

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AMENDING THE CITY'S FEE SCHEDULE IN ORDINANCE CSO#3069-09-2022 BY AMENDING FEES ASSOCIATED WITH ENGINEERING SERVICES; 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 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#3069-09-2022, which, among other things, provided a fee schedule that contained a list of all fees charged by the City of Burleson (save and except water and wastewater impact fees and solid waste collection rates which are wholly contained in separate ordinances); and

WHEREAS, the 88th Texas Legislature passed House Bill 3492 on June 10, 2023, to be effective September 1, 2023, that amended the Local Government Code to prohibit value-based fees for fees relating to inspections and review of engineering plans; and

WHEREAS, the fee schedule in Ordinance CSO#3069-09-2022 needs to be amended to repeal and replace engineering services value-based fees and make other minor adjustments; and

WHEREAS, the proposed engineering services fees are included in the schedule attached hereto as Exhibit "A" and incorporated as part of this Ordinance (the "Amended Engineering Services Fee Schedule"); and

WHEREAS, such Amended Engineering Services Fee Schedule is intended to repeal and replace the Engineering Permit/Services fees listed on page 9 of the Incorporated Fee Schedule in Ordinance CSO#3069-09-2022; and

WHEREAS, the City Council desires that the Amended Engineering Services Fee Schedule repeal and replace the Engineering Permit/Services fees listed on page 9 of the Incorporated Fee Schedule in Ordinance CSO#3069-09-2022.

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

Section 1.

Ordinance CSO#3069-09-2022 is hereby amended so that the Amended Engineering Services Fee Schedule attached hereto as Exhibit "A" shall repeal and replace the Engineering Permit/Services fees listed on page 9 of the Incorporated Fee Schedule in Ordinance CSO#3069-09-2022. The remainder of the Incorporated Fee Schedule in Ordinance CSO#3069-09-2022 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, but no earlier than September 1, 2023.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Burleson on this ____ day of _____, 2023.

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 Engineering Services Fee Schedule**

Engineering

SERVICE	FEE
1. Construction Plan Review	
A. Residential	\$500.00 + (\$364 x number of lots)
B. Commercial	\$500.00 + (\$292 x number of acres)
2. Construction Inspection (\$500.00 + the following costs)	
A. Water Line	\$0.58 per linear foot
B. Sewer Line	\$0.58 per linear foot
C. Storm Sewer	\$0.64 per linear foot
D. Roadway Paving (public and private)	\$0.29 per square yard
E. Sidewalk / Trail	\$1.04 per square yard
F. Handicap Ramps	\$13.71 each
G. Water and Sewer Services	\$14.40 each
H. Sewer Manholes	\$36.00 each
I. Storm Manholes / Inlets	\$36.00 each
J. Lift Station	\$1,200 each
K. Public Infrastructure not listed (includes private storm infrastructure associated with roadway)	\$48.00 per hour (estimated at time of submittal)
3. Inspection Overtime Rate (2 hour minimum)	\$72.00 per hour
4. Closing Abandoning of	
A. Right-of-Way	\$550.00
B. Easement	\$250.00
5. Sign Installation	\$250.00 per sign
6. Easement/Right of Way Use Agreement	\$125.00
7. Traffic Study Fee	\$1,250.00
8. Flood Study Reviews (Includes detention/retention analysis)	\$1 per foot of reach length (\$2,000 minimum)