

**CITY OF SEABROOK
ORDINANCE NO. 2021-15**

**AMENDING THE CITY OF SEABROOK CITY CODE OF
ORDINANCES TO UPDATE “APPENDIX B”
“MASTER FEE SCHEDULE”**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, TO UPDATE “APPENDIX B”, ENTITLED “MASTER FEE SCHEDULE” UPDATING AND AMENDING WASTEWATER FEES, PERMIT FEES FOR SEASONAL CHRISTMAS TREES, CAROTHERS COASTAL GARDENS RENTAL FEES, POST SEASON SWIMMING POOL FACILITY RENTAL FEES, DAILY POOL FEES, PARK FEES, UTILITY FEES, INCLUDING WATER METER TAMPERING FEES, WATER TAP FEES, WATER SERVICE "MATERIAL COSTS", AND WATER METER AUDIT FEES; MAKING FINDINGS OF FACT; REPEALING AND REPLACING ALL REFERENCES TO SUCH FEES AND CHARGES IN ALL ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seabrook (“City Council”) seeks to provide for reasonable fees and charges for municipal services in order to recoup the cost of conducting municipal business on the public’s behalf without unduly relying on taxes; and

WHEREAS, the City Council approved Ordinance 2017-11 on April 4, 2017, establishing a Master Fee Schedule, in light of the municipal effort and resources that must be expended to operate, maintain, and provide services of the City of Seabrook to citizens, property owners, and parties doing business within the City; and

WHEREAS, the City Council finds that adoption of a Master Fee Schedule to consolidates all City fees and charges into one document to provide a single and convenient location for a list of all fees charged by the City of Seabrook; and

WHEREAS, the fees and charges approved and instituted by this ordinance are consistent with, and in accordance with, the annual budget for the City; and

WHEREAS, when new fees and/or charges are needed or required in order to abide by new legislation, such Master Fee Schedule will be amended and updated to include the necessary new fees and/or charges; and

WHEREAS, typographical errors found in the Master Fee Schedule will be corrected with each amendment and update of the Master Fee Schedule, and are found and corrected with the adoption of this Ordinance 2021-15; and

WHEREAS, such amended and updated Master Fee Schedule is intended to repeal and replace all existing fees in conflict with the fee schedule listed on Appendix B attached and incorporated as part of this Ordinance.

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

SECTION 1. FINDINGS

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE

The Seabrook City Code of Ordinances, is hereby amended to update “Appendix B”, entitled “Master Fee Schedule”, to update and amend wastewater fees, permit fees for Seasonal Christmas Tree Sales, Carothers Coastal Gardens rental fees, post season swimming pool facility rental fees, daily pool fees, park fees, utility fees, including water meter tampering fees, water tap fees, water service “material costs”, and water meter audit fees as attached and incorporated herein into the City of Seabrook Code of Ordinances.

SECTION 3. REPEAL AND REPLACEMENT OF EXISTING FEES

The City Council hereby repeals and replaces all fees levied by the City of Seabrook in conflict with the fee schedule attached and incorporated herein as the attached Appendix B, subject to the provisions of this Ordinance. Said repeal and replacement shall be effective on October 1, 2021.

SECTION 4. INCORPORATION INTO THE CODE; PENALTY CLAUSE

This Ordinance is hereby incorporated into and made a part of the Seabrook City Code and violation of any provision hereof shall be subject to the penalty described in said Code, Section 1-15 “General Penalty; continuing violations”.

SECTION 5. CONSOLIDATING ALL FEES AND CHARGES FOR MUNICIPAL SERVICES INTO ONE DOCUMENT

All City fees and charges for municipal services are hereby intended to be consolidated into one document, Appendix B, so approved and attached and made a part of the Seabrook City Code of Ordinances and incorporated herein.

SECTION 6. RESOLUTION OF CONFLICTING ORDINANCES AND PROVISIONS

In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, it is the intent that the fees and charges provided herein shall control, but not fees and charges made the basis of other specific provisions of the Code, which by way of illustration include but are not limited to the provisions of the Comprehensive Zoning Ordinance, Water and Wastewater Impact Fees Ordinance. Nothing adopted herein is intended to, in any way, nor shall any such provision be deemed to supersede or control over such provisions or any other fee or charge which may have been inadvertently omitted in this Ordinance.

SECTION 7. SAVINGS CLAUSE

All rights and remedies of the City of Seabrook are expressly reserved and saved as to any and all provisions of any ordinance affecting fees of the City and to any and all violations of the provisions of any prior ordinance pertaining thereto which have accrued as of the effective date of this ordinance; and as to such accrued fees, collection activity, violations, and any pending litigation, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but may be prosecuted and pursued until final disposition.

SECTION 8. SEVERABILITY

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 9. NOTICE

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on first reading, this **7th day of September, 2021.**

PASSED AND ADOPTED with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10, on second and **final reading, this 21st day of September, 2021.**

By: _____
Thomas G. Kolupski
Mayor

ATTEST:

By: _____
Robin Lenio, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney