

ORDINANCE NO. 2018-42

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 2017-82 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. 2017-82; and

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That Ordinance Nos. 2017-82 is repealed and replaced by the following ordinance:

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 January 1, 2019 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 13th day of November, 2018.

PASSED, APPROVED and ADOPTED on seconded reading this ____ day of November, 2018.

APPROVED:

ATTEST:

Mayor

City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT A