

## ORDINANCE NO. 2025-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING APPENDIX D, FEE SCHEDULE, OF THE CITY'S CODE OF ORDINANCES BY ADDING AN EXTRATERRITORIAL JURISDICTION (ETJ) RELEASE PETITION FILING FEE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**WHEREAS**, Chapter 42 of the Texas Local Government Code (LGC) establishes and outlines the rules for Extraterritorial Jurisdiction (ETJ); and

**WHEREAS**, Chapter 42 of the Texas LGC, Subchapter D, establishes and outlines the rules and procedures for release of area by petition of a landowner or resident from the ETJ; and

**WHEREAS**, Chapter 42 of the Texas LGC, Subchapter D, Section 42.105(d), requires municipalities to immediately release property from its ETJ upon receipt of a complete petition requesting release from the ETJ in accordance with Chapter 42 of the Texas LGC, Subchapter D, Section 42.104; and

**WHEREAS**, the City of New Braunfels, Texas ("City") provides as part of its municipal business to the public development application processes and services pursuant to federal law, state statute and local ordinance; and

**WHEREAS**, the City has been processing ETJ release petitions since enactment of Senate Bill 2038 on September 1, 2023, with no associated application fee; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas seeks to provide for reasonable administrative fees in order to recoup the cost of conducting such processes and service on the public's behalf without unduly relying on public taxes; and

**WHEREAS**, the City conducted a benchmark fee comparison which reflected other Texas municipalities charge for ETJ release petition filing fees, such as the one set forth below, to offset the cost of providing such development services; and

**WHEREAS**, New Braunfels' City Council finds that the fee set forth below is reasonable and prudent considering the municipal effort and resources that must be expended to process ETJ release petitions and provide municipal

authorizations, and that adopting a fee for ETJ release petition processing services will reduce the amount of taxpayer subsidization of development services.

**WHEREAS**, the City of New Braunfels Strategic Plan has an objective in the Organizational Excellence Strategic Priority supporting consideration of statutory and market-based factors that continue to diversify revenue streams to support long-term fiscal sustainability of the organization.

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

### **SECTION 1**

**THAT** the foregoing recitals are incorporated into this Ordinance by reference as findings of fact are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes. The City Council hereby finds and determines that the rules, regulations, terms, conditions, provisions, and requirements are reasonable and necessary to protect the public health, safety, and quality of life.

### **SECTION 2**

**THAT** the New Braunfels Code of Ordinances Appendix D, Fee Schedule, is hereby amended with additions underlined as follows:

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<b>MISCELLANEOUS</b>	
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Downtown sidewalk cafe annual license fee	Less than 250 square feet: \$250.00 250 to 500 square feet: \$500.00 Greater than 500 square feet: \$750.00
<u>Extraterritorial Jurisdiction (ETJ) Release Petition Filing Fee</u>	<u>\$200.00</u>
Municipal Utility District (MUD)	
Petition Filing Fee	\$18,055.12 + the County recordation fee
Reimbursement Agreement	A reimbursement agreement shall be included within the development agreement in the event actual costs exceed the filing fee amount

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### **SECTION 3**

**THAT** it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

### **SECTION 4**

**THAT** all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

### **SECTION 5**

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

### **SECTION 6**

**THAT** in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

### **SECTION 7**

**THAT** 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 23<sup>rd</sup> day of June 2025.

**PASSED AND APPROVED:** Second reading this 14<sup>th</sup> day of July 2025.

CITY OF NEW BRAUNFELS

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**NEAL LINNARTZ**, Mayor

**ATTEST:**

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**GAYLE WILKINSON**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney