

ORDINANCE NO. 2015-28

AN ORDINANCE AMENDING ORDINANCE NO. 2014-52; CAPTIONED "AN ORDINANCE ESTABLISHING AND REESTABLISHING FEES AND CHARGES FOR ACTIVITIES, GOODS AND SERVICES PROVIDED BY THE CITY; CONTAINING A PROVISION TO AUTHORIZE THE CITY MANAGER TO ESTABLISH FEES AND CHARGES IN CERTAIN CIRCUMSTANCES, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT"

WHEREAS, the City Council of the City of Boerne, Texas, adopted Ordinance No. 2014-52 on December 16, 2014 and 2015-11 on May 26, 2015;

WHEREAS, it becomes necessary from time to time to make certain changes in said ordinance;

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

That the following sections of Ordinance No. 2014-52 and 2015-11 are hereby amended to read as follows:

Section 1: The City Council does hereby establish and reestablish the fees and charges shown in the attached Exhibit A, which is hereby incorporated into this ordinance by this reference for all purposes.

Section 2: Each of the fees and charges shown in the attached Exhibit A shall take effect on September 23, 2015 upon passage and approval of this ordinance.

Section 3: In the case of any activity, goods or services provided by the City for which there is an out-of-pocket cost to the City, or for which a fee or charge has traditionally been collected, the City Manager is authorized to establish and reestablish fees and charges, but only in those circumstances in which a fee or a charge is not prescribed in Exhibit A to this ordinance. In prescribing fees and charges, the City Manager shall first determine the cost to the City of providing the activity, goods or services, and the fees or charges established shall be as equivalent as practicable to such cost.

Section 4: All ordinances and parts of ordinances in conflict herewith are hereby amended. Any current fee or future fee not covered in the scope of this ordinance shall not be in conflict with this ordinance.

Section 5: If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance and the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances shall not be affected thereby.

Section 6: The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Open Meetings Law, TEX. REV. CIV. STAT. ANN. Art. 6552-17, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED and APPROVED on first reading this the 8th day of September, 2015.

PASSED, APPROVED and ADOPTED on seconded reading this the ____ day of September, 2015

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:



City Attorney

Exhibit A

	CURRENT	REVISED	NEW	NOTE
CEMETERY:				
LOT SALE	\$900.00 in sequence \$1,200.00 out of sequence	\$2,750		(Revised by Ord. 2001-37) (Revised by Ord. 2004-12)
INFANT LOT	\$115.00			(Revised by Ord. 2001-37)
ENDOWMENT FEE ON LOT SALE	\$50.00	\$250.00		(Prior to 3-12-96) (Ord. 96-05)
ENDOWMENT FEE TO OPEN AND CLOSE INFANT LOT	\$50.00			(Prior to 3-12-96) (Revised by Ord. 2004-12)
ENDOWMENT FEE TO OPEN AND CLOSE	\$250.00			(Prior to 3-12-96) (Ord. 96-05)
CEMETERY URN GARDEN NICHE	\$750.00 PER NICHE	\$1,000.00		(Added by Ord. 2007-43)
CEMETERY URN GARDEN NICHE SALE ENDOWMENT	\$50.00 upon purchase, \$100.00 upon inurnment	\$100 at Purchase \$200 at inurnment		(Added by Ord. 2007-43)

	CURRENT	REVISED	NEW	NOTE
UTILITIES:				
GARBAGE BILLING/COLLECTION FEE	\$1.00 per customer per month			(Revised by Ord. 2001-37)
GARBAGE - BRUSH COLLECTION - MONTHLY FEE	\$1.00 per customer per month		\$1.00 per customer per month	Includes 1 brush-pick up per calendar year See Note #20 (Revised by Ord. 2015-11)
GARBAGE - BRUSH COLLECTION - ADDITIONAL PICK-UP ACTIVE ACCOUNT ONLY	\$25.00 per pick-up on each additional pick-up		\$25.00 per pick-up on each additional pick-up	This fee is charged on additional pick-ups per calendar year See Note #20 (Revised by Ord. 2015-11)
GARBAGE - BRUSH COLLECTION - SPECIAL REQUESTS: OWNER ACCOUNTS WITH TENANT, COMMERCIAL ACCOUNTS, NON-ACTIVE ACCOUNTS (PROPERTY OWNER DOES NOT HAVE ACTIVE RESIDENTIAL UTILITY ACCOUNT)			\$25 per pick-up	See Note #20 REQUESTS WITHOUT ACTIVE ACCOUNT MUST PREPAY
PROCESSING FEE: DISCONNECT - RECONNECT AT CUSTOMERS REQUEST	Regular hrs \$50.00 After hrs \$100.00			Regular work hours = 8:00 a.m. to 5:00 p.m. city work days (Revised by Ord. 2001-37) (Revised by Ord. 2007-61) (Revised by Ord. 2013-42)
REREAD FEE / ADDITIONAL WATER PROFILE FEE	\$20 charge after 2nd re-read in a 12 month period if no errors found and \$20 charge after 2nd Water Profile in a 12 month period			(Revised by Ord. 2001-37) (Revised Ord. 2010-39)
RETURN CHECK, ACH, CREDIT CARD AND/OR CREDIT CARD DRAFT (CCD)	\$25.00			(Revised by Ord. 2001-37) (Revised by Ord. 2007-61)

- NOTE # 1 Intentionally left blank
- NOTE # 2 A 15 foot wide standard City of Boerne utility easement shall be provided by the property owner to accommodate the utility extension; to include appropriate access for maintenance
- NOTE # 3 The customer shall provide a suitable permanent structure to attach the service and meter loop per the City of Boerne's specifications and utility policies.
- NOTE # 4 Meter set fees as shown shall be added to service fees.
- NOTE # 5 If a service requires cutting pavement there shall be an additional charge of \$100.00 added to the service fee (previous \$96.00).
- NOTE # 6 If service requires cutting of pavement an additional charge of \$200.00 shall be added to service charge (previous \$180.00).
- NOTE # 7 Applicable only when contractor has requested re-inspection and is not ready; or has failed to correct previous violation(s).
- NOTE # 8 Intentionally left blank.
- NOTE # 9 Intentionally left blank.
- NOTE # 10 Intentionally left blank.
- NOTE # 11 Intentionally left blank.
- NOTE # 12 Class A Tournament: tournament which requires use of seven (7) or more fields. Class B Tournament: tournament which requires use of six (6) or less fields.
- NOTE # 13 On a patron's 65th birthday, that patron would be exempt from any increase in the out-of-county fee.
- NOTE # 14 Intentionally left blank
- NOTE # 15 Charges for review of incomplete or non-conforming documents subsequent to initial review
- NOTE # 16 Application fee for special use permits during drought response stages
- NOTE # 17 Large format refers to any paper size larger than 11" x 17"
- NOTE # 18 The Convention and Visitor Bureau Director, or other person designated by the City Manager, is authorized to negotiate agreements with convention groups with terms and pricing different than stated on the Fee Schedule; provided, however, that no such agreement shall be binding upon the City until approved in writing by the City Manager, or City Manager's designee, who shall be some person other than the party negotiating said agreement. In order to qualify for negotiated rates or terms a group must commit to a minimum of 100 hotel rooms booked. Under these guidelines, full rental will be paid in advance and a mutually agreed upon amount refunded if the hotel room rental meets these requirements.
- NOTE # 18 320 amp self-contained may be installed under certain circumstances.
- NOTE # 19 Additional costs includes but is not limited to theft of service and non-residential and specialty meters.
See Utility Rules and Regs for further information
- NOTE # 20 Brush pick-up is subject to the City's Brush Collection Policy currently in effect.

Fees, unless otherwise stated, are non-refundable.