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B-011315

VOL 4089 P 60197

**ORDINANCE NO. 12-0008**

**AN ORDINANCE TO REPLACE ORDINANCE NO. 12-0007 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; 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.**

*After recording  
Return to.*

- (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 Planning and Zoning Commission may require that the Commission 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 they approve an application for a permit.

#### **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 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 requires 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.

**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 APPROVED by the CITY COUNCIL of the CITY OF NEW BERLIN, TEXAS at a meeting open to the public this the 16th day of July, 2012, after public notice of the time, place, and purpose of said meeting was given and posted as required by law.

  
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 MAYOR

  
 CITY SECRETARY

(SEAL)



**FEE SCHEDULE**

**IN CONJUNCTION WITH ORDINANCE NO. 12-0008, THE FOLLOWING  
FEE SCHEDULE IS APPROVED:**

RESIDENTIAL STRUCTURE

Fee \$50 per permit

AGRICULTURAL RELATED STRUCTURE

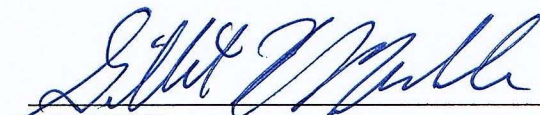
Fee \$20 per permit

COMMERCIAL STRUCTURE

Fee basis is the estimated cost of construction.  
Fee is .5% based on the value of construction.

**This Fee Schedule shall be effective from and after its passage or from and  
after the 16th day of July, 2012.**

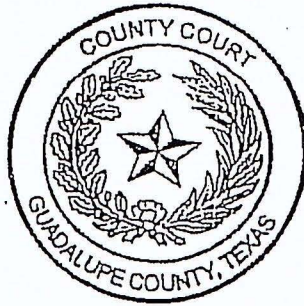
**PASSED AND APPROVED this 16<sup>th</sup> day of July, 2012, with an effective date  
of July 16, 2012.**

  
MAYOR

  
CITY SECRETARY

(SEAL)





This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the clerk shall stamp the recording information at the foot of the last page of the document.

This page becomes a part of the document identified by Document Number 13-11315 affixed on the first page of this document.

FILED FOR RECORD

13 MAY 29 PM 2:17

TERESA KIEL  
COUNTY CLERK GUADALUPE COUNTY

BY Courtney Casar

STATE OF TEXAS  
COUNTY OF GUADALUPE  
I certify this instrument was FILED on the  
date and at the time stamped thereon and  
was duly recorded in the Official Public  
Records of Guadalupe County, Texas.



Teresa Kiel  
TERESA KIEL  
Guadalupe County Clerk