

ORDINANCE NO. 2014-05

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, DETERMINING THAT NO CHANGES TO THE LAND USE ASSUMPTIONS, WATER AND WASTEWATER CAPITAL IMPROVEMENTS PLAN OR WATER AND WASTEWATER IMPACT FEES ARE NEEDED FOR THE 2014 UPDATE OF THE WATER AND WASTEWATER IMPACT FEE PROGRAM; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, Texas Local Government Code, Chapter 395, authorizes impact fees for water and wastewater facilities; and

WHEREAS, on December 14, 2004, with the passage of Ordinance No. 2004-22 and an effective date of December 14, 2004, the City of Burnet ("City") adopted water and wastewater impact fees; and

WHEREAS, the City has appointed a Capital Improvements Advisory Committee ("Advisory Committee") to advise the City Council concerning the need for adoption of land use assumptions, the water and wastewater capital improvements plan and water and wastewater impact fees and for amendment or revision of same; and

WHEREAS, Texas Local Government Code Section 395.052 requires a mandatory five-year update to impact fees; and

WHEREAS, the Burnet Water and Wastewater Impact Fee Program was last reviewed in 2008; and

WHEREAS, Texas Local Government Code, Section 395.0575 provides that as an alternative to the updating requirements of Section 395.052 the governing body may determine that no changes are necessary to the land use assumptions, water and wastewater capital improvements plan or water and wastewater impact fees; and

WHEREAS, on March 3, 2014, the Advisory Committee took action to recommend to the City Council that no changes to the land use assumptions, water and wastewater capital improvements plan or water and wastewater impact fees for the 2014 Update of the Water and Wastewater Impact Fee Program ("2014 Update") are necessary within the water and wastewater service areas shown on Exhibit "A" attached hereto; and

WHEREAS, the report of the Advisory Committee regarding the 2014 Update was filed in the office of the City Secretary on or before March 4, 2014, as required by law, and

WHEREAS, the next review of the land use assumptions, water and wastewater capital improvements plan and water and wastewater impact fees program will be scheduled for July 2019 with reported findings presented to City Council on or before March 1st, 2019.

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

SECTION 1. That no changes to the land use assumptions, water and wastewater capital improvements plan or water and wastewater impact fees are needed for the 2014 Update of the Water and Wastewater Impact Fee Program within the water and wastewater service areas shown in the Exhibit "A" attached hereto.

SECTION 2. That the City Secretary shall mail and publish notice of this determination that no changes are needed to all parties as required by law.

SECTION 3. That in the event a written request is received to update the land use assumptions, water and wastewater capital improvements plan, and water and wastewater impact fees, the City of Burnet shall follow the requirements of Local Government Code §395.052 – 395.057.

SECTION 4. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.


SECTION 5. That should any paragraph, sentence, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of the City of Burnet as a whole.

SECTION 6. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code, and it is accordingly so ordained.

SECTION 7. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.


PASSED AND APPROVED on first reading this, the 11th day of March 2014

FINALLY PASSED AND APPROVED by the City Council of the City of Burnet, Texas, on the 20th day of May, 2014.



Gary Wideman
Mayor

ATTEST:



Kelly Dix
City Secretary

