

ORDINANCE NO. O-24-003

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, ADOPTING CHAPTER 28, IMPACT FEES, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM, TEXAS PROVIDING FOR THE IMPOSITION OF IMPACT FEES WITHIN THE CITY LIMITS AND THE BRENHAM EXTRA-TERRITORIAL JURISDICTION (ETJ) IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Chapter 395 of the Texas Local Government Code (“the Statute”) authorizes the City to enact impact fees as charges or assessments imposed against new development in order to generate revenue for recouping the costs of capital improvements necessitated by the new development; and

WHEREAS, on May 4, 2023 the City Council authorized the preparation of an Impact Fee Study (“Study”) by a qualified engineer, Strand Associates, Inc. which is on file and available in the City Secretary’s Office; and

WHEREAS, on July 13, 2023 the City Council appointed the Capital Improvements Advisory Committee pursuant to the Statute to review, advise and recommend the adoption of assessing impact fees in conjunction with the Study as conducted by Strand Associates, Inc.; and

WHEREAS, on December 7, 2023 the City Council, following procedures outlined in the Statute, passed Resolution R-23-044 adopting Land Use Assumptions and Water, Wastewater and Roadway Capital Improvement Plans for the designated service areas under which an impact fee may be imposed; and

WHEREAS, the Capital Improvements Advisory Committee (“CIAC”) filed its written comments and made its positive recommendation of the adoption of the proposed water, wastewater and roadway impact fees on January 24, 2024, before the date of the public hearing on the adoption of water, wastewater and roadway impact fees; and

WHEREAS, the recommendation of the CIAC and the adoption of water, wastewater and roadway impact fees were considered by the City of Brenham City Council during a public hearing held on February 1, 2024 at which all persons desiring to be heard were heard; and

WHEREAS, the City Council finds that in all things the City has complied with the Statute in the notice, adoption, promulgation and methodology necessary to adopt Impact Fees;

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

SECTION 1

Chapter 28 – Impact Fees, of the Code of Ordinances of the City of Brenham, Texas, is hereby adopted in its entirety to read as follows:

Sec. 28-1. Short Title.

This Chapter shall be known and cited as the "City of Brenham Impact Fee Ordinance."

Sec. 28-2. Purpose and scope.

The purpose of this Chapter is to assure the provision of adequate public facilities to serve new development in the City and its extraterritorial jurisdiction by requiring each such development to pay its share of the costs of such improvements necessitated and attributable to such new development. This Chapter is intended to impose water and wastewater impact fees, as established by this Chapter in order to finance public facility capital improvement plans generated by new development within the service area.

Sec. 28-3. Authority.

The City is authorized to enact this Chapter and adopt impact fees by Chapter 395 of the Texas Local Government Code ("Statute"), which authorizes home rule cities to enact or impose impact fees on land within their corporate boundaries and in their extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding capital improvements or facility expansions necessitated by and attributable to such new development. The provisions of this Chapter shall not be construed to limit the power of the City to adopt such Chapter pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Chapter. Guidelines may be developed by resolution or otherwise to implement and administer this Chapter.

Sec. 28-4. Definitions.

As used in this Chapter, unless the context otherwise indicates, the following words are defined as follows. Words and terms not expressly defined in this section have their ordinary meanings based on the latest edition of Merriam-Webster's unabridged dictionary.

Assessment. The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Chapter.

Building Permit. Written permission issued by the City of Brenham Development Services Department for the construction, repair, or alteration of or addition to a structure.

Capital Improvement. Shall mean any of the following facilities that have a life expectancy of three (3) or more years and are owned and operated by the City of Brenham: water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage, and flood control facilities; whether or not they are located within the service area; and roadway facilities.

Capital Improvement Plan. Shall mean a plan required by this Chapter that identifies capital improvements or facility expansions for which impact fees may be assessed.

City. Shall mean the City of Brenham, Texas.

Effective Date. Shall mean July 1, 2024.

Final Plat. The map, drawing or chart on which is provided a subdivider's plan of a subdivision, which has received final approval by the Planning and Zoning Commission or City Manager, in accordance with Chapter 23 – Subdivisions, of the City of Brenham Code of Ordinances, and which is recorded with the office of the county clerk. For the purposes of this Chapter, a final plat shall include a replat.

Impact Fee. Shall mean a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. The term does not include:

- (A) dedication of land for public parks or payment in lieu of the dedication to serve park needs;
- (B) dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;
- (C) lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or
- (D) other pro rata fees for reimbursement of water or sewer mains or lines extended by the political subdivision.

Land Use Assumptions. Shall mean a description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a ten (10) year period upon which the capital improvement plans are based and approved by City Council.

New Development. Shall mean the subdivision of land, the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which has the effect of increasing the requirements for capital improvements or facility expansions, measured by the number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City's subdivision regulations, the issuance of a building permit or connection to the City's water or wastewater system, and which has not been exempted from these regulations by provisions herein. Installation of a larger water meter shall constitute new development.

Service Area. For purposes of water and wastewater (see Sec. 28-15(2) and Sec. 28-15(4)) the area within the corporate boundaries of the City and Extraterritorial Jurisdiction to be served by the capital improvements or facilities expansions specified in the capital improvement plans.

Service Unit. Shall mean a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous ten (10) years.

Sec. 28-5. Land Use Assumptions.

Land use assumptions used in the development of the impact fees are described in Sec. 28-15(1). These assumptions may be revised by the City Council according to the procedures set forth in the Statute.

Sec. 28-6. Applicability.

1. This Chapter shall be uniformly applicable to new development which occurs within the corporate boundaries and extraterritorial jurisdiction of the City of Brenham.
2. The water and wastewater service areas and capital improvement plans are established in Sec. 28-15.
3. Revisions or additions to the above-described service areas may be designated by the City Council consistent with the procedures set forth in the Statute.

Sec. 28-7. Study Adopted.

The 2023 Impact Fee Study ("Study"), prepared by Strand Associates, Inc. in accordance with the Statute for the adoption of water, wastewater and roadway impact fees is hereby accepted and adopted for all purposes consistent with this Chapter. The Study is on file and available upon request in the Development Services Department and the City Secretary's Office.

Sec. 28-8. Impact Fees Per Service Unit Methodology.

The maximum impact fee per service unit for each service area shall be computed by utilizing the fifty percent (50%) credit method which assumes a credit equal to fifty percent (50%) of the total projected cost of implementing the capital improvement plan for each category of capital improvements. In accordance with the Statute, a credit equal to fifty percent (50%) of the total adopted capital improvement plans, as outlined in Sec. 28-15, was applied to such projected costs prior to calculation of the maximum and effective impact fees as shown in Table 1 and Table 2.

Sec. 28-9. Impact Fees Adopted.

The service units for water and wastewater improvements shall be assessed in terms of residential equivalent connections (REC), or the volume of water used by a standard one inch (1") water meter during a one (1) day period. Single-family residential units are equivalent to one (1) REC. Multiple-family residential, commercial, and industrial units shall be adjusted to reflect their respective demand on the water and wastewater distribution and collection systems, and in accordance with their ratio to a one inch (1") water meter as established by the American Water Works Association (AWWA).

Consistent with the procedures set forth in the Statute, the effective impact fees per service unit may be amended from time to time by the City Council, following the review and recommendation of the Capital Improvements Advisory Committee, through an ordinance amendment, to any amount equal to or less than the maximum impact fees set forth in Table 1 and Table 2.

1. A water impact fee of \$4,794.00 per service unit shall be assessed and charged against new development in the service area (see Sec. 28-15(2)) as set forth in Table 1. In accordance with Section 395.016(c) of the Statute, Table 1 shall apply to final plats recorded before the effective date which obtain a permit following the one (1) year grandfather period and on final plats approved and recorded after the effective date.

Table 1 – Water Impact Fee Determined for Varying Water Meter Types and Sizes Using AWWA Equivalency Table

Meter Size (Inch)	Meter Type	Continuous Duty Maximum Flow Rate (gpm)	Ratio to 1-inch Meter	Impact Fees (Maximum Assessable)	Impact Fees (CIAC Recommendation) 90%
1	Displacement Type	25	1	\$5,327	\$4,794
1.5	Displacement Type	50	2	\$10,654	\$9,589
2	Displacement Type	80	3.2	\$17,046	\$15,341
2	Compound	80	3.2	\$17,046	\$15,341
3	Compound	175	7	\$37,289	\$33,560
3	Turbine Vertical Shaft	220	8.8	\$46,878	\$42,190
3	Turbine High Velocity	350	14	\$74,578	\$67,120
4	Compound	300	12	\$63,924	\$57,563
4	Turbine Vertical Shaft	420	16.8	\$89,494	\$80,545
4	Turbine High Velocity	650	26	\$138,502	\$124,652
6	Compound	675	27	\$143,829	\$129,446
6	Turbine Vertical Shaft	865	34.6	\$184,314	\$165,883
6	Turbine High Velocity	1,400	56	\$298,312	\$268,481
8	Compound	900	36	\$191,772	\$172,595
8	Turbine High Velocity	2,400	96	\$511,392	\$460,253
10	Turbine High Velocity	3,500	140	\$745,780	\$671,202
12	Turbine High Velocity	4,400	176	\$937,552	\$843,797

2. A wastewater impact fee of \$620.00 per service unit shall be assessed and charged against new development in the service area (see Sec. 28-15(4)) as set forth in Table 2. In accordance with Section 395.016(c) of the Statute, Table 2 shall apply to final plats recorded before the effective date which obtain a permit following the one (1) year grandfather period and on final plats approved and recorded after the effective date.

Table 2 – Wastewater Impact Fee Determined for Varying Water Meter Types and Sizes Using AWWA Equivalency Table

Meter Size (Inch)	Meter Type	Continuous Duty Maximum Flow Rate (gpm)	Ration to 1-Inch Meter	Impact Fees Maximum Assessable	Impact Fees Adopted – 20%
1	Displacement Type	25	1	\$3,102	\$620
1.5	Displacement Type	50	2	\$6,204	\$1,241
2	Displacement Type	80	3.2	\$9,926	\$1,985
2	Compound	80	3.2	\$9,926	\$1,985
3	Compound	175	7	\$21,714	\$4,343
3	Turbine Vertical Shaft	220	8.8	\$27,298	\$5,460
3	Turbine High Velocity	350	14	\$43,428	\$8,686
4	Compound	300	12	\$37,224	\$7,445
4	Turbine Vertical Shaft	420	16.8	\$52,114	\$10,423
4	Turbine High Velocity	650	26	\$80,652	\$16,130
6	Compound	675	27	\$83,754	\$16,751
6	Turbine Vertical Shaft	865	34.6	\$107,329	\$21,466
6	Turbine High Velocity	1,400	56	\$173,712	\$34,742
8	Compound	900	36	\$111,672	\$22,334
8	Turbine High Velocity	2,400	96	\$297,792	\$59,558
10	Turbine High Velocity	3,500	140	\$434,280	\$86,856
11	Turbine High Velocity	4,400	176	\$545,952	\$109,190

3. The results and findings of the Study concerning roadway impact fees are accepted as provided for in Section 28-7. The maximum and effective impact fee value per service unit for roadway facilities are not adopted. The impact fee values per service unit for roadway facilities may be adopted in the future and amended in accordance with the Statute.

Sec. 28-10. Assessment of Impact Fees.

1. No final plat for new development shall be released for recordation, and no building permit and/or plumbing permit shall be issued, without the assessment of applicable impact fees pursuant to this Chapter. Except as otherwise provided in this Chapter, no building permit and/or plumbing permit shall be issued until the owner has paid the applicable impact fees.
2. For a new development which has received final plat approval before the effective date, assessment of impact fees shall occur on the effective date of this Chapter.
3. For a new development which has received final plat approval on or after the effective date, assessment of impact fees shall occur at the time of recordation of the final plat.
4. After assessment of the impact fees attributable to a new development, and/or in conjunction with the expansion or enlargement of a development in existence as of the effective date of this Chapter, additional impact fees or increases in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases. In the event of the increase in the number of service units, the impact fees to be imposed are limited to the amount attributable to the additional service units.

Sec.28-11. Collection of Impact Fees.

1. Impact fees shall be collected at the time of issuance of a building permit.
2. For a new development that received final plat approval before the effective date, impact fees may not be collected on any service unit for which a valid building permit is issued within one (1) year after the effective date of this Chapter; provided, however, such a service unit shall be subject to the collection of impact fees upon the submission of a subsequent application for a building permit if the subsequent building permit application is not issued within one (1) year after the effective date.

Sec. 28-12. Impact Fees as Additional and Supplemental Regulation.

1. Impact fees established by this Chapter are additional and supplemental to, and not in substitution of any other requirements imposed by the City on development of land or the issuance of building permits or the sale of water or wastewater taps or the issuance of certificates of occupancy. Such impact fees are intended to be consistent with and to further the policies of the adopted comprehensive plan, capital improvement plans, zoning ordinance, subdivision regulations and other City policies, ordinances, and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.
2. This Chapter shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with the respect to such development.

Sec. 28-13. Functions of the Capital Improvements Advisory Committee (CIAC)

In accordance with the procedures set forth in the Statute, the Capital Improvements Advisory Committee (CIAC) shall be appointed by the City Council to assist with the impact fee adoption, implementation, and semiannual review of impact fees. The functions of the CIAC are those set forth in the Statute or any successor statute and shall include the following:

1. Advise and assist the City in adopting land use assumptions;
2. Review and file written comments on the City's capital improvement plans;
3. Monitor and evaluate implementation of the City's capital improvement plans;
4. File semiannual reports evaluating the progress of the City in achieving the capital improvement plans and identifying any problems in implementing the plans or administering the impact fees, and any perceived inequities in administration of the fee; and
5. Advise the City of the need to update or revise the land use assumptions, capital improvement plans and/or impact fees.

In accordance with the procedures set forth in the Statute, the CIAC shall review the land use assumptions and capital improvement plans for water, wastewater and roadway facilities at least every five (5) years. The first five (5) year period shall commence from the date of adoption of the land use assumption and capital improvement plans. Following the review of the CIAC, the City shall make a determination of whether changes to the land use assumptions, capital improvement plan or impact fees are needed and shall, in accordance with the procedures set forth in the Statute, or any successor statute, either update the fees or make a determination that no update is necessary.

