

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, REAUTHORIZING ALL BUILDING PERMIT FEES CHARGED AS A CONDITION TO CONSTRUCT, RENOVATE OR REMODEL A STRUCTURE IN ACCORDANCE WITH SECTION 214.908 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas (“City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City regulates the development of property within its territory, which includes the assessment of application fees and other building permit fees as conditions to constructing, renovating, or remodeling a structure in the territory; and,

WHEREAS, during the 88th Regular Session of the Texas Legislature, House Bill 1922 was passed adding a new Section 214.908 to the Texas Local Government Code (Code), which provides that any building permit fee charged by the City shall automatically be abolished on the 10th anniversary after the date of its adoption, or the 10th anniversary after it was most recently reauthorized under the new statute, unless the governing body of the City holds a public hearing on the reauthorization of the fee and takes a vote to reauthorize such fee; and,

WHEREAS, the City Council of the City held a public hearing on this date in accordance with Section 214.908(b)(1) of the Code and has determined that it would be in the best interest of the City and its citizens, and in the interest of good governance, public health, safety, and general welfare, to reauthorize building permit fees, as such fees are defined in Section 214.908(a) of the Code.

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

SECTION 1.

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

All building permit fees, as that term is defined in Section 214.908 of the Texas Local Government Code, as amended, adopted and charged by the City are hereby reauthorized by vote of the City Council.

SECTION 3.

It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5.

The City Secretary of the City is hereby directed to publish this Ordinance to the extent required by law.

SECTION 6.

This Ordinance shall be in full force and effect from and after its passage on the first and final reading and the publication of the caption, as the law and Charter in such cases provide, and it is so ordained.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF SEPTEMBER, 2024.

Michael Evans, Mayor

ATTEST:

Susan Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney