ORDINANCE NO. 26-0016A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINITY, TEXAS, AMENDING THE BUILDING AND CONSTRUCTION ORDINANCE, CHAPTER 3. ESTABLISHING BUILDING PERMIT REQUIREMENTS, BUILDING PERMIT FEES, COMMERCIAL PLAN REVIEW FEES, CONTRACTOR REQUIREMENTS, CONTRACTOR REGISTRATION, INSPECTION PROCEDURES, PLAN REVIEW REQUIREMENTS, CERTIFICATES OF OCCUPANCY, REINSPECTION FEES, PERMIT PENALTIES, STOP WORK ORDERS, AND ENFORCEMENT PROCEDURES; PROVIDING FOR BUILDING, ROOFING, ACCESSORY STRUCTURE, MANUFACTURED HOME, DEMOLITION, TRADE, AND COMMERCIAL PERMITS; PROVIDING REQUIREMENTS FOR CHANGES IN OCCUPANCY OR USE; PROVIDING FOR CONCEALED WORK AND WORK PERFORMED WITHOUT A PERMIT; PROVIDING FOR THIRD-PARTY PLAN REVIEW AND INSPECTIONS; ESTABLISHING FEE'S FOR THE CUSTOMER SERVICE INSPECTION AS OUTLINED IN ORDINANCE 25-0005. PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MATTERS RELATED THERETO. WHILE KEEPING ALL OTHER INFORMATION IN CHAPTER 3 THAT DOES NOT CONFLICT WITH SAID AMENDMENT.

WHEREAS, the City Council of the City of Trinity, Texas, finds that it is necessary to establish uniform permit requirements, building permit fees, contractor requirements, inspection procedures, plan review procedures, and enforcement provisions to protect the public health, safety, and welfare of the citizens of the City of Trinity; and

WHEREAS, the City Council finds that reasonable permit fees are necessary to recover the City's, plan review, and inspection costs associated with construction activities within the City; and

WHEREAS, the City Council further finds that the adoption of this Ordinance promotes safe construction practices, provides consistent permitting procedures, and establishes fair and reasonable permit fees for construction activities within the City; and

WHEREAS, the City Council desires to establish clear procedures for the issuance and administration of construction permits and the inspection of construction work within the City of Trinity; and

WHEREAS, the City Council desires to establish procedures for determining compliance when a building or structure is constructed, altered, repaired, enlarged, demolished, or placed into a new occupancy or use.

SECTION 1. PURPOSE

This Ordinance establishes permit requirements, permit fees, contractor requirements, contractor registration, plan review procedures, inspection procedures, certificates of occupancy, and enforcement regulations for construction activities within the City of Trinity.

All construction regulated by this Ordinance shall comply with the City's adopted Building and Construction Code and all other applicable construction, fire, life-safety, electrical, plumbing, mechanical, energy, and safety codes adopted or enforced by the City, to the extent permitted by law.

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings provided below:

A. "Building Official" means the person designated by the City of Trinity to administer and enforce the City's adopted building codes, construction regulations, and this Ordinance, together with any duly authorized representative acting under the Building Official's authority.
B. "Code Enforcement Officer" means a person designated by the City of Trinity to enforce applicable City ordinances and regulations within the scope of the authority granted by the City.
C. "Construction Documents" means plans, specifications, drawings, calculations, reports, and other documents submitted to the City for purposes of demonstrating compliance with applicable codes and ordinances.
D. "Permit" means an official authorization issued by the City allowing specified construction, alteration, repair, demolition, installation, or other regulated work to proceed.
E. "Certificate of Occupancy" means a certificate issued by the City establishing that a building or structure has satisfied the applicable requirements for occupancy or use.
F. "Change of Occupancy or Use" means a change in the classification, purpose, character, or use of a building or portion thereof that requires evaluation under the City's adopted codes or applicable law.

SECTION 3. BUILDING PERMITS REQUIRED

A. No person shall construct, enlarge, alter, repair, relocate, demolish, or structurally modify any building or structure within the City of Trinity without first obtaining any permit required by this Ordinance or the City's adopted codes.