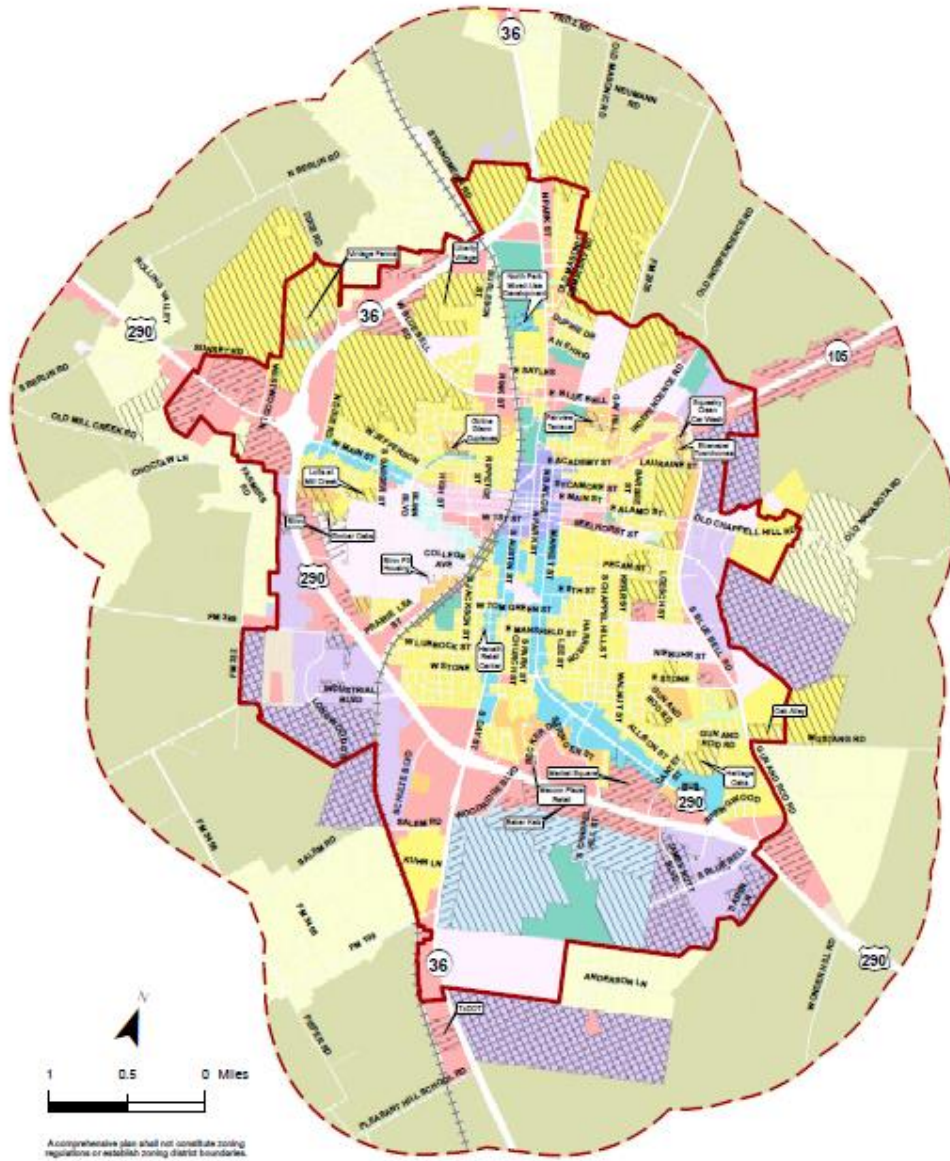
Sec. 28-14. Accounting for Fees and Interest.

1. The City shall deposit all funds collected through the adoption of an impact fee in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted.
2. Interest earned on impact fees is considered funds of the account on which it is earned and is subject to all restrictions placed on use of impact fees under the Statute.
3. The City shall establish adequate financing and accounting controls to ensure that the impact fees disbursed from the account are utilized for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by the Statute.
4. The City shall maintain and keep financial records for impact fees, which shall show the source and disbursement of all fees collected in or expended within the service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

Sec. 28-15. Related Maps and Listings of Capital Improvement Projects.

1. Map A – Land Use Assumptions.
2. Map B – Water Impact Fee Service Area
3. Impact Fee Capital Improvement Plan; Water Capital Improvement Plan Projects
4. Map C – Wastewater Service Area
5. Impact Fee Capital Improvement Plan; Wastewater Capital Improvement Plan Projects

Sec. 28-15(1). Map A – Land Use Assumptions.

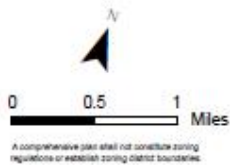
