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STATE OF TEXAS
CITY OF NEW BERLIN

ORDINANCE NO. 2021-002 BUILDING PERMIT
to Replace Ordinance 12-0008

**AN ORDINANCE TO REPLACE ORDINANCE NO. 12-0008
ESTABLISHING RULES AND REGULATIONS GOVERNING
PERMITS FOR CONSTRUCTION WITHIN THE CITY LIMITS, AND
MAY BE KNOWN AS THE "BUILDING PERMIT ORDINANCE".**

WHEREAS, the City of New Berlin (the "City") seeks to facilitate an orderly process for construction within the City limits.

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

SECTION 1 - FINDINGS AND PURPOSE

The purpose of this Ordinance is to:

- (A) Assist in the development of structures and structure relocation within the City in order to assure sound, attractive buildings that meet established construction standards.
- (B) Govern the placement and construction of structures within the City.
- (C) Assist the City in its efforts to protect the public health, safety, and welfare.
- (D) Maintain the rural setting of the City.

SECTION 2 - AUTHORITY AND SCOPE

This Ordinance applies to all persons that construct and/or improve and/or relocate structures within the City of New Berlin, Texas

SECTION 3 - DEFINITIONS

- (A) **City** means The City of New Berlin, Texas. As used throughout, the term City also includes the designated agent of the City.
- (B) **Mayor** means the Mayor of the City or the Mayor's designee.
- (C) **Person** means a natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, and other such entity.

SECTION 4 - MUNICIPAL AUTHORIZATION REQUIRED

- (A) Any person seeking to build, enlarge, alter, repair, or move a building or structure shall first file an application for a construction/building permit with the City and shall abide by the terms and provisions of this Ordinance pertaining to construction of such structures.
- (B) Before any permit is issued by the City for new construction, the applicant for the building permit shall furnish a survey plat for the lot on which the proposed construction is to be built; said survey shall show the dimensions of the lot and the relationship of the proposed improvements with reference to the building setback line, the side lot lines and the rear yard. Said survey must be prepared by a duly licensed surveyor as required by the Registered Public Surveyors Act of 1955, or by a qualified engineer and/or contractor. The plat shall show the lot meets requirements specified for lots in subdivisions as defined in City of New Berlin Ordinance No. 2003-001 (Subdivision Ordinance), if applicable.
- (C) For alteration or repair, the City may require that the City be furnished with the plans and specifications of the proposed work to be completed and a plat showing the location of the building upon the lot, before approval of application for a permit.
- (D) Any person seeking a building permit must also provide written consent if the site is located within the jurisdiction of a home owner/property owner association from that association's authorizing entity before a building permit is considered.

SECTION 5 - ADMINISTRATION AND ENFORCEMENT

- (A) The Mayor or his designee shall administer and enforce compliance with this Ordinance.

SECTION 6 - CONSTRUCTION OBLIGATIONS, INSPECTIONS, FEES AND CODES

- (A) A person shall perform operations, excavations, and other construction in the City in accordance with all applicable City and State of Texas requirements.
- (B) Upon completion of the construction, the owner, contractor, architect, or engineer shall notify the City in writing that the project has been completed in accordance with the plans and specifications referenced in the application and is in compliance with the requirements of this ordinance.
- (C) Current fees are published in an addendum to this Ordinance and may be adjusted periodically.
- (D) In accordance with State Law, the City enforces the International Residential Code for all residential construction and the International Building Code for all other constructions as adopted.

SECTION 7 – EXPIRATION

- (A) A building permit issued by the City pursuant to this Ordinance shall be valid for two (2) years from the date of issuance if construction has not begun or two (2) years from cessation of progress towards completion of construction if construction has begun.

SECTION 8 – ENFORCEMENT AND PENALTY FOR VIOLATION

- (A) In case any structure is erected, constructed, re-constructed, altered, repaired, or converted or any building or land is used in violation of this ordinance, the Mayor, City Council member, or Mayor’s designee is authorized and directed to institute any appropriate action to put an end to any such violation. There will be a penalty up to \$200 per day.

SECTION 9 – VALIDITY

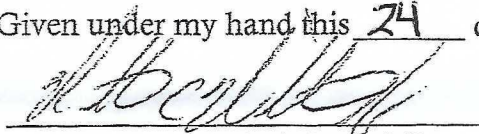
- (A) If any section, paragraph, sub-division, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be unconstitutional or invalid.

SECTION 10 – WHEN EFFECTIVE

- (A) This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND ADOPTED by the CITY COUNCIL of the CITY OF NEW BERLIN, TEXAS at a meeting open to the public this the 24 day of May, 2021.

Given under my hand this 24 day of May, 2021

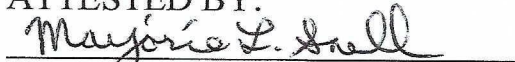


WALTER C. WILLIAMS JR
Mayor



(City Seal)

ATTESTED BY:



Marjorie L. Snell
City Secretary

BUILDING PERMIT FEE SCHEDULE

IN CONJUNCTION WITH ORDINANCE NO. 2021-002, THE FOLLOWING FEE SCHEDULE IS ADJUSTED AND APPROVED:

1) <u>Residential Structure</u>	Fee	\$50 per permit
2) <u>Agricultural Related Structure</u>	Fee	\$20 per permit
3) <u>Commercial Structure</u>	Fee	\$50 per permit
4) <u>Placement Structure on Property – manufactured/mobile homes/construction trailers</u>	Fee	\$50 per permit
5) <u>Moving Structure</u>	Fee	\$50 per permit

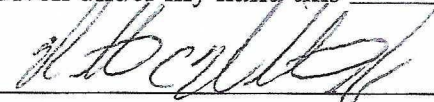
This Fee Schedule shall be effective from and after its passage or from and after the 24 day of May, 2021.

PASSED AND ADOPTED by the CITY COUNCIL of the CITY OF NEW BERLIN, TEXAS at a meeting open to the public this the 24 day of May, 2021.




(City Seal)

Given under my hand this 24 day of May, 2021.


WALTER C. WILLIAMS JR
Mayor

ATTESTED BY:


Marjorie L. Snell
City Secretary

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I certify this instrument was FILED and RECORDED
in the OFFICIAL PUBLIC RECORDS
of Guadalupe County, Texas on
06/18/2021 03:14:32 PM PAGES: 4 REBECCAM
TERESA KIEL, COUNTY CLERK



