

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES BY ADOPTION OF A COMPREHENSIVE FEE SCHEDULE AND AMENDING VARIOUS CHAPTERS OF THE CITY CODE TO INCORPORATE SERVICE, PERMIT AND OTHER CITY FEES INTO THE FEE SCHEDULE; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, heretofore, city fees are stated throughout the city code; and this can cause an inconvenience to the council, staff, and the public, in accessing and reviewing city fees, particularly during budget adoption; and

WHEREAS, this can cause inconvenience to the council, staff, and the public, in accessing and reviewing city fees, particularly during budget adoption; and

WHEREAS, therefore, City Council deems it in the public interest to adopt a comprehensive fee schedule for publication in the city code; and

WHEREAS, it is the intent of City Council to incorporate those fees, not incorporated by this ordinance, into the fee scheduled by subsequent action; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

WHEREAS, City Council, finds, determines, and declares 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 as required by Chapter 551 of the Texas Government Code.

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

Section one. Code amendment. The City Code is hereby amended by adopting the Fee Schedule attached hereto as Appendix B to the Burnet Code of Ordinances.

Section two. Code amendment. City Code Chapter 1 (entitled "*Penalties, credit card processing fees and bad check fees*"), is hereby amended by replacing the existing language in its entirety with text that follows:

Sec. 1-6. General penalty for violations of Code.

- (a) Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or

wherever in such Code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not less than \$1.00 and not more than \$500.00 except:

- (1) A fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000.00; and
 - (2) A fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed \$4,000.00.
- (b) However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall constitute a separate offense.
- (c) The city may bring a civil action, as necessary, to enjoin any threatened violation of this Code for the protection of public health and safety.
- (d) Unless otherwise specifically set forth in the Code of Ordinances of the city, or in state law as adopted, allegations and evidence of culpable mental state are not required for proof of an offense for which the maximum fine is \$500.00 or less.

Section three. Code amendment. City Code Chapter 2 (entitled "*Administration*"), Article IV (entitled "*Officers and Departments*") is hereby amended by removing Division 5 (entitled "*Emergency Medical Services Department*") its entirety from therein and moving the fee schedule described in Sec. 2-100 to the fee schedule found in Appendix B of this Code.

Section four. Code amendment. City Code Chapter 10 (entitled "*Amusements and Entertainment*"), Section 10-30 (entitled "permits and inspections of sexually oriented businesses") subsection (9) is hereby amended by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) as follows:

(9) *Permit fee.* Each application for a permit, including renewal or transfer, shall be accompanied by an \$50.00 application fee as prescribed in the fee schedule found in Appendix B of this Code. Additionally, for each applicant identified thereon, there shall be an additional ~~\$25.00~~ fee as prescribed in the fee schedule found in Appendix B of this Code.

Section five. Code amendment. City Code Chapter 14 (entitled "*Animals*") is hereby amended as stated after each bullet point below:

- Section 14-9 (entitled "*Issuance of license; fee*") is hereby amended by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) as follows:

Sec. 14-9. Fees.

The fee schedule found in Appendix B of this Code ~~attached as Appendix "14-A"~~ shall apply to all animals within the city limit. It shall not be construed that the city be required to bear the costs of any animal that has an owner. The owner shall reimburse the city for any actual expenses and shall be responsible for all fees set forth in the fee schedule found in Appendix B of this Code ~~attached Appendix "14-A"~~. The City may recover all fees, costs, and damages incurred as a result of the animal as restitution in a criminal proceeding under the provisions of this chapter or the state statute in addition to a fine being charged. In extraordinary circumstances, certain fees related to redemption of impounded animals may be administratively waived for owners with supervisory approval and approval of the entity providing contract impound services, if any; or pay agreements reached between owners and animal control supervisor(s). Such administrative actions shall be guided by animal control's adopted policies and procedures.

- Section 14-125 (entitled "*certificate of registration of dangerous wild animals and other nondomestic animals on issuance of permit to operate circus or zoo*") is hereby amended by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) to subsection (f) as follows:
 - (f) Fee for circus/zoo registration and permit shall be according to the schedule established in the fee schedule found in Appendix B of this Code ~~Appendix "14-A"~~, and the permit shall expire one year from date of issuance and shall not be transferable. Major modifications or additions to such facilities' animal containment areas shall require a re-inspection and/or re-permitting of the circus or zoo. In such instances, the original application fee shall be collected.

- Section 14-141 (entitled "*impoundment generally*") is hereby amended by amending by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) to subsection (b) as follows:
 - (b) Owners of impounded pets are required to pay all fees related to the impoundment as set forth in the fee schedule found in Appendix B of this Code ~~in Appendix "14-A"~~.

- Section 14-143 (entitled "*redemption impounded animal*") is hereby amended by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) to subsection (a) as follows:
 - (a) Except as may be provided elsewhere in this chapter, the owner of any animal impounded in accordance with this chapter may reclaim, on any workday, such animal upon showing satisfactory proof of ownership and paying all impoundment fees and any other expenses incurred by the city or its agent in keeping the animal or attempting to locate the owner of the

animal. If the owner does not pay such fees, or some alternate fee satisfaction as provided for in the fee schedule found in Appendix B of this Code ~~section 14-9 of this chapter~~, the animal may be sold or otherwise disposed of by the city or its agent.

- Section 14-182 (entitled "*permits*") is hereby amended by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) to subsection (a) as follows:
 - (a) Permits shall be valid for one year from date of issuance. The permit fee shall be according to the schedule established in the fee schedule found in Appendix B of this Code ~~Appendix "14-A"~~.
- Appendix "14-A" is hereby removed from its existing location in the Code and moved to Appendix B of this Code.

Section six. Code amendment. City Code Chapter 26 (entitled "*Businesses*"), Article IV (entitled "*tree trimming services*") Section 26-84 (entitled "*Application for permit; fees; duration of permit*") subsection (b) is hereby amended by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) as follows:

- (b) Persons who desire to obtain a permit shall submit a completed permit application in the form provided by the city and payment of the permit fee established in the fee schedule found in Appendix B of this Code to the building official or designee by personal delivery, or by facsimile or email if ~~submitted at least 24 hours~~ at least one business day prior to the time at which tree trimming services commence. Incomplete applications shall not be accepted. The permit application shall contain the address at which tree trimming services will be performed, the name of the person requesting tree trimming services, the date(s) services will be provided, and the method by which brush, branches, limbs, trees, leaves, and other tree trimmings will be removed from the property and disposed of.

Section seven. Code amendment. City Code Chapter 78 (entitled "*Peddlers and Solicitors*"), Section 78-50 (entitled "*fees*") is hereby amended by replacing the existing language it its entirety with text that follows:

Sec. 78-50. Fee.

Before any permit shall be issued under the provisions of this article, the applicant therefore shall pay a fee, based upon the time period he desires to engage in business in the city, as provided in the fee schedule found in Appendix B of this Code.

Section eight. Code amendment. City Code Chapter 83 (entitled "*Recreational Vehicle and Travel Trailer Parks*"), Section 83-35 (entitled "*License fees*") is hereby amended by replacing the existing language it its entirety with text that follows:

Sec. 83-35. License Fee.

Annual license fees required under this chapter are prescribed in the fee schedule found in Appendix B of this Code.

Section nine. Code amendment. City Code Chapter 86 (entitled "*Secondhand Goods*"), Section 86-27 (entitled "*Issuance of license; fee*") is hereby amended by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) as follows:

Sec. 86-27. Issuance of license; fee.

Any person desiring to use or maintain any property within the city for any of the purposes mentioned in section 86-26 shall make a written application to the city secretary for a license, which application shall set forth the name and address of the applicant and a legal description of the property or premises upon which the business is to be conducted. The city secretary shall have the power to grant or reject such application. If the application is granted, a license to operate such business shall be issued by the city secretary upon payment of a fee as prescribed in the fee schedule found in Appendix B of this Code ~~of \$5.00 per annum~~. Any license so issued shall expire on January 1 next succeeding the date of its issuance, but may be issued from year to year in the same manner as provided for in the original license.

Section ten. Code amendment. City Code Chapter 90 (entitled "*Solid Waste*"), Article III (entitled "*Rates*") Section 90-51 (entitled "*Residential refuse collection rates*") is hereby amended by replacing the existing language with the language that follows:

Sec. 90-51. Refuse collection rates.

- (a) The rates prescribed in the fee schedule found in Appendix B of this Code shall apply to the solid waste collection services authorized under this chapter.
- (b) Residential customers requesting dumpsters shall be billed at the commercial rate found in Appendix B of this Code.
- (c) A franchise fee equal to 15 percent of the gross billing shall be charged for all roll-off services, self-contained compact roll-offs, and temporary dumpsters billed directly by the service provider.
- (d) Except when a reschedule is the fault of the city or the service provider, a double handle fee will be charged:
 - (1) when a haul is rescheduled; or
 - (2) when the container is not ready to be loaded and the hauler must return for the pickup.
- (e) An overload fee will be charged to the customer in the event a dumpster or roll-off is loaded beyond the legal hauling weight.
- (f) The initial billing for new, or final billing for discontinued services, shall be pro-rated based on the number of days for which service was received.

Section eleven. Code amendment. City Code Chapter 106 (entitled "*Traffic and Vehicles*"), Article V (entitled "*Abandoned, Junked and Towing and Impoundment of*")

Vehicles”) Division 4 (entitled “*Towing and Impoundment of Vehicles*”) is hereby amended by replacing Appendix A therein in its entirety with a new section 106-166 to read as follows:

Sec. 106-166. License Fee.

Tow and impoundment fees are prescribed in the fee schedule found in Appendix B of this Code.

Section twelve. Code amendment. City Code Chapter 114 (entitled “*Vehicles for Hire*”), Section 114-45 (entitled “*fees*”) is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

Sec. 114-45. Vehicles for Hire Fees.

At the time of issuance of a permit, the permittee shall pay to the city secretary the sum of ~~\$25.00~~ prescribed in the fee schedule found in Appendix B of this Code for the first vehicle. If more than one vehicle is proposed to be operated as a taxicab, then ~~\$10.00~~ the fee prescribed in the fee schedule found in Appendix B of this Code for each additional vehicle shall be paid. At the time of the issuance of the permit, the permittee shall file with the city secretary a statement in writing under oath, signed by him, showing the number of vehicles proposed to be operated by him, and the make, model, motor number, and state license number of each. If at any time the holder of a taxicab permit shall desire to use any additional vehicles under the permit, he may do so only after he has made an application to the council for, and been granted by the council, a permit to use such additional vehicles. He shall furnish to the city secretary the same information regarding those covered by the original permit and shall pay to the city secretary the sum of ~~\$10.00~~ prescribed in the fee schedule found in Appendix B of this Code for each such additional vehicle.

Section thirteen. Findings. 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 City Council.

Section fourteen. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section fifteen. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section sixteen. Repealer. All ordinances and codes, 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 seventeen. Severability. 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.

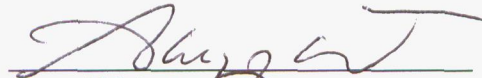
Section eighteen. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section nineteen. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 27th day of February 2024.


Passed, approved, and adopted on the 12th day of March 2024

CITY OF BURNET



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary

