

ORDINANCE 2013-12-13

AN ORDINANCE AMENDING THE CITY OF DECATUR SCHEDULE OF FEES IN ORDINANCE 2013-05-06, BY UPDATING FEES IMPOSED BY THE CITY FOR BUILDING – SIGN PERMITS AND FEES AND GARBAGE RATES; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: That the City of Decatur hereby adopts in its entirety the amended schedule of fees attached hereto as Exhibit “A”, updating fees imposed by the city for building – sign permits and fees and garbage rates (the remainder of said schedule of fees being unchanged by this ordinance).

SECTION 2: 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provisions of this Ordinance, in which event such conflicting provisions, if any, in such Code of Ordinance are hereby repealed.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 3: Should any provision of this Ordinance be held invalid or unconstitutional, the remainder of such Ordinance shall not be deemed to effect the validity of any other provision of said Ordinance.

SECTION 4: This Ordinance shall take effect January 1, 2014.

PRESENTED ON FIRST READING this 25th day of November, 2013.

PRESENTED ON SECOND READING AND APPROVED this 16th day of December 2013, by a vote of 5 ayes, 0 nays, and 0 abstentions, at a meeting of the City Council of the City of Decatur, Texas.

APPROVED:



Martin B. Woodruff, Mayor

ATTEST:



Diane Cockrell, TRMC, City Secretary

	ACTIVITY	FEE
A	ADMINISTRATION:	
	Filing Fee – Street/Alley Closing	See Planning and Zoning Fees
	Administrative Fees - cost of copies of public information	See Table 2: TX Admin Code
	Credit Card Transaction Fee	3% per transaction
B	BUILDING – RESTAURANT – PUBLIC SWIMMING POOL & SPA INSPECTION FEES & CODE ENFORCEMENT:	
	<u>BUILDING PERMIT AND INSPECTION FEES</u>	
	Building Permit (New Construction, Remodels, Repairs, Additions, Finish Outs, etc.)	See Table 1: Building Permit Fees + \$35.00
	Inspections Plan Review (Separate Fee for Planning and Fire Plan Reviews)	30% of Building Permit Fee First resubmittal no charge Each subsequent re-submittal will be charged an additional 30% of Building Permit Fee
	Mechanical Permit	\$10.00 for every \$1,000 of cost of Mechanical work to be performed (\$75.00 minimum)
	Electrical Permit	\$10.00 for every \$1,000 of cost of Electrical work to be performed (\$75.00 minimum)
	Plumbing Permit (also includes any Irrigation work)	\$10.00 for every \$1,000 of cost of Plumbing and/or Irrigation work to be performed (\$75.00 minimum)
	Reinspection Fee	\$50.00
	After Hours Inspection Fee	\$50/hr, minimum 2 hours
	Construction Trailer	\$50.00
	Permit Packet Assembly Administrative Fee	\$20.00/hour
	Work Performed without a Permit	Scheduled fee doubled
	<u>STAND ALONE PERMITS</u>	
	Certificate of Occupancy	\$100.00
	Certificate of Occupancy to Show	\$50.00
	Temporary Use or Seasonal Certificate of Occupancy (CO)	\$200.00 flat fee (valid up to six months)
	Fence Permit (Residential-over 6', Non-Residential and Subdivisions)	a. \$50.00 Single-Family (1 lot) b. \$50.00 + \$12.00/lot in Residential Subdivision (2 or more lots) c. \$100 Non-Residential and Multi-Family
	Retaining Wall Permit	\$100.00
	Demolition Permit	\$100.00
	Swimming Pool Permit	Above Ground: \$150.00 In-Ground \$300.00
	Spa Permit	\$100.00
	Backflow Annual Test	\$50.00
	Tents (for non-single-family premises/locations)	\$50.00
	Re-Roofing	a. \$50.00 (Single-Family and Two-Family) b. \$100 (Multifamily and Non-residential)
	Foundation Repair	\$50.00
	Siding (New or Replacement)	\$50.00
	Window/Door Replacement	\$50.00
	Relocation of structures	\$50.00
	Other, Unlisted (Outdoor Kitchens, Fire Pits, etc.)	\$50.00
	Work Performed without a Permit or Operating without a CO	Scheduled fee doubled

RESTAURANT INSPECTION FEES:	
\$0.00 - \$49,999.99	\$200 Annual Fee
\$50,000.00 - \$149,999.99	\$300 Annual Fee
\$150,000.00 - or more	\$400 Annual Fee
Late Fee	\$50.00
Re-inspection Fee	\$50.00
Temporary Event (Maximum 14 days)	\$40 per vendor
Seasonal Event (Maximum 180 days)	\$100.00
Schools, Daycares, and Nursing Homes	\$100.00
REGISTRATION OF CERTIFIED FOOD MANAGER	
Certified Food Manager Certification	\$10.00 per year
FOOD ESTABLISHMENT PLAN REVIEW FEE SCHEDULE (BASED ON SQUARE FOOTAGE OF PROPOSED)	
0 - 500 square feet	\$50.00
501 - 1,000 square feet	\$100.00
1,001 - 5,000 square feet	\$200.00
5,001 - 10,000 square feet	\$250.00
10,001 - or more	\$300.00
PUBLIC SWIMMING POOL & SPAS OPERATING PERMITS	
Swimming Pool (Outdoor)	\$200 Annual Fee
Spa (Outdoor)	\$100 Annual Fee
Swimming Pool (Year Round)	\$300.00
Spa (Year Round)	\$150.00
Plan Review Fee	\$150.00
Certified Pool Operator's Registration	Proof of Registration
Late Fee for Annual Pool and/or Spa Permit	\$50.00
*Permit Fee doubled for not obtaining or working without a Permit. (Does not include fines or fees set by court)	
CODE ENFORCEMENT FEES**	
**If the City has to abate a violation of the Decatur Code of Ordinance on private property, a lien will be placed on that property through the Wise County Clerk's Office. The lien will be filed in the amount needed to recover any of the fees, penalties and expenses listed under this section.	
MOWING	
Administrative Fee	\$150.00
Contractor Cost	Cost of Abatement
Penalty	10% per year for Each Occurrence
SUBSTANDARD BUILDING	
Demolition	
Administrative Fee	\$250.00
Contractor Cost	Cost of Abatement
Penalty	10% per year for Each Occurrence
Trash	
Administrative Fee	\$150.00
Contractor Cost	Cost of Abatement
Penalty	10% per year for Each Occurrence
Securing Vacant Structures	
Administrative Fee	\$150.00
Contractor Cost	Cost of Abatement
Penalty	10% per year for Each Occurrence
C	SIGN PERMITS AND FEES:
Permit Fee	\$1.50 s.f.
Plan Review Fee	30% of Sign Permit Fee
Sign Reface Review Fee	\$35.00
Application Fee	\$35.00
Work Performed without a Permit	Scheduled fee doubled
*Permit Fee doubled for not obtaining or working without a Permit. (Does not include fines or fees set by court)	
D	FIRE MARSHAL'S OFFICE - CONSTRUCTION AND MODIFICATION PERMITS:
New or Modification to Sprinkler Systems:	
	50% of Permit Fee (not to exceed
1. Plan Review	\$250.00)
2. Permit	\$50.00
Per sprinkler head	\$1.00
If fire pump add	\$25.00
If includes foam add	\$25.00
Multistory/per floor	\$25.00

New or Modification to Fire Alarm Systems:	
1. Plan Review	50% of Permit Fee (not to exceed \$250.00)
2. Permit	\$50.00
Per initiation device	\$1.00
Multistory/per floor	\$25.00
New or Modification to Fire Suppression Systems:	
1. Plan Review	50% of Permit Fee (not to exceed \$25.00)
2. Permit	\$25.00
Per Nozzle	\$1.00
New or Modification to Standpipe Systems:	
1. Plan Review	\$25.00
2. Permit	\$50.00
New or Modification to any LP-Gas or Flammable or Combustible Liquid Tanks or systems	
1. Permit	\$50.00
*Permit Fee doubled for not obtaining or working without a Permit. (Does not include fines or fees set by court)	
E	POLICE DEPARTMENT:
Administrative Fees - cost of copies of public information	See Tbl2 TX Admin Code
Accident/Offense Reports	\$6.00
Fingerprinting	\$10.00
Vehicle Impoundment	\$20.00 per day + state tax
Noise Ordinance Variance Application	\$25.00
Wrecker Fee	\$125.00
F	WATER RATES:
Residential	
Base	\$17.59 Base
0 - 2,000 gallons	\$1.84 Per 1,000 gallons + base
2,001 - 8,000	\$3.91 Per 1,000 gallons + base
8,001 - 20,000	\$4.49 Per 1,000 gallons + base
20,001 - 50,000	\$5.16 Per 1,000 gallons + base
50,001 + gallons	\$5.94 Per 1,000 gallons + base
Commercial (Meters Less than 2")	
Base	\$19.43 Base
0 - 2,000 gallons	\$2.36 Per 1,000 gallons + base
2,001 - 8,000	\$4.07 Per 1,000 gallons + base
8,001 - 20,000	\$4.48 Per 1,000 gallons + base
20,001 - 50,000	\$4.93 Per 1,000 gallons + base
50,001 + gallons	\$5.41 Per 1,000 gallons + base
Commercial (2" Meters)	
Base	\$63.79 Base
0 - 2,000 gallons	\$2.36 Per 1,000 gallons + base
2,001 - 8,000	\$4.07 Per 1,000 gallons + base
8,001 - 20,000	\$4.48 Per 1,000 gallons + base
20,001 - 50,000	\$4.93 Per 1,000 gallons + base
50,001 + gallons	\$5.41 Per 1,000 gallons + base
Commercial (Meters Greater than 2")	
Base	\$127.58 Base
0 - 2,000 gallons	\$2.36 Per 1,000 gallons + base
2,001 - 8,000	\$4.07 Per 1,000 gallons + base
8,001 - 20,000	\$4.48 Per 1,000 gallons + base
20,001 - 50,000	\$4.93 Per 1,000 gallons + base
50,001 + gallons	\$5.41 Per 1,000 gallons + base
G	BULK WATER RATE:
Per 1,000 gallons	\$5.00
H	WATER DEPOSIT:
¾ Meter	\$50.00
1-Inch Meter and Larger	\$100.00
Transfer Fee	\$10.00

I	ADDITIONAL WATER FEES:		
	Disconnected due to non-payment	\$50.00	
	Late Fee	10% penalty	
	Payment Extension Fee	\$5.00	
	List Fee	\$50.00	
	Reconnection Fee	\$100.00	
J	WASTEWATER/SEWER RATES:		
	Flow calculated based on an average water usage for December, January and February		
	Residential		
	Base	\$17.33 Base	
	0 - 2,000 gallons	\$1.84 Per 1,000 gallons + base	
	2,001 - 50,000+ gallons	\$2.41 Per 1,000 gallons + base	
	Commercial		
Base	\$22.05 Base		
0 - 2,000 gallons	\$2.36 Per 1,000 gallons + base		
2,001 - 50,000+ gallons	\$3.09 Per 1,000 gallons + base		
K	GARBAGE RATES:		
	Residential		
	Effective Feb 1, 2011	Rate Adjustment in Accordance with Contract for refuse services (approved 11-10-2008 5.66 percent)	\$11.94 + \$3.68 +1.26 tax =\$16.91
	Effective Jan 1, 2012	Rate Adjustment in Accordance with Contract for refuse services (approved 11-10-2008 5.66 percent)	\$12.38 + \$3.81 +1.34 tax =\$17.53
	Commercial		
	Hand Collect - 96 gallon cart		\$21.57
	Hand Collect - per additional cart		\$6.22
	Hand Recycling - 96 gallon cart		\$10.37
	Hand Recycling - per additional cart		\$5.00
	Rate Schedule		
	Lifts Per Week	1 2 3 4 5	Extra-Lifts
	2 Cubic Yards	65.43 115.13 178.89 244.31 309.75	23.80
	3 Cubic Yards	70.41 119.26 188.82 259.23 329.63	36.50
	4 Cubic Yards	82.41 139.98 221.96 304.37 386.78	50.77
	6 Cubic Yards	93.18 158.59 249.16 342.35 435.54	57.13
	8 Cubic Yards	105.61 179.72 284.88 390.50 496.11	57.13
	8 Cubic Yards Recycling 77.74		57.13
	Containers w/ Casters \$13.57 Containers w/Locks or Gates \$9.04		
	Roll Off Rate Schedule		Roll Off Open Tops Roll Off Compactors
		Haul Delivery Daily Rent	Dry-Runs
	20 Cubic Yards	469.27 114.76 3.06	93.42
	30 Cubic Yards	540.16 114.76 3.06	93.42
	40 Cubic Yards	611.35 114.76 3.06	93.42
20 Cubic Yds Sludge 667.33			
L	Household Hazardous Waste Disposal - Voucher		
		\$50	
M	GARBAGE BAGS:		
		\$8.00 per box	
N	CONVENIENCE CENTER FEES:		
	Pick-up load	\$10.00	
	Trailers (over 8 feet long)	\$40.00	
O	LICENSES/PERMITS:		
	Oil and Gas Drilling Permit Review and Inspection	\$3,500.00	
	Solicitors Permit	\$40.00	
	Garage Sale Permit	\$2.00	
	Beer and Wine Sales Permit	\$50.00	
P	RETURNED CHECK FEE:		
		\$25.00	
Q	PUBLIC INFORMATION REQUEST:		
		See Table 2: TX Admin Code	
R	PARKS & RECREATION FEES:		
	Ball Field Reservation per park (all day)	\$75.00 plus \$50.00 per team	
	Pavilion Reservation/Rental (1/2 day)	\$40.00	
	Usage Fee (Organized League per season, i.e. Little League, Pee Wee, Youth Leagues generally)	\$5.00 per participant	
S	MUNICIPAL AIRPORT FEES:		
	Open Tee Hangar	\$65.00 per hangar	
	Enclosed Tee Hangar	\$180.00 per hangar	
	Hangar 10	\$250.00 per hangar	
	Office Space/Hangar	\$75.00 per office	
	Large Maintenance Hangar	\$250.00	
	Terminal Building	\$450.00	
	Fuel Flowage Fee	0.05 per gallon of JetA/100LL Avgas	

	Flight Line Monthly Tie Down Fee	\$40	
	Support Trailers	Per contract	
	Transient Daily Tie Down Fee	\$5.00 single and \$10.00 twin or jet (note: one day fee waived if fuel is purchased)	
	Commercial Hangar Land Lease Rates	\$0.10 annual payment per square foot	
T	WATER TAPS & REGULATORS:	Regulator, if required	
	¾ Inch Tap	\$600.00 \$75.00	
	1 – Inch Tap	\$750.00 \$100.00	
	1 ½ Inch Tap	\$1,100.00 \$475.00	
	2 – Inch Tap	\$1,250.00 \$575.00	
	Fees do not include cost of meter, meter box, riser or other misc parts An additional charge of \$150.00 will be assessed if the street has to be cut or a bore has to be made to make the tap.		
U	SEWER TAP:	\$750.00	
	An additional charge of \$150.00 will be assessed if the street has to be cut or a bore has to be made to make the tap		
V	WATER & SEWER METER/IMPACT FEES:		
	Water Meter Size	Meter Fee	Water
	3/4" PD	\$250	\$856
	1" PD	\$350	\$1,426
	1 1/2" PD	\$650	\$2,852
	2" PD	\$850	\$4,563
	2" Compound	*	\$4,563
	2" Turbine	*	\$5,704
	3" Compound	*	\$9,126
	3" Turbine	*	\$13,689
	4" Compound	*	\$14,259
	4" Turbine	*	\$23,955
	6" Compound	*	\$28,518
	6" Turbine	*	\$52,473
	8" Compound	Not Applicable	\$45,628
	8" Turbine	*	\$91,257
	10" Turbine	*	\$142,589
	PD = Positive Displacement Meter (Typical residential meter) *Meter fee for meters larger than 2" will be charged the actual cost of furnishing/installing. Required deposit will be based on City Engineer's cost estimate and determined prior to construction.		
W	PLANNING & ZONING APPLICATION & PERMIT FEES:		
	Pre-Application Conference		
	Pre-Application Conference (Mandatory unless waived by DRC Chairman)	Single-Family and Two-Family: \$100.00 All Others (including subdivisions): \$250.00 (Fees credited towards other fees if project moves forward within 6 months of conference date)	
	Plats		
	Conveyance or Development Plat	Single-Family & Two-Family: \$100.00 + \$3.00/lot All Others: \$150.00 + \$5.00/acre	
	Preliminary or Final Plat	Single Family & Two Family: \$100.00 + \$4.00/lot All Others: \$200.00+ \$10.00/acre	
	Replat	Single-Family and Two-Family: \$150.00 + \$4.00/lot (plus Notification Fees) All Others: \$200.00 + \$10.00/acre	
	Minor Plats (4 lots or less)	\$150.00 + \$4.00/lot	
	Extension of Time for Plat	\$25.00	
	Vacation of Plat	\$150.00	
	Amending Plat (Administrative Review)	Single-Family and Two-Family: \$100.00 + \$4.00/lot All Others: \$200.00 + \$10.00/acre	

Variances	
Variance to Subdivision Regulations	\$75.00
Variance to Design Standards	\$75.00
Variance to Sign Regulations	\$75.00
Zoning Board of Adjustment Variance	\$150.00 (+ Notification Fees)
Zoning & Land Use	
Annexation Petition	\$300 (+ Notification and Publication Fees)
Comprehensive Plan Amendment	0-5 acres: \$300.00 6-25 acres: \$400.00 ≥26 acres: \$600 + \$50.00/acre
Special Use Permit	\$150.00 (+ Notification Fees)
Zoning Change (includes PD Concept Plans)	\$150.00 (+ Notification Fees)
Zoning Verification Letter	\$25.00 (plus \$5.00 per additional request)
Special Exception (requires City Council action)	\$150.00 (+ Notification Fees)
Oil and Gas Well Drilling Permit Review and Inspection	\$3,500.00
Oil and Gas Well Drilling Annual Inspection and Re-inspection Fee	Current rate as charged by the Oil and Gas Inspector
Plan Review	
Tree Removal	\$50.00
Non-Single-Family (NSF) Plan Review—Not submitted as part of a recently approved plat (Plan Review Application must be submitted within 24 months of plat being filed for fee to be waived)	\$250.00 (Planning's review fee only...separate Building Inspections and Fire Plan Review fees may also apply)
Single-Family Plan Review—Not submitted as part of a recently approved plat (Plan Review Application must be submitted within 24 months of plat being filed for fee to be waived)	\$100.00 (Planning's review fee only...separate Building Inspections and Fire Plan Review fees may also apply)
Plan Amendment Review (Includes Additional Plan Review for Building Permit Applications and Planning Applications required due to changes, additions or revisions to plans)	Additional \$50.00 per amendment or resubmittal review, per Single-Family and Two-Family lot
	Additional \$100.00 per amendment, per Multi-Family, Residential Subdivisions (Two or more lots) and Non-residential Development
Notification Fees	
Notification Fees (legal, advertising and property owners within 200')	230.00
Ordinance Publication Fees (Annexations)	To be calculated once Ordinance language drafted
Right-of-Way Fees	
Street / Alley / ROW Abandonment Request	\$150 plus Wise County Clerk's filing fees
ROW Use Agreement Request	
Landscaping Fees	
Tree Removal (New Construction/Development only)	Cost to remove protected tree, per caliper inch 5-9" \$ 500.00 10-14" \$1,000.00 15-24" \$2,400.00 25"+ \$2,500.00
Miscellaneous Permits & Fees	
Clearing and Grading Permit	\$50.00
TxDOT permit and access location review, if City applies for permit	\$50.00 per driveway
Construction Inspection Fees (Ord. 6-98)	4% of cost for construction of improvements

Plat Filing Fees		\$55.00 minimum (additional fees may be charged for additional paperwork) plus current fee for seven (7)- 24x36 black line copies
Sale of Document		
Copies	Black & White	Color
8 ½ x 11	\$0.10/pg	\$2.00/pg
8 ½ x 14	\$0.15/pg	\$3.00/pg
11 x 17	\$0.25/pg	\$5.00/pg
24 x 36	\$6.00/pg	\$10.00/pg
36 x 36	\$10.00/pg	\$15.00/pg
36 x 48	\$15.00/pg	\$20.00/pg
> 36 x 48	\$20.00/pg	\$30.00/pg
Fax	\$1.00 per page – send/receive	
Archiving Fee	\$5.00/pg	
Custom maps	\$15.00 per hour (\$15 minimum)	
Communication Ordinance	\$1.50	
Design Standards	\$5.00	
Oil and Gas Ordinance	\$5.00	
Sign Ordinance	\$1.00	
Subdivision Ordinance	\$4.00	
Zoning Ordinance	\$10.00	
Water-Sewer-Drainage map books	\$75.00	
City Street Grid map books	\$75.00	
X	LIBRARY:	
	FINES:	
Overdue Books	\$.20 per day (Maximum \$20.00)	
Overdue Videos	\$1.00 per day (Maximum \$20.00)	
	FEES:	
Computer Printouts	\$0.20 per page, Internet, etc.	
Copier Use	\$0.20 per page 8 ½ x 11	
Fax	\$1.00 per page – send/receive	
Public Color Printing	\$0.40 per page 8 ½ x 11	
Interlibrary Loan	\$2.00 Item Return postage	
Library Cards	\$2.00 replacement of lost card	
Lost Book	\$10.00 each – processing fee + cost of book	
Meeting Room Rental	\$25.00 non-profit group	
Postage (overdue notices)	\$2.00 each notice sent	

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	\$50.00 per hour
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

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.

(N) 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.

(4) 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 and Archives Commission for information on the microfiche or microfilm.

(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.

(3) 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 8567; 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, 1998, 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