B. Permits shall be required for, including but not limited to:
1. New residences
2. Residential additions
3. Commercial buildings
4. Commercial additions
5. Garages
6. Carports
7. Decks
8. Covered decks
9. Porches
10. Covered porches
11. Lean-tos
12. Patio covers
13. Storage buildings
14. Shops
15. Gazebos
16. Pavilions
17. Manufactured home placement
18. Demolition
19. Swimming pools
20. Signs when otherwise required by City ordinance
21. Any structural alteration regulated by the City's adopted building codes.

C. The issuance of a permit shall constitute authorization to perform only the work specifically described in the permit and approved construction documents.

SECTION 4. PERMIT EXEMPTIONS

A. Unless otherwise required by the City's adopted building codes, a permit shall not be required for ordinary maintenance, painting, wallpapering, floor coverings, cabinetry, or other cosmetic work that does not involve structural, electrical, plumbing, mechanical, gas, or fire protection systems.
B. Nothing in this section shall exempt work that affects life safety, structural integrity, or any work for which a permit is otherwise required by the City's adopted codes or applicable law.
C. The Building Official shall have authority to determine whether proposed work qualifies for an exemption when the applicability of a permit requirement is unclear.

SECTION 5. BUILDING PERMIT, PLAN REVIEW FEES AND CSI INSPECTIONS

A. RESIDENTIAL BUILDINGS

The following permit fees shall apply to residential buildings:

Project Size	Permit Fee
Up to 500 sq. ft.	$150.00
501–1,000 sq. ft.	$250.00
1,001–2,000 sq. ft.	$400.00
2,001–3,000 sq. ft.	$550.00
Over 3,000 sq. ft.	$550.00 plus $0.15 per square foot over 3,000 sq. ft.

B. RESIDENTIAL ACCESSORY STRUCTURES

This fee schedule applies to decks, covered decks, porches, covered porches, lean-tos, patio covers, carports, gazebos, and pavilions.

Project Size	Permit Fee
Up to 200 sq. ft.	$75.00
201–500 sq. ft.	$125.00
501–1,000 sq. ft.	$200.00
Over 1,000 sq. ft.	$200.00 plus $0.10 per square foot over 1,000 sq. ft.

C. STORAGE BUILDINGS, SHOPS, AND DETACHED GARAGES

Project Size	Permit Fee
Up to 200 sq. ft.	$100.00
201–500 sq. ft.	$150.00

501–1,000 sq. ft.	$250.00
Over 1,000 sq. ft.	$250.00 plus $0.10 per square foot over 1,000 sq. ft.

D. COMMERCIAL BUILDINGS

Project Size	Permit Fee
Up to 1,000 sq. ft.	$500.00
1,001–2,500 sq. ft.	$750.00
2,501–5,000 sq. ft.	$1,000.00
Over 5,000 sq. ft.	$1,000.00 plus $0.20 per square foot over 5,000 sq. ft.

E. RESIDENTIAL ALTERATIONS, REPAIRS, REMODELING OR RECONSTRUCTION:

Residential Alterations, Repairs, Remodeling, Reconstruction, or Renovation. The building permit fee for residential work requiring a building permit under this Ordinance shall be $100.00 or $0.25 per square foot of the area directly affected by the work, whichever amount is greater.

F. COMMERCIAL PLAN REVIEW FEE

1. A commercial plan review fee shall be assessed for commercial construction projects requiring review of construction documents, plans, specifications, engineering documents, or other materials by the City.
2. The commercial plan review fee shall be fifty percent (50%) of the applicable commercial building permit fee established under Subsection D of this Section.
3. The minimum commercial plan review fee shall be $250.00.
4. The maximum commercial plan review fee shall be $5,000.00.
5. The commercial plan review fee shall be due and payable at the time the commercial building permit application is submitted or before final approval of the permit, as determined by the Building Official.
6. The commercial plan review fee is separate from and in addition to the applicable commercial building permit fee and any applicable trade permit, Certificate of Occupancy, third-party review, inspection, or other fees established by this Ordinance.
7. When the City determines that specialized engineering review, plan review, testing, inspection, or other professional services by a third-party provider are necessary, the applicant shall also be responsible for the actual cost of such services as provided in Section 19 of this Ordinance.
8. Payment of a plan review fee does not constitute approval of the submitted plans and does not guarantee issuance of a building permit. All proposed construction remains subject to compliance with the City's adopted codes, ordinances, approved construction documents, and applicable law.
9. If revised construction documents are submitted after the initial plan review and the revisions constitute a substantial change to the proposed construction, occupancy, structural system, fire protection system, means of egress, accessibility, or other significant code-related feature, the Building Official may require an additional plan review fee based upon the actual additional review required, provided that the total plan review fees for the project shall not exceed the maximum fee established in this subsection.
10. Minor revisions or corrections requested by the Building Official during the normal plan review process shall not be subject to an additional plan review fee.

G. Customer Service Inspection (CSI) Fees

In addition to applicable building permit, plan review, plumbing inspection, and other fees established in this ordinance and 25-0005, the City shall assess the following fees for Customer Service Inspections (CSI) required under the City's adopted Backflow Prevention and Cross-Connection Control Ordinance 25-0005.

1. Residential Customer Service Inspections. A fee of $75.00 shall be assessed for a Customer Service Inspection associated with new residential construction, alterations, or remodeling projects when a Customer Service Inspection is required under applicable City ordinances and state regulations.
2. Commercial Customer Service Inspections. A fee of $125.00 shall be assessed for the first hour of a Customer Service Inspection associated with new commercial construction, alterations, remodeling, or other commercial projects requiring a Customer Service Inspection.
3. Additional Commercial Inspection Time. When a commercial Customer Service Inspection exceeds the first hour, additional inspection time shall be charged at $50.00 per hour, prorated in thirty-minute increments at $25.00 per half-hour.
4. Qualified Inspector. All Customer Service Inspections shall be performed by an individual qualified and authorized under applicable Texas Commission on Environmental Quality (TCEQ) requirements.
5. Scope and Applicability. The fees established in this subsection apply only to Customer Service Inspections performed by or on behalf of the City and required under the City's adopted Backflow Prevention and Cross-Connection Control Ordinance 25-0005. These fees are separate from building permit fees, plan review fees, plumbing inspection fees, and backflow prevention assembly testing fees. The City shall maintain a reasonable cost basis for these charges.

Nothing in this subsection shall independently expand the circumstances under which a Customer Service Inspection is required. Inspection requirements shall be governed by the City's adopted Backflow Prevention and Cross-Connection Control Ordinance and applicable state law.

SECTION 6. SPECIALTY PERMITS AND FEES

The following specialty permit fees shall apply:

Permit	Fee
Roofing Permit – Re-roof Only / Includes limited structural repairs to the roof when the entire roof is not done.	$100.00
Manufactured Home Placement	$200.00
Residential Demolition	$100.00
Commercial Demolition	$200.00
Fence Permit	$75.00
Swimming Pool Permit	$100.00
Sign Permit	$100.00
Certificate of Occupancy	$100.00
Temporary Certificate of Occupancy	$50.00

A separate Roofing Permit shall not be required when roofing work is performed as part of a project covered by a valid Building Permit.

All commercial buildings requiring a Certificate of Occupancy shall be assessed the applicable Certificate of Occupancy fee or Temporary Certificate of Occupancy fee.

SECTION 7. TRADE PERMITS

A. Separate permits shall be required, where applicable, for:
1. Electrical
2. Plumbing
3. Mechanical/HVAC
4. Irrigation
5. Gas piping
6. Fire alarm systems
7. Fire sprinkler systems
8. Commercial kitchen hood suppression systems

B. A general Building Permit shall not be construed to authorize work for which a separate trade permit is required.

C. The fee for each standard trade permit shall be $100.00.

D. Fire alarm, fire sprinkler, and commercial kitchen hood suppression permits shall be $125.00 each.

E. Nothing in this section shall be interpreted as creating, modifying, or superseding any state occupational licensing requirement.

SECTION 8. CONTRACTOR REQUIREMENTS AND REGISTRATION

A. Except as otherwise authorized by Texas law, any permit for work requiring a state-issued occupational license shall be obtained by a contractor currently licensed by the State of Texas in the applicable trade.

B. Prior to permit issuance, contractors shall provide, when applicable:
1. A current State of Texas license.
2. A certificate of insurance.

C. Contractor registration shall be an administrative registration requirement and shall not be construed as the City creating or issuing a state occupational license.

D. Nothing in this Ordinance shall prohibit a property owner from obtaining a permit and performing work on property owned and occupied by the owner when such work is authorized by Texas law and when all required permits, inspections, and applicable code requirements are satisfied.

E. When a contractor is required by state law to hold a license for a particular trade, the City may require evidence of that license before issuing the applicable permit.

SECTION 9. PERMIT APPLICATIONS

Permit applications shall include, when applicable:

1. A site plan
2. Construction plans
3. Estimated project valuation
4. Contractor information
5. Property owner information
6. Proposed occupancy classification or use
7. Proposed occupant load when required by the applicable codes
8. Applicable engineering documents
9. Applicable fire protection or life-safety information
10. Any additional information reasonably required by the Building Official to determine compliance with applicable City ordinances and adopted codes.

SECTION 10. PLAN REVIEW AND APPROVED CONSTRUCTION DOCUMENTS

A. Construction documents shall be submitted to the City when required by the City's adopted codes or determined necessary by the Building Official.
B. The Building Official shall review submitted construction documents for compliance with applicable City ordinances and adopted codes.
C. When plans are required, construction shall be performed in substantial accordance with the approved construction documents.
D. No person shall make a material change to approved construction documents without obtaining approval from the Building Official when such change affects compliance with applicable codes, occupancy, structural design, fire protection, means of egress, accessibility, utilities, or other life-safety requirements.
E. The Building Official may require revised plans, supplemental documents, engineering information, or other documentation when field conditions or proposed changes indicate that the approved construction documents no longer accurately represent the work being performed.
F. Approval of construction documents shall not constitute a determination that every aspect of construction will comply with applicable law if conditions encountered in the field differ from the approved documents.

SECTION 11. INSPECTIONS

A. Required inspections may include, as applicable:
1. Foundation
2. Underground utilities
3. Framing
4. Electrical rough-in
5. Plumbing rough-in
6. Mechanical rough-in
7. Gas test
8. Insulation
9. Roofing
10. Fire and life-safety inspections when applicable
11. Accessibility inspections when applicable
12. Final inspection.

B. The Building Official may require additional inspections when reasonably necessary to determine compliance with this Ordinance, approved construction documents, the City's adopted codes, or applicable law.
C. No portion of construction work shall be concealed prior to completion of any required inspection.
D. The person responsible for the work shall provide reasonable access to the work for purposes of inspection, subject to applicable law and any required consent, warrant, or other lawful authority for entry.
E. Failure to make required work accessible for inspection may result in a requirement to uncover or expose the work at the owner's or contractor's expense.

SECTION 12. CHANGE OF OCCUPANCY OR USE

A. No person shall change the occupancy or use of a building or portion thereof when the proposed change requires review under the City's adopted codes without first obtaining any required approval or Certificate of Occupancy.
B. A change of occupancy or use may require review of:
1. Occupancy classification
2. Occupant load

3. Means of egress
4. Exit requirements
5. Fire-resistance requirements
6. Fire protection systems
7. Fire alarm systems
8. Accessibility requirements
9. Plumbing facilities
10. Electrical requirements
11. Mechanical systems
12. Structural requirements
13. Other requirements established by applicable adopted codes.

C. The Building Official may require construction documents or other information necessary to determine whether the proposed occupancy or use complies with applicable requirements.
D. The use or occupancy of a building shall not be changed in a manner that creates a violation of the City's adopted codes or applicable law.

SECTION 13. CERTIFICATES OF OCCUPANCY

A. No commercial building or structure requiring a Certificate of Occupancy shall be occupied or used for its intended purpose until all required inspections have been completed and a Certificate of Occupancy has been issued by the Building Official.
B. A Certificate of Occupancy shall not be issued until the Building Official determines that applicable construction work and required inspections have been completed in substantial compliance with the City's adopted codes, approved construction documents, and applicable ordinances.
C. A Certificate of Occupancy may identify the approved occupancy classification, approved use, occupant load when applicable, and any conditions applicable to the occupancy.
D. A Temporary Certificate of Occupancy may be issued when authorized by the Building Official and when the requirements for temporary occupancy have been satisfied.
E. Occupancy of a building without a required Certificate of Occupancy shall constitute a violation of this Ordinance.

SECTION 14. REINSPECTIONS

A. The first inspection requested for each applicable phase of construction shall be included in the applicable building permit fee.
B. When an additional inspection is required because work failed an inspection, required work was incomplete, corrections identified during a prior inspection were not completed, or work was not accessible for inspection, a reinspection fee of $100.00 per additional inspection shall be assessed.
C. A reinspection fee shall not be assessed when an additional inspection is required solely because of an error or scheduling issue attributable to the City, or when the additional inspection is requested by the Building Official for purposes other than verifying corrections to previously identified deficiencies.
D. The City shall identify the reason for the reinspection and the applicable fee to the permit holder or responsible party. The reinspection fee shall be paid before the reinspection is performed, unless otherwise authorized by the Building Official in accordance with applicable City procedures.
E. Payment of a reinspection fee does not relieve the owner, contractor, or other responsible party from correcting identified deficiencies or complying with applicable permits, approved construction documents, City ordinances, and adopted codes.

SECTION 15. WORK COMMENCED WITHOUT A PERMIT

A. Any person who commences work requiring a permit before obtaining the required permit commits a violation of this Ordinance and may be subject to a fine of $200.00, upon conviction or other lawful adjudication, as authorized by applicable law.

B. The applicable building permit fee shall remain due and payable regardless of whether the work commenced before the permit was obtained.
C. Payment of the building permit fee or imposition of a fine does not relieve the owner, contractor, or other responsible person from complying with applicable permit requirements, inspections, approved plans, or adopted codes.
D. The City shall enforce this section through the procedures authorized by applicable law. Nothing in this section authorizes collection of the fine as an automatic administrative charge solely upon application for or issuance of a permit.
E. The Building Official may require portions of work completed without required inspections to be uncovered, exposed, tested, or otherwise made available for inspection before approving the work.

SECTION 16. STOP WORK ORDERS

A. The Building Official or Code Enforcement Officer may issue a Stop Work Order whenever work is being performed in violation of this Ordinance, the City's adopted codes, an approved permit, approved construction documents, or other applicable City requirements.
B. A Stop Work Order may apply to all construction activity or only to a specific portion of the work, as determined appropriate by the issuing official.
C. Work subject to a Stop Work Order shall cease as directed in the Stop Work Order until the violation or deficiency has been corrected and authorization to resume work has been granted.
D. The issuance or release of a Stop Work Order does not waive any permit requirement, inspection requirement, code requirement, penalty, or other remedy available to the City.
E. Continuing construction work after a Stop Work Order has been issued shall constitute a separate violation of this Ordinance, subject to enforcement as authorized by law.

SECTION 17. CONCEALED WORK

A. Where construction work has progressed beyond the point at which required inspections can be completed, the Building Official may require the owner or contractor to uncover, expose, or otherwise make the work accessible for inspection.
B. The Building Official may require testing, engineering evaluation, documentation, or other reasonable measures to determine compliance when work cannot be inspected through ordinary means.
C. All costs associated with uncovering, exposing, testing, restoring, or correcting concealed work shall be the responsibility of the owner or contractor, as applicable.
D. No approval of concealed work shall be implied merely because the City did not inspect the work before it was concealed.

SECTION 18. PERMIT EXPIRATION

A. A permit shall expire if work has not commenced within one hundred eighty (180) days after issuance.
B. A permit shall also expire if work is suspended or abandoned for one hundred eighty (180) consecutive days unless an extension is approved by the Building Official.
C. A permit extension may be granted upon written request submitted to the Building Official before the permit expires.
D. The Building Official may establish reasonable conditions for any permit extension.

SECTION 19. THIRD-PARTY PLAN REVIEW AND INSPECTIONS

A. When specialized engineering review, plan review, testing, inspection, or other professional services are required and performed by a third-party provider on behalf of the City, the applicant shall reimburse the City for the actual cost of such services.
B. Such costs shall be in addition to any applicable permit or inspection fees established by this Ordinance.

C. Third-party review or inspection shall not relieve the owner, contractor, design professional, or other responsible party from compliance with applicable law, adopted codes, approved plans, or permit requirements.

SECTION 20. ENFORCEMENT

A. Violations of this Ordinance may result in one or more of the following remedies, as authorized by law:
1. Issuance of a Stop Work Order
2. Assessment of applicable fees or penalties
3. Requirement to obtain required permits
4. Requirement to correct or abate violations
5. Requirement to uncover or expose concealed work
6. Withholding of final approval when required inspections or corrections have not been completed.
7. Withholding of a Certificate of Occupancy when applicable requirements have not been satisfied.
8. Revocation or suspension of permits when authorized by law.
9. Municipal Court prosecution
10. Any other remedy available to the City under applicable law.

B. The City shall not be required to issue a Certificate of Occupancy, final approval, or other approval for work that has not satisfied applicable permit, inspection, code, or life-safety requirements.

C. Nothing in this Ordinance shall be construed to limit any other enforcement authority granted to the City, the Building Official, the Code Enforcement Officer, or other authorized City official by state law, City ordinance, or the City's adopted codes.

D. Each day a violation continues may constitute a separate violation when authorized by applicable law.

SECTION 21. ADMINISTRATIVE DETERMINATIONS AND APPEALS

A. A person aggrieved by a determination made by the Building Official under this Ordinance may request a written explanation of the determination.

B. Where an appeal process is established by the City's adopted building codes or other applicable City ordinance, the appeal shall be processed in accordance with that procedure.

C. Nothing in this section shall be construed to create an appeal right where none is authorized by applicable law or the City's adopted codes.

SECTION 22. NO WAIVER OF CODE REQUIREMENTS

The issuance of a permit, approval of plans, performance of an inspection, payment of a permit fee, or issuance of a Certificate of Occupancy shall not be construed as a waiver of any applicable requirement of state law, City ordinance, or adopted construction or safety code.
A permit or inspection approval shall apply only to the work and conditions reviewed by the City and shall not authorize work that is otherwise prohibited by applicable law.

SECTION 23. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance regardless of the invalidity of any one or more provisions.

SECTION 24. REPEALER

All ordinances, resolutions, or portions thereof adopted by the City of Trinity that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. All provisions not in conflict with this Ordinance shall remain in full force and effect.

SECTION 25. BUILDING PERMIT FEE REAUTHORIZATION

Building permit fees established by this Ordinance shall be subject to the reauthorization requirements of Texas Local Government Code Section 214.908, as amended. The City Council shall hold any required public hearing and reauthorize applicable building permit fees by vote within the time required by state law.

SECTION 26. PUBLICATION

The City Secretary is hereby directed to publish or cause to be published this Ordinance in the manner and within the time required by applicable law. The City shall retain documentation of the publication. This Ordinance shall take effect when the applicable statutory requirements for effectiveness have been satisfied.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Trinity, Texas, on this 15th day of October 2026.

Mayor – Billy Goodin _____

ATTEST: City Manager – Tracy Hutto _____