

**ORDINANCE NO. 2025-08**

**UPDATING AND AMENDING IMPACT FEE FOR WASTEWATER UTILITIES**

**AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AUTHORIZING AN UPDATE AND AMENDING THE BASTROP CODE OF ORDINANCES, CHAPTER 13, ARTICLE 13.12, ENTITLED "IMPACT FEES", UPDATING THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND AMENDING IMPACT FEES FOR WASTEWATER UTILITIES, AS ATTACHED IN EXHIBITS A-C; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS; PROVIDING FOR FINDING OF FACT, ENACTMENT, ENFORCEMENT, A REPEALER, AND ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Bastrop, Texas (the "City") is a home rule municipality located in Bastrop County, Texas and the Texas Local Government Code, Chapter 395, authorizes and provides the requirements for political subdivisions to impose impact fees on new developments in order to generate funding or recoup the costs of capital improvements or facility expansion necessitated by and attributable to the new development; and

**WHEREAS,** new residential and nonresidential development causes and imposes increased demands upon Bastrop public facilities and services, including wastewater facilities, that would not otherwise occur; and

**WHEREAS,** planning projections indicate that such development will continue and will place ever-increasing demands on the City to provide necessary public facilities; and

**WHEREAS,** the development potential and value of properties is strongly influenced and encouraged by City policy as expressed in the City's 2036 Comprehensive Plan and as implemented via the City zoning ordinance and map; and

**WHEREAS,** to the extent that such new development places demand upon the public facility infrastructure, those demands should be satisfied by more equitably assigning responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

**WHEREAS,** the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in a capital improvements program;

and

**WHEREAS,** the City Council, after careful consideration of the matter, hereby finds and declares that impact fees imposed upon residential and nonresidential development to finance specified major public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such development; and

**WHEREAS,** in 1987 the Texas Legislature adopted Senate Bill 336, now Chapter 395 of the Texas Local Government Code, and subsequently amended said Chapter from time to time; and

**WHEREAS,** the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation and methodology necessary to adopt Impact Fees; and

**WHEREAS,** the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Bastrop held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:**

**Section 1.** FINDING OF FACT. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2.** ENACTMENT. Article 13.12. "Impact Fees", of Chapter 13, "Utilities", of the Code of Ordinances of the City of Bastrop are amended to read as described an attached here to as Exhibit "A".

**Section 3.** REPEALER. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Bastrop, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.

**Section 4.** SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

**Section 5.** ENFORCEMENT. The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit

for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

**Section 6.** EFFECTIVE DATE. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.

**Section 7.** PASSAGE. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon a second reading.

**Section 8.** OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**READ & ACKNOWLEDGED on First Reading** by the City Council of the City of Bastrop, on this, the 25th day of February 2025.

**PASSED & APPROVED on Second Reading** by the City Council of the City of Bastrop, on this, the 11th day of March 2025.

[Signature Page Follows]

**APPROVED:**

*by:* \_\_\_\_\_  
John Kirkland, Mayor  
ProTem

**ATTEST:**

\_\_\_\_\_  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

## Exhibit A

### City of Bastrop Code of Ordinances Chapter 13 — UTILITIES Article 13.12-Impact Fees

#### **DIVISION 1. - GENERALLY**

##### **Sec. 13.12.001 - Short Title.**

*No changes.*

##### **Sec. 13.12.002- Intent.**

*No changes. Sec.13.12.003-Authority. No changes.*

##### **Sec. 13.12.004 - Definitions.**

*No changes.*

##### **Sec. 13.12.005 - Applicability.**

*No changes.*

##### **Sec.13.12.006 - Impact Fees as Conditions of Development Approval.**

*No changes.*

##### **Sec.13.12.007 • Establishment of Water and Wastewater Service Areas.**

*No changes.*

##### **Sec.13.12.008 - Land Use Assumptions.**

Land use assumptions used in the development of the impact fees are contained in Exhibit B to Ordinance -2022-18. These assumptions may be revised by the City Council according to the procedure set forth in V.T.C.A. Local Government Code, Chapter 395 and its successors.

##### **Sec.13.12.009 - Service Units.**

*No changes.*

##### **Sec. 13.12.010 - Impact Fees Per Service Unit.**

The maximum impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area, and adjusted by subtracting credits in the form of future rate or tax contributions to water and/or wastewater GIP funding and adding any additional amount as may be yielded in the inflation-escalator portion of the fee assessment formula set forth in Sec. 13.12.011. Maximum impact fees per service unit for each service area shall be established by category of capital improvements and shall be set forth in Exhibit C to Ordinance 2022-18.

Exhibit B to Ordinance 2025-08 may be amended by the City Council according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

The effective impact fees per service unit may be amended from time to time by the City Council through ordinance amendment to any amount less than that set forth in Exhibit B to Ordinance 2025-08.

**Sec. 13.12.011 - Assessment.**

a) *No changes.*

Assessment of the impact fee for any new development shall be made as follows:

*No changes.*

For new development, which has received final plat approval prior to the effective date of this article and for which no re-platting is necessary prior to the issuance of a building permit, assessment shall be upon the issuance of a building permit, and shall be the value of the effective impact fee per service unit set forth in Exhibit B to Ordinance 2025-08.

For new development, which occurs or is proposed to occur without platting, assessment shall be upon the issuance of a building permit and shall be the value of the effective impact fee per service unit set forth in Exhibit B to Ordinance 2025-08.

No changes.

No changes.

*No changes.*

*No changes.*

**Sec. 13.12.012 - Calculation of Impact Fees.**

*No changes*

**Sec. 13.12.013 - Collection of Impact Fees.**

*No changes.*

**Sec. 13.12.014 - Offsets Against Impact Fees.**

*No changes.*

**Sec. 13.12.015 - Establishment of Accounts and Records.**

*No changes.*

**Sec. 13.12.016 - Use of Proceeds of Impact Fee Accounts.**

*No changes.*

**Sec. 13.12.017 - Appeals.**

*No changes.*

**Sec. 13.12.018 - Refunds.**

*No changes.*

**Sec. 13.12.019 - Updates to Plan and Revision of Fees.**

*No changes.*

**Sec. 13.12.020 - Functions of Advisory Committee.**

*No Changes.*

**Sec. 13.12.021 - Agreement for Capital Improvements.**

*No changes.*

**Sec. 13.12.022 - Use of Other Financing Mechanisms.**

*No changes.*

**Sec. 13.12.023 - Impact Fees as Additional and Supplemental Regulation.**

*No changes.*

**Sec. 13.12.024 - Relief Procedures.**

*No changes.*

**Sec. 13.12.025- Exemptions.**

*No changes.*

**Sec. 13.12.026 - Certification of Compliance Required.**

*No changes.*

**Secs. 13.12.027 -13.12.060 Reserved.**

**DIVISION 2. -WATER FACILITIES**

**Sec. 13.12.061 - Service Area.**

*No changes.*

**Sec. 13.12.062 - Improvements Plan.**

a) The Water Improvements Plan for the City is hereby adopted as Exhibit D to Ordinance 2022-18 and incorporated by reference herein.

b) *No changes.*

**Sec. 13.12.063 - Impact Fees.**

a) The maximum impact fee values per service unit for water facilities are hereby adopted and incorporated in Exhibit B to Ordinance 2025-08 and made a part hereof by reference.

b) *No changes.*

**Secs. 13.12.064-13.12.090 - Reserved.**

**DIVISION 3. - WASTEWATER FACILITIES**

**Sec. 13.12.091 - Service Area.**

*No changes.*

**Sec.13.12.092 - Improvements Plan.**

a) The Wastewater Improvements Plan for the City is hereby adopted as Exhibit C to Ordinance 2025-08 hereto and incorporated by reference herein.

*No changes.*

**Sec.13.12.093 - Impact Fees.**

a) The maximum impact fee values per service unit for wastewater facilities are hereby adopted and

incorporated in Exhibit B to Ordinance 2025-08 and made a part hereof by reference.

*No changes.*