. 2020-05-10 until such ordinance is effectively repealed and replaced in its entirety by enactment of this Ordinance.

PRESENTED ON FIRST READING this 8th day of March, 2021.


PRESENTED ON SECOND READING AND APPROVED this 22nd day of March 2021, by a vote of 7 ayes, 0 nays, and 0 abstentions, at a meeting of the City Council of the City of Decatur, Texas.

APPROVED:

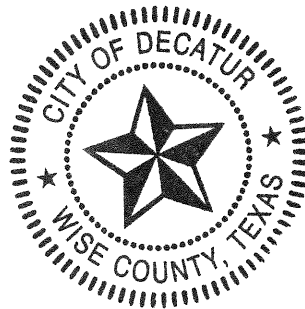


Mike McQuiston, Mayor

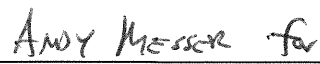
ATTEST:



Diane Cockrell, TRMC, CMC
City Secretary



APPROVED AS TO FORM:



Patricia A. Adams, City Attorney

EXHIBIT "A" TO ORDINANCE 2021-03-04 Passed 03/22/2021		Effective Date: 04/01/2021								
Activity		Fee								
Laminating (Card Sleeve only)		\$1.00								

TABLE 1: BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$3.25 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$75.00 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$405.00 for the first \$25,000.00 plus \$10.60 for each additional \$1,000.00, or fraction thereof to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$675.00 for the first \$50,000.00 plus \$7.35 for each additional \$1,000.00, or fraction thereof to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,045.00 for the first \$100,000.00 plus \$5.90 for each additional \$1,000.00, or fraction thereof to and including \$500,000.00
\$500,001.00 to 1,000,000.00	\$3,395.45.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,888.40 for the first \$1,000,000.00 plus \$3.35 for each additional \$1,000.00, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours (minimum charge--two hours)	\$50.00 per hour
2. Re-inspection fees	1st \$50.00 - 2nd and Subsequent \$100.00
3. Inspections for which no fee is specifically indicated (minimum charge--one half hour)	\$50.00 per hour
4. Additional plan review required by changes, additions or revisions to plans	\$250.00 non-residential/\$100.00 single-family
5. For use of outside consultants for plan checking and inspections, or both	Actual costs

TABLE 2: Texas Administrative Code Public Information Fees

TITLE 1 ADMINISTRATION - PART 3 - OFFICE OF THE ATTORNEY GENERAL

CHAPTER 70 COST OF COPIES OF PUBLIC INFORMATION RULE §70.3

(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 §70.4 of this title (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 \$.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) Diskette--\$1.00;

(B) Magnetic tape--actual cost

(C) Data cartridge--actual cost;

(D) Tape cartridge--actual cost;

(E) Rewritable CD (CD-RW)--\$1.00;

(F) Non-rewritable CD (CD-R)--\$1.00;

(G) Digital video disc (DVD)--\$3.00;

(H) JAZ drive--actual cost;

(I) Other electronic media--actual cost;

(J) VHS video cassette--\$2.50;

(K) Audio cassette--\$1.00;

(L) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50;

(M) Specialty paper (e.g.: Mylar, blueprint, blue-line, 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 §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 §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 billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:

(A) Two or more separate buildings that are not physically connected with each other; or

(B) A remote storage facility.

(3) 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 §552.301 of the Texas Government Code.

(4) 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, §552.261(a)(1) or (2).

(5) 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, §552.261(b).

(6) For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

(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 paragraph (3) of this subsection. 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, §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 x .20 = \$3.00; or Programming labor charge, \$28.50 x .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 x .20 = \$8.70.

(f) Microfiche and microfilm charge.

(1) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

(2) If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.

(g) Remote document retrieval charge.

(1) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

(2) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.

(h) 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 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 / 3 = \3.33 ; or $\$10 / 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 §552.231 of the Texas Government Code.

(i) 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.

(j) 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.

(k) 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, §3.341 and §3.342).

(l) 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.

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

Source Note: The provisions of this §70.3 adopted to be effective September 18, 1996, 21 TexReg 8587; amended to be effective February 20, 1997, 22 TexReg 1625; amended to be effective December 3, 1997, 22 TexReg 11651; amended to be effective December 21, 1999, 24 TexReg 11255; amended to be effective January 16, 2003, 28 TexReg 439; amended to be effective February 11, 2004, 29 TexReg 1189; transferred effective September 1, 2005, as published in the Texas Register September 29, 2006, 31 TexReg 8251; amended to be effective February 22, 2007, 32 TexReg 614

Table 3 - ANIMAL CONTROL FEES

Fees related to impoundment & surrender of dogs and cats:		
Impoundment of Animals:		
First Impoundment	\$35.00	
Second Impoundment	\$50.00	
Third Impoundment	\$75.00	
Boarding Fee (per day)	\$10.00	
Quarantine Fee	\$100.00	
Animal surrendered by resident:		
Small Animal	\$20.00	
Large Animal	\$50.00	
Dead animal pick-up	\$15.00	
Fees related to licensing:		
New or renewed license	\$5.00	
Duplicate replacement tags	\$3.00	
Guard dogs	\$15.00	
Fees related to estrays:		
Impoundment of stray livestock	\$75.00	
Board per night	\$20.00	
Fee for inspection riding stables	\$25.00	
Fees related to registered dangerous dogs:		
Registered dangerous dog	\$50.00	
Dog declared dangerous by another entity	\$25.00	
Fee for restricted animal permit	\$50.00	
Fees related to pet shops, kennels/catteries		
Kennel/Cattery	\$100.00	
Pet Shop	\$100.00	

TABLE 4. CONSTRUCTION AND MODIFICATION PERMITS: Fire and Public Safety Related Fees

New Sprinkler Installation or Modification Permit Fees:		
	1 to 10 sprinklers	\$100.00
	11 to 20 sprinklers	\$175.00
	21 to 100 sprinklers	\$250.00
	More than 100	\$250.00
	Plus \$50.00 for each 100 or fraction thereof	
If System includes Fire Pump		\$200.00
If System includes Foam		\$50.00
Each Additional Floor		\$40.00
Underground Fire Sprinkler Line Installation Permit Fees:		
Plan Review Fee		\$25.00
Permit		\$100.00
New Fire Alarm Installation or Modification Permit Fees:		
Plan Review Fee		\$100.00
	1 to 4 initiation devices	\$100.00
	5 to 25 devices	\$175.00
	More than 25 devices	\$250.00
	Plus \$50.00 for each 100 or fraction thereof in excess of 25	
New Suppression System or Modification Permit Fees: (CO2, Dry Chemical, FM 200, Intergen, Water Mist, etc.)		
Plan Review Fee		\$25.00
	1 to 5 nozzles	\$100.00
	Plus 5.00 per nozzle in excess of 5	
New Standpipe System or Modification Permit Fees:		
Plan Review Fee		\$25.00
Permit		\$100.00
Permits*:		
*A one-time permit shall be obtained from the Fire Marshal's Office prior to engaging in the following activities, operations, practices or functions.		
Aerosol Products		\$50.00
Automobile Wrecking Yard		\$250.00
Battery Systems (liquid)		\$50.00
Blasting Agents		\$200.00
Compressed Gases		\$50.00
Dry Cleaning Plant		\$50.00
Dust-producing Operations		\$50.00
Flammable or Combustible Liquid Tanks/Systems		Per Tank \$100.00
Hazardous Material Storage		IFC Table 105.6.20 Per Material \$25.00
High Piled Combustible Storage		\$100.00
Liquified Petroleum Gas Distribution		Per Tank/system \$50.00
Motor Vehicle Fuel Station		\$50.00
Open Burning		Non Resident \$100.00
Pyrotechnic Displays		\$100.00
Radioactive Materials		\$100.00
Spraying or Dipping Process		\$100.00

Temporary Structures, Tents and Canopies	Each	\$25.00
Tire Storage		\$25.00
Underground Storage Tank Removal	Per tank	\$100.00
Gate Installation		\$100.00
Fire Watch/Special Event Stand-by	Per hour/Per firefighter	\$35.00
Food Truck Inspection(Annual)	Annual Fee	\$25.00
Contractor Registration	Annual Fee	\$50.00
All Inspections	Greater than two	\$50.00
New Construction, Significant Remodel- Review, Inspection Fee .015 per Sq. Ft.		

**RAINING PERMIT IS ADDITIONAL 100% OF REQUIRED PERMIT FEE
(DOES NOT INCLUDE FINES OR FEES SET BY COURT)**

FIRE RESPONSE MITIGATION RATES			
See Detailed Reference for Fees in Mitigation Ordinance			
Motor Vehicle Incidents:			
Level 1			\$ 487.00
Level 2			\$ 554.00
Level 3			\$ 677.00
Extrication			\$ 1,461.00
Landing Zone			\$ 448.00
Additional Time:	Engine	Per hour	\$ 448.00
	Truck	Per hour	\$ 560.00
	Misc. Equipment	Per hour	\$ 336.00
HAZMAT:			
Level 1			\$ 784.00
Level 2			\$ 2,800.00
Level 3			\$ 6,600.00
Additional Time:	Engine	Per hour	\$ 448.00
	Truck	Per hour	\$ 560.00
	Misc.	Per hour	\$ 336.00
Fire Investigation:			
Fire Investigation Team		Per hour	\$ 308.00
Fire Response:			
Engine		Per hour	\$ 448.00
Truck		Per hour	\$ 560.00
Illegal Fires:			
Engine		Per hour	\$ 448.00
Truck		Per hour	\$ 560.00
Water Incidents:			
Level 1			\$ 448.00
	Per Rescue Person	Per hour	\$ 56.00
Level 2			\$ 896.00

	Per Rescue Person	Per hour	\$ 56.00
Level 3			\$ 2,240.00
	Per Rescue Person	Per hour	\$ 56.00
	Per HAZMAT Person	Per hour	\$ 112.00
Special Rescue:			
Response Vehicle		Per hour	\$ 448.00
	Per Rescue Person	Per hour	\$ 56.00
Command/Chief Response:			
		Per hour	\$ 280.00
Misc./Additional Time on Scene:			
Engine		Per hour	\$ 448.00
Truck		Per hour	\$ 560.00
Misc. Equipment		Per hour	\$ 336.00