

ORDINANCE NO. 21-F-47

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES, ARTICLE V, WATER AND WASTEWATER CAPITAL RECOVERY FEES, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The City is authorized by its charter and Chapter 395 of the Local Government Code to impose impact fees, also referred to as Capital Recovery Fees. These fees are used to finance infrastructure that is demanded by new development.

WHEREAS, The Ordinance is being updated to clarify to the customer how impact fees are collected, as well as to ensure the City is collecting the appropriate amount of impact fees to support the infrastructure needed, due to growth; and

WHEREAS, As new development continues to grow in the City, demands are placed on the Water and Wastewater Systems to provide a safe and reliable water supply to its residents and businesses. Updating this Ordinance enables the City to collect appropriate, consistent, and fair impact fees to support the Water and Wastewater Systems. In addition, updating this Ordinance ensures the language is consistent with Chapter 395 and the internal processes of the City for ease of understanding for the customer.

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

Section 1. That Chapter 90, Article 5 be amended as set forth in Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. Pursuant to Section 4.09(e) of the City Charter, by vote of not less than two-thirds of the members of the City Council present at the meeting at which this Ordinance was first considered, the City Council has determined that an emergency exists which requires immediate action, and this Ordinance is hereby adopted on a single reading, and this Ordinance shall be effective upon the date hereof and any publication required by law.

PASSED, and APPROVED on first reading this the 9th day of November 2021

PASSED, APPROVED AND ADOPTED, on final reading this 7th day of December 2021

APPROVED:

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary