

**ORDINANCE NO. 2010-3**

**AN ORDINANCE OF THE CITY OF CUMBY, TEXAS, AMENDING ORDINANCE 2006-9, PROVIDING FOR A CONTRACTOR REGISTRATION AND YEARLY FEE; PROVIDING FOR A PLAN SUBMISSION AND REVIEW AND A FEE; PROVIDING FOR A PERMIT SYSTEM AND A FEE; PROVIDING FOR A COST INCREASE AND ASSOCIATED COSTS; PROVIDING FOR A DEMOLITION PERMIT AND A FEE; PROVIDING FOR LONGEVITY OF PERMITS; PROVIDING FOR A TEN (10) YEAR PROHIBITION; PROVIDING FOR A MOVING PROHIBITION/MOVING INSPECTION FEE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SAVING AND SEVERABILITY CLAUSE; PROVIDING FOR AN EMERGENCY EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

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

**SECTION 1: REGISTRATION, LICENSURE, PLAN SUBMISSION AND REVIEW, AND PERMITS.**

Each person who performs electrical, plumbing, heating/ac, and general contractors are considered contractors for purposes of this ordinance and must register with the City of Cumby, Texas prior to beginning work within the City of Cumby, Texas.

Each contractor must complete the contractor registration form.

Each contractor must pay **\$50.00** yearly registration fee.

Each contractor must be licensed in one of the following areas:

Electrical

Plumbing

Heating/AC

General Contractor

**Plan Submission and Review-** If a permit is required as indicated below, a plan must be submitted prior to receiving a permit.

The plan must be submitted five (5) business days prior to when you want the permit and the plan must be approved by the building inspector prior to the issuance of the permit.

|                        |                 |
|------------------------|-----------------|
| Review house plan      | <b>\$50.00</b>  |
| Review commercial plan | <b>\$150.00</b> |

**Permits required:** Permits are required for the following:

New Residential

**Fee \$500.00** permit fee which includes one each of the following inspections:

T-Pole

Plumbing rough

Foundation

All Trades

Flatwork (walks, drives, approaches)  
Temporary Final (electrical, gas)  
Certificate of Occupancy

**New Commercial**

**Fee - \$1,000.00** plus .10 cents a square foot permit fee which includes one each of the following inspections:

T-pole  
Plumbing rough  
Slab  
Wall rough (framing, plumbing, and electrical)  
Paving  
Metal duct inspection before insulated more than one  
Above ceiling (electrical, mechanical, plumbing)  
Underground electrical for electric service and any site lighting  
Underground gas service  
Final  
Certificate of Occupancy

**Alter Existing Commercial Structure**

**Fee - \$500.00** plus .10 cents a square foot permit fee. A determination at the plan submission and review will be made as to the amount of inspections and an increase if any as to an increased cost.

**Cost Increase**

If more inspections are needed, the permit price will increase accordingly. The increased amount will be determined and prior to the final inspection, an additional permit price will be collected at an amount to be determined by the City of Cumby, Texas.

**Demolition Permit**

**Fee - \$500.00** Commercial / **No Fee** for Residential (permit is still required)  
Must comply with the Asbestos Survey Requirement as per Senate bill 509 must file with the City of Cumby, Texas the Asbestos Affidavit Verification of Survey.

**Longevity of Permits**

All permits are valid for 180 days from the date of the last inspection or from the date the permit was initially issued.

**All Structures**

This Ordinance shall apply to all structures intended for living and/or residential purposes including, but not limited to homes constructed on-site, mobile homes, modular homes, and/or any other homes partially or totally constructed off-premises as well as any other residences, within the City of Cumby, Texas. All structures, whether new or used, are subject to these rules, inspection, and permit requirements. Any and all such structures,

whether new or used, shall be in compliance with all building requirements and codes established by the City of Cumby, Texas or required by the laws of the State of Texas or the United States of America.

**Ten (10) year prohibition**

All previously constructed, fabricated, and/or used structures intended for living and/or residential purposes including, but not limited to homes constructed on-site, mobile homes, modular homes, and/or any other homes partially or totally constructed off premises as well as any other residences to be placed within the City of Cumby, Texas shall not be more than ten (10) years old.

**Moving prohibition / Moving Inspection Fee**

Before any previously constructed, fabricated, and/or used structures intended for living and/or residential purposes including, but not limited to homes constructed on-site, mobile homes, modular homes, and/or any other homes partially or totally constructed off premises as well as any other residences that are to be moved from one premises to another located within the city limits of the City of Cumby, Texas, it must first have an inspection from the City of Cumby building inspector with a non-refundable fee of **\$65.00** to determine if the structure is structurally sound to move.

**SECTION 2: PENALTY PROVISION.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of **FIVE HUNDRED DOLLARS (\$500.00)**, unless the violation related to fire safety, zoning or public health and sanitation, including dumping and refuse, in which the fine shall not exceed the sum of **TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00)**. Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Cumby from filing suit to enjoin the violation. Cumby retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 3: SAVINGS/REPEALING CLAUSE.** 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 ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 4: SEVERABILITY.** Should any section, subsection, sentence, cause 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. Cumby 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 5: DECLARING AN EMERGENCY.** Whereas an emergency is apparent for the immediate preservation of order, health, safety, and general welfare of the public, all rules and regulations requiring the reading or Ordinances more than one time on more than one occasion are hereby suspended.

PASSED AND APPROVED THIS 4<sup>th</sup> DAY OF MAY, 2010.

  
MAYOR

ATTEST:

  
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