

ORDINANCE NO. 2024-\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, TO AMEND THE VEHICLE STORAGE FACILITY LICENSE FEES BY AMENDING SECTIONS 102-26 AND 102-29 CODE OF ORDINANCES, AND ADDING FEES TO APPENDIX D; REPLACING THE TERM JUNKYARDS; PROVIDING FOR SEVERABILITY; REPEALER CLAUSE; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, after evaluating current permitting processes, the City Secretary's Office has recommended the proposal of increased vehicle storage facility license fees to recuperate the costs of inspections; and

**WHEREAS**, such facilities are referred to in state law as vehicle storage facilities rather than junkyards so that this minor change is also incorporated; and

**WHEREAS**, staff has been working on relocating city fees to Appendix D of the Code of Ordinances, so that this license fee is also being moved from Chapter 102 to Appendix D.

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

**I.**

THAT the City of New Braunfels Code of Ordinances Chapter 102, Article II is hereby amended as follows with removed verbiage indicated by strikethrough font and added verbiage indicated with underlined font:

**ARTICLE II. ~~JUNKYARDS~~ Vehicle Storage Facilities**

Sec. 102-26. Operation declared nuisance and prohibited unless licensed.

Any place used or maintained by any person as a ~~junkyard~~ vehicle storage facility or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any parts thereof, is hereby declared to be a public and common nuisance, and is prohibited within the city limits of the city, and for a

distance of 5,000 feet outside the city limits of the city, unless such operation is conducted in the manner provided in this article, following the payment of a license fee and the issuance of a license as prescribed in this article.

(Code 1961, § 12B-1)

State law reference(s)—Extent of extraterritorial jurisdiction, V.T.C.A., Local Government Code § 42.021.

Sec. 102-27. Application for license; standards for premises.

(a) Any person desiring to use or maintain any property within the city or for a distance of 5,000 feet outside the city limits for any of the purposes mentioned in section 102-26 shall make 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 such business is to be conducted. When any such application has been made, the city secretary shall at once report the same to the chief of police, city sanitation officer, fire chief and building official. It shall thereupon become the duty of each of such city officials to inspect or cause to be inspected the place where a business as outlined in section 102-26 is to be carried on, determine whether such place of business complies with all applicable laws, ordinances, rules and regulations, and to report their findings to the city council.

(b) The place where a business as described in section 102-26 is conducted, and all buildings situated thereon, shall be so constructed and maintained that the business will be carried on in a safe and sanitary manner. No fire hazard shall be contained thereon, and such place of business shall be so arranged that a proper inspection may be made at any reasonable time by the duly authorized sanitation, fire, building and police authorities.

(Code 1961, § 12B-2)

Sec. 102-28. Use of fence or other enclosure required; height, maintenance.

Every place, other than inside an enclosed building, where a business as outlined in section 102-26 is conducted shall be enclosed by a solid screening fence or wall not less than seven feet in height. Such fence or wall shall be permanently and adequately maintained in good condition and no junk shall be piled or placed within such area so as to protrude higher than the wall or fence or protrude through or beyond the enclosure.

(Code 1961, § 12B-3)

Sec. 102-29. Issuance of license, fee; duration; renewal.

When an application has been filed with the city secretary as provided in this article, the city council shall have the power to either grant or reject such application. If the application is granted, a license to operate such business shall be issued by the city secretary upon the payment by the applicant of a fee of ~~\$25.00 per annum~~ that is outlined in Appendix D. Any license so issued shall expire one year from the date the license is granted, but may be renewed from year to year in like manner as is provided for the original license.

(Code 1961, § 12B-4)

Sec. 102-30. Revocation of license.

The city council shall have the power to revoke the license provided for in this article at any time for good cause, but only after notice has been given to the owner or owners of the business of a hearing to be held not less than ten days after the service of such notice.

(Code 1961, § 12B-5)

Sec. 102-31. Penalty for violation of article.

Any person violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not to exceed \$500.00, and each day of such violation shall be and is hereby declared to be a distinct and separate offense and punishable as such. Whenever a corporation which cannot be arrested violates this article, the officer or servant authorizing or responsible for such violation shall be personally liable for such penalty, or the corporation may be sued in a justice court by the city for the maximum penalty.

(Code 1961, § 12B-6)

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APPENDIX D FEE SCHEDULE

Sec. A. Schedule of Fees.

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City Secretary	
Fee Name	Fee
Vehicle Storage Facilities License	<del>\$25</del> -\$250

II.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof are declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

III.

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF NEW BRAUNFELS, TEXAS

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NEAL LINNARTZ, MAYOR

ATTEST:

GAYLE WILKINSON, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY