

ORDINANCE NO. 2021-XXXX

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING SECTIONS 1-2. – “DEFINITIONS AND RULES OF CONSTRUCTION.” AND 2.266. – “FEE SCHEDULE” OF THE CODE OF ORDINANCES, CITY OF ANGLETON, TEXAS; PROVIDING FOR REPEAL; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2.01 of the Home Rule Charter of the City of Angleton, Texas, the City of Angleton, Texas (the “City”), may make and may pass ordinances for the protection and maintenance of good government, the peace and welfare of the community, and for the performance and functions thereof; and,

WHEREAS, the City Council constantly reviews the City’s Code of Ordinances to identify opportunities to refine and improve such Code of Ordinances; and,

WHEREAS, the City Council desires to amend such Code of Ordinances to cause greater ease and efficiency in the administration and management of the City while also ensuring appropriate oversight; and,

WHEREAS, the City Council finds and determines that granting the City Manager the authority and discretion (i) to amend the City’s fee schedule and (ii) to request a review and, if applicable, seek approval of any proposed amendment to any fee schedule by City Council, to be necessary to preserve the good government, order, and security of the City and its inhabitants; and,

WHEREAS, the City Council now wishes to amend the City’s Code of Ordinances to reflect such findings as stated above;

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

SECTION 1. All of the facts recited in the preamble to this Ordinance are found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. That the definition of “Fee Schedule” in Chapter 1 – General Provisions, Section 1-2. – “Definitions and rules of construction.” of the Code of Ordinances, City of Angleton, Texas, is hereby amended to read as follows:

“Fee schedule. The words “fee schedule” or “schedule of fees” shall mean the most recent fee schedule adopted by ~~the~~ City Council, including any amendments either adopted by City Council or approved through the express written authorization of the City Manager; including any amendments. An official copy of the fee schedule shall be kept on file in the office of the City Secretary and may be published on the City’s website. In the event of a conflict between the fee schedule kept on file with the City Secretary and the fee schedule published on the City’s website, the copy on file with the City Secretary shall control.”

SECTION 3. That Chapter 2 – Administration, Article X. – Fee Schedule, Section 2-266. – “Fee schedule.” of the Code of Ordinances, City of Angleton, Texas, is hereby amended to read as follows:

“ARTICLE X. – FEE SCHEDULE

Sec. 2-266. – Fee Schedule.

The City Council shall establish a fee schedule for permits, licenses, and for the services necessary to be performed as provided for under the provisions of this Code of Ordinances of the City of Angleton, Texas.

~~(1)~~ All fee schedules established by City Council shall be established by ordinance and shall be promulgated by filing a copy with the City Secretary, a copy of which may be published on the City’s website.

~~(+)~~(2) Amendments to such fee schedules established by City Council may be made either by (i) adoption of such amendment by City Council, through ordinance, or (ii) the express written authorization of any amendment to such fee schedule by the City Manager. The City Manager shall have the discretion to request a review and, if applicable, seek approval of any proposed amendment to any fee schedule by City Council. All amendments to such fee schedules shall be promulgated by filing a copy with the City Secretary, a copy of which may be published on the City’s website.

~~(2)~~(3) Any person who, in any way, shall fail to comply with any fee, fee schedule, or schedule of fees, or amended fee schedule or schedule of fees adopted under the provisions as herein set out shall be deemed in violation of the terms and provisions of this Code of Ordinances and may be prosecuted accordingly.

~~(3)~~(4) In the event of a conflict between the fee schedule or fee schedule amendment kept on file with the City Secretary and the fee schedule or fee schedule amendment published on the City’s website, the copy on file with the City Secretary shall control.”

SECTION 4. All remaining portions of provisions amended by this Ordinance, as contained within the Code of Ordinances of the City of Angleton, Texas, not hereby amended shall remain in full force and effect, in accordance with the terms of this Ordinance, as published in the Code of Ordinances of the City of Angleton, Texas.

SECTION 5. Repeal. All ordinances or parts of ordinances inconsistent or in conflict are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 6. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), unless such violation is governed by fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than Two Thousand Dollars (\$2,000.00),

except where state law provides otherwise, in which case the range of the fine shall be as provided in such state law. Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

SECTION 7. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional whether there be one or more parts.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon execution, with passage and approval by the City Council of the City of Angleton, Texas, and shall be enforceable when published, as required by law.

PASSED, APPROVED, AND ADOPTED ON THIS THE ____ DAY OF FEBRUARY 2023.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Michelle Perez, TRMC
City Secretary