

ORDINANCE NO. 2022-

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 A MUNICIPAL UTILITY DISTRICT PETITION FILING FEE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, municipal utility districts (MUDs) are special districts authorized by the Texas Legislature as political subdivisions of the state; and

WHEREAS, MUDs are financing tools used by developers to assist with paying for utility and roadway infrastructure; and

WHEREAS, the State of Texas requires MUD petitioners to seek municipal consent if the proposed district is situated within the respective city's ETJ; and

WHEREAS, the City of New Braunfels, Texas 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 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 services on the public's behalf without unduly relying on public taxes; and

WHEREAS, the City of New Braunfels, Texas conducted a benchmark fee comparison which reflected that many Texas municipalities charge special district petition filing fees, such as the one set forth below, to offset the cost of providing such development services; and

WHEREAS, the City Council of the City of New Braunfels, Texas was briefed on MUD petition research and processing costs at their regular meeting on June 27, 2022; and

WHEREAS, the City Council of the City of New Braunfels, Texas directed City staff to bring forward a reasonable and consistent MUD petition filing fee that ensures cost recovery for processing MUD petitions so that there is not a burden on taxpayers to cover the cost of this required development service; and

WHEREAS, New Braunfels' City Council finds that the fee set forth below is reasonable and prudent in light of the municipal effort and resources that must be expended to process MUD petitions and provide municipal authorizations, and that adopting a fee for MUD petition processing services will reduce the amount of taxpayer subsidization of development services.

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:

MISCELLANEOUS	

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
Municipal Utility District (MUD) Petition Filing Fee Reimbursement Agreement	\$18,055.12 + the County recordation fee A reimbursement agreement shall be included within the development agreement in the event actual costs exceed the filing fee amount

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 which shall remain in full force and effect.

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 and all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 5

THIS ordinance will take effect upon passage of its second and final reading on August 8, 2022 in accordance with the provisions of the Charter of the City of New Braunfels. This Ordinance must also be **published** in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels, Texas.

PASSED AND APPROVED: First reading this 25th day of July, 2022.

PASSED AND APPROVED: Second reading this 8th day of August, 2022.

CITY OF NEW BRAUNFELS, TEXAS

Rusty Brockman, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney