ORDINANCE NUMBER 998

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING CHAPTER 156: LAND USAGE FEE SCHEDULE BY ADDING SECTION 156.02 FEES FOR PROFESSIONAL SERVICES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 16, 2020, the Board of Commissioners adopted Ordinance No. 985, which created Chapter 156 Land Usage Fee Schedule so that the City could recuperate the costs of issuing permits and other related activities;

WHEREAS, the City routinely incurs professional service expenses for engineers and other contractors to review documents, plans, and specifications associated with the land use fees adopted in Ordinance No. 985; and

WHEREAS, to recuperate the costs of the professional service expenses associated with the City operations listed in Ordinance 985, the Board of Commissioners finds that it is in the best interest of the City to pass on the professional service expenses to the individual or entity that requested the permit or other City action which resulted in the necessity of the review by an engineer or other City contractor.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS THAT:

Part 1. Enacted

THAT the Code of Ordinances Chapter 156: Land Usage Fee Schedule is amended by adding § 156.02 Fees for Professional Service, which shall read as follows:

Chapter 156: Land Usage Fee Schedule

§ 156.02 Fees for Professional Services

(A) The applicant or individual requesting a permit or action by the City included in § 156.01 is responsible for, in addition to the fees set forth in § 156.01, all professional service expenses incurred by the City for any review and inspection associated with the requested permit or action by the City.

(B) The City shall invoice the applicant or individual requesting a permit or other action for such professional service expenses.

(C) The City shall not issue a permit or take final action on an application or request until all professional service fees have been paid to the City.
PART II: REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective, which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance, are hereby repealed only to the extent of any such conflict.

PART III: SEVERABILITY

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be 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 or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

PART IV: COMPLIANCE WITH TEXAS OPEN MEETINGS ACT

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, Chapter 551 of the Texas Government Code.

PART V: EFFECTIVE DATE

This Ordinance shall take effect after publication in accordance with State law.

PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS ON THIS 19TH DAY OF APRIL 2021.

Carl Law, Mayor

ATTEST:

Margie Poole, City Clerk