

ORDINANCE NO. 855

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, ADOPTING THE CITY OF EVERMAN FEE SCHEDULE, ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT “A”; ESTABLISHING FEES AND CHARGES FOR LICENSES, PERMITS, INSPECTIONS, UTILITY SERVICES, DEVELOPMENT SERVICES, MUNICIPAL SERVICES, AND OTHER CITY SERVICES AND ACTIVITIES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES AND FEE SCHEDULES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2026.

WHEREAS, the City of Everman, Texas, is a home-rule municipality possessing the full power of local self-government under its City Charter, the Texas Constitution, and the laws of the State of Texas; and

WHEREAS, Section 51.072 of the Texas Local Government Code recognizes that a home-rule municipality has the full power of local self-government and may exercise its authority through its governing body; and

WHEREAS, the City Council periodically reviews the fees and charges imposed for licenses, permits, inspections, utility services, development services, regulatory activities, and other municipal services to ensure that such fees remain appropriate and reasonably related to the services provided and the costs incurred by the City; and

WHEREAS, City staff has prepared an updated fee schedule, identified as the “City of Everman Fee Schedule,” which establishes fees applicable to licenses, inspections, permits, platting, zoning, and other City services, activities, and uses; and

WHEREAS, the City Council has reviewed the proposed Fee Schedule and finds that adopting the updated fees and charges is necessary and appropriate to promote the efficient administration of City services, recover all or a portion of the costs associated with providing such services, and protect the health, safety, and welfare of the public; and

WHEREAS, the City Council finds that the fees and charges established by this Ordinance are reasonable, equitable, and in the best interests of the City and its residents.

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

SECTION 1. FINDINGS INCORPORATED

The findings and recitations contained in the preamble of this Ordinance are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. ADOPTION OF FEE SCHEDULE

The City Council hereby approves and adopts the City of Everman Fee Schedule, attached to this Ordinance as Exhibit “A” and incorporated herein by reference for all purposes.

Beginning on the effective date of this Ordinance, all persons, firms, corporations, organizations, and other entities applying for or receiving a license, permit, inspection, utility service, development service, regulatory approval, municipal service, or other City service or activity identified in Exhibit “A” shall pay the applicable fee or charge established therein.

SECTION 3. ADMINISTRATION AND COLLECTION

The City Manager, or the City Manager’s designee, is authorized and directed to administer, implement, and collect the fees and charges adopted by this Ordinance.

Unless otherwise provided by law, ordinance, written agreement, or Exhibit “A,” all applicable fees shall be paid before the issuance of a license, permit, approval, inspection, service, or other authorization for which the fee is required.

The City Manager is authorized to establish administrative procedures reasonably necessary to implement the fee schedule, provided that no administrative procedure may increase, decrease, waive, or materially alter a fee established by the City Council except as expressly authorized by law, ordinance, or the adopted fee schedule.

SECTION 4. FEES ESTABLISHED BY OTHER AUTHORITY

Nothing in this Ordinance shall be construed to repeal, supersede, or modify any fee, charge, rate, fine, penalty, deposit, or assessment established by:

State or federal law;

A separate City ordinance or resolution not inconsistent with this Ordinance;

A franchise, contract, interlocal agreement, or other written agreement approved by the City;

A court of competent jurisdiction; or

An applicable fee chart, schedule, or rate established by another governmental entity and incorporated by reference into Exhibit “A.”

SECTION 5. REPEAL OF CONFLICTING PROVISIONS

All ordinances, resolutions, fee schedules, and provisions thereof that are in conflict with this Ordinance or Exhibit “A” are hereby repealed to the extent of the conflict.

To the extent that a fee or charge previously adopted by the City is replaced by a corresponding fee or charge contained in Exhibit “A,” the fee or charge contained in Exhibit “A” shall control beginning on the effective date of this Ordinance.

SECTION 6. SAVINGS AND TRANSITION

The repeal or amendment of any prior ordinance, resolution, or fee schedule by this Ordinance shall not:

Affect any right, obligation, liability, or penalty that accrued before the effective date of this Ordinance;

Affect any proceeding, application, permit, license, enforcement action, or other matter commenced before the effective date of this Ordinance, unless otherwise determined by the City Manager or required by law; or

Excuse or release any person from payment of a fee, charge, debt, or obligation incurred before the effective date of this Ordinance.

Unless otherwise required by law or expressly provided in Exhibit “A,” applications determined by the City to be complete and for which all applicable fees were paid before September 1, 2026, shall remain subject to the fees in effect at the time of payment. Applications submitted or determined incomplete before September 1, 2026, but for which fees are paid on or after September 1, 2026, shall be subject to the fees established by this Ordinance.

SECTION 7. SEVERABILITY

If any section, subsection, sentence, clause, phrase, provision, fee, or application of this Ordinance or Exhibit “A” is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this Ordinance or Exhibit “A.”

The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, provision, and fee thereof irrespective of the fact that any one or more portions may be declared invalid, unconstitutional, or unenforceable.

SECTION 8. PUBLICATION AND NOTICE

The City Secretary is authorized and directed to cause the caption, penalty provision, or other required notice of this Ordinance to be published in the manner required by the City Charter and applicable law.

SECTION 9. OPEN MEETINGS

It is hereby officially found and determined that the meeting at which this Ordinance was considered and adopted was open to the public as required by law and that public notice of the time, place, and purpose of the meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect on September 1, 2026, following its adoption and any publication or notice required by law or the City Charter.

PASSED AND APPROVED IN OPEN SESSION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS ON THE 11TH DAY OF AUGUST, 2026.

APPROVED:

Ray Richardson
Mayor

ATTEST:

APPROVED AS TO FORM

Mindi Parks
City Secretary

Victoria Thomas
City Attorney