

ORDINANCE NO. 2022-06-15-10

**AN ORDINANCE THE CITY OF ROLLINGWOOD CODE
OF ORDINANCES APPENDIX A FEE SCHEDULE;
REMOVING THE FEE SCHEDULE FROM THE CITY'S
CODE OF ORDINANCES**

WHEREAS, the City of Rollingwood (the “City”) has implemented fees and charges for various activities and filings with the City; and

WHEREAS, the fees charged by the City are generally all located within the City’s code of ordinances; and

WHEREAS, the location of the fees in the City’s code of ordinances is generally costly and inefficient in updating; and

WHEREAS, the City's fee schedules should be consolidated in place, placed on the City’s website and removed from the code of ordinances; and

WHEREAS, the City Council of the City desires to provide a single and convenient location for a list of all fees charged by the City; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents for each such fees are in a fee schedule outside the City’s code of ordinances.

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

SECTION 1. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The City hereby amends the City’s code of ordinances as follows with underlines being additions to the Code:

Section 2-250 Fee Schedule

- (a) Fees Generally. The City Council shall adopt and approve all fees which shall be maintained in a fee schedule to be available in the City Secretary’s Office and on the City’s website. The fees in the fee schedule shall supersede any conflicting provision within the City’s code of ordinances.
- (b) Payment of Consultant and Third-Party Fees
 - (1) Payment required. All applicants shall pay all consultant and third-party fees incurred by the city that are associated with their applications referenced in the fee schedule

under General Fees and Development and Zoning Fees or where otherwise required within the City's code of ordinances. No approvals will be issued in connection with their applications until all required fees have been paid to the city, regardless of the method used for collection of such fees.

- (2) Payment of Deposit. When consultant and third-party fees are anticipated to be substantial, a determination to be made in the sole discretion of the City, the city secretary or building official upon receipt of an application, may establish a deposit amount that is equivalent to the projected consultant fees to be incurred in connection with the application. The applicant shall deposit this amount with the city prior to any review, inspection, processing or other work being initiated by the city. A revised deposit amount may be established at any time when consultant fees are substantially different than originally projected, and additional amounts payable or refundable will be due at the time of issuance to the applicant of notice of a revised deposit amount. When a deposit is established, the application will not be considered as filed or complete until the deposit is paid. When a deposit is paid, all consultant fees incurred by the city that are associated with the application will be charged against this deposit. Upon completion of the consultant activities, the applicant shall pay any fees incurred by the city in excess of the deposit. Any excess deposit remaining after the payment of all consultant fees will be returned to the applicant.
- (3) Alternate procedure for substantial consulting or third-party fees. For large or complex development projects and other applications where an estimate of fees is determined to be impracticable, the city secretary, city engineer, public works director or building official will provide a list of the types of review, inspections, and determinations to be made by city consultants, together with hourly or customary fees charged by relevant consultants for the work. In the case of any ongoing inspection or review activities, such as utility construction review, a description of the anticipated incidence of such consultant work may be provided. In cases with protracted consultant activity, periodic invoices for costs incurred by the city may be issued to the applicant and shall be due and payable within 30 days of the issue date.

Article A1.000. — General Provisions

Sec. A1.001. — Scope.

~~The fees listed in the fee schedule shall be charged and collected by the city for the activities or uses indicated.~~

Sec. A1.002. — Conflicting Provisions.

~~This fee schedule, and in particular the fees set forth herein, controls over and supersedes any conflicting provisions in the city code~~

SECTION 3. Appendix A Fee Schedule Articles A2 through A9 are hereby removed from the City's code of ordinances, are to be continued as to their force and effect and are to be maintained as required by the City's code of ordinances.

SECTION 4. All provisions of the ordinances of the City of Rollingwood in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Rollingwood not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. This ordinance shall take effect immediately from and after its passage.

APPROVED, PASSED AND ADOPTED by the City Council of the City of Rollingwood, Texas, on the 15th day of June, 2022.

APPROVED:

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
Denton Navarro Rocha Bernal & Zech, PC