

ORDINANCE NO. 368

AN ORDINANCE AMENDING THE CITY OF BANDERA CODE OF ORDINANCES ADDING CHAPTER 13 UTILITIES ARTICLE 13.03 ENTITLED "RATES AND CHARGES"; PROVIDING A REPEALING SECTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Bandera operates a water and a wastewater utility for the provision of water and wastewater services to customers within the incorporated limits of Bandera and those outside of the corporate limits but with the certificated service area for Bandera; and,

WHEREAS, the City incurs significant costs for the repair and maintenance of the city streets and rights of way as a result of necessary repairs, maintenance, replacement and expansion of the water and wastewater utility infrastructure; and,

WHEREAS, the cost borne by the City has historically exceeded the available funding from the water and wastewater utility revenue and burdened the general fund of the City; and

WHEREAS, the City Council is authorized to regulate and control the streets and rights of way within the City and establish the rates and charges for the utilities under authority granted the City by the Texas Constitution, Texas Local Government Code, Transportation Code, Utilities Code and Water Code.

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

SECTION 1. AMENDMENT.

This Ordinance amends Chapter 13 Utilities, Article 13.03, Rates and Charges of the City of Bandera Code of Ordinances as set forth in the attached Exhibit A

SECTION 2. RELATION TO OTHER ORDINANCES.

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City of Bandera pertaining to building and construction safety or to pedestrian and traffic safety.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. SAVINGS CLAUSE.

The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to

accrue or as affecting any rights of the City of Bandera under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

SECTION 5. CUMULATIVE.

The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.


SECTION 6. SEVERABILITY.

It is hereby declared to be the intention of the City Council 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 invalid by judgment or decree of any court of competent jurisdiction, such invalidity 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.

SECTION 7. PROPER NOTICE AND MEETING

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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED, this, the 17th day of October, 2019.


Suzanne Schauman
Mayor
City of Bandera

ATTEST:

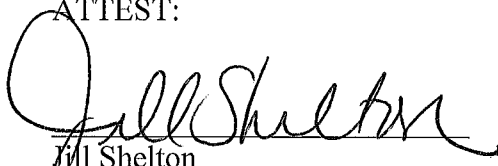

Jill Shelton
City Secretary
City of Bandera

EXHIBIT A

CHAPTER 13 UTILITIES ARTICLE 13.03 RATES AND CHARGES IS HEREBY AMENDED AS FOLLOWS:

ADD:

Sec. 13.03.005 Right of way maintenance and usage fee

(a) Adoption. A right of way maintenance and usage fee (“fee”) in such amount as determine by City Council shall be adopted as part of the city budget each fiscal year.

(b) Fee Schedule. The fee adopted by City Council shall be made part of the fees and rates schedule each fiscal year as a monthly fee against each water utility and wastewater utility account.

(c) Purpose. The fee shall be used to fund maintenance and repair of the public rights of way, in which water and sewer infrastructure is located, and related system improvements.

(d) Special Account. Revenue collected under this Section shall be deposited in an interest baring restricted use account for each utility and may only be expended for the Purpose of this Section.