

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AMENDING THE CITY'S FEE SCHEDULE IN ORDINANCE CSO#5218-09-2023 BY AMENDING FEES ASSOCIATED WITH OLD TOWN RIGHT-OF-WAY USE AGREEMENT APPLICATIONS AND HIDDEN CREEK GOLF COURSE GOLF CARTS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AND THAT THE RECITALS ARE TRUE; CONTAINING A SEVERABILITY CLAUSE, CUMULATIVE CLAUSE, SAVINGS CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council passed Ordinance CSO#5218-09-2023, which, among other things, set the amounts of fees charged by the City (save and except water and wastewater fees, impact fees, and solid waste collection rates which are wholly contained in separate ordinances), and, as amended by Ordinance CSO#5218-08-2023 and Ordinance CSO#5373-08-2023, sets forth the schedule of fees for the City (the "Incorporated Fee Schedule"); and

WHEREAS, the City Council desires to amend the Incorporated Fee Schedule to add fees for right-of-way use agreement applications in Old Town as well as alter the Hidden Creek Golf Course golf cart fees; and

WHEREAS, the Incorporated Fee Schedule needs to be amended to add a development services department application fee and make adjustments to the golf cart fees; and

WHEREAS, the proposed development services application fee is included in the schedule attached hereto as Exhibit "A" and incorporated as part of this Ordinance (the "Amended Development Services Fee Schedule"); and

WHEREAS, such Amended Development Services Fee Schedule is intended to add a new fee to the various fees set forth in the Incorporated Fee Schedule in Ordinance CSO#5218-09-2023; and

WHEREAS, the proposed Hidden Creek Golf Course golf cart fees are included in the schedule attached hereto as Exhibit "B" and incorporated as part of this Ordinance (the "Amended Golf Course Cart Fee Schedule"); and

WHEREAS, such Amended Golf Course Cart Fee Schedule is intended to repeal and replace conflicting fees listed in the Incorporated Fee Schedule; and

WHEREAS, the City Council desires that the Amended Development Services Fee Schedule add a new fee to the Incorporated Fee Schedule and that the Amended Golf Course Cart Fee Schedule repeal and replace conflicting fees listed in the Incorporated Fee Schedule.

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

Section 1.

Ordinance CSO#5218-09-2023 is hereby amended so that the Amended Development Services Fee Schedule attached hereto as Exhibit “A” shall add a new fee to the Incorporated Fee Schedule. Additionally, Ordinance CSO#5218-09-2023 is hereby amended so that the Amended Golf Course Cart Fee Schedule attached hereto as Exhibit “B” shall repeal and replace conflicting fees listed in the Incorporated Fee Schedule. The remainder of the Incorporated Fee Schedule shall remain unchanged.

Section 2.

The City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given as required by the Texas Open Meetings Act.

Section 3.

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life in the City.

Section 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

Section 6.

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this Ordinance that has been initiated or arisen under or pursuant to any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

Section 7.

This ordinance shall take effect upon adoption and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Burleson on this ____ day of _____, 20____.

First Reading: the ____ day of _____, 20____.

First Reading: the ____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit “A”
Amended Development Services Fee Schedule

Planning	
Permit/Service	Fee
Right-of-Way Use Agreement – Old Town	\$525.00

Exhibit “B”
Amended Golf Course Cart Fee Schedule

Golf Course	
Permit/Service	Fee
Cart Fees	
9 Holes	\$9.00
18 Holes	\$18.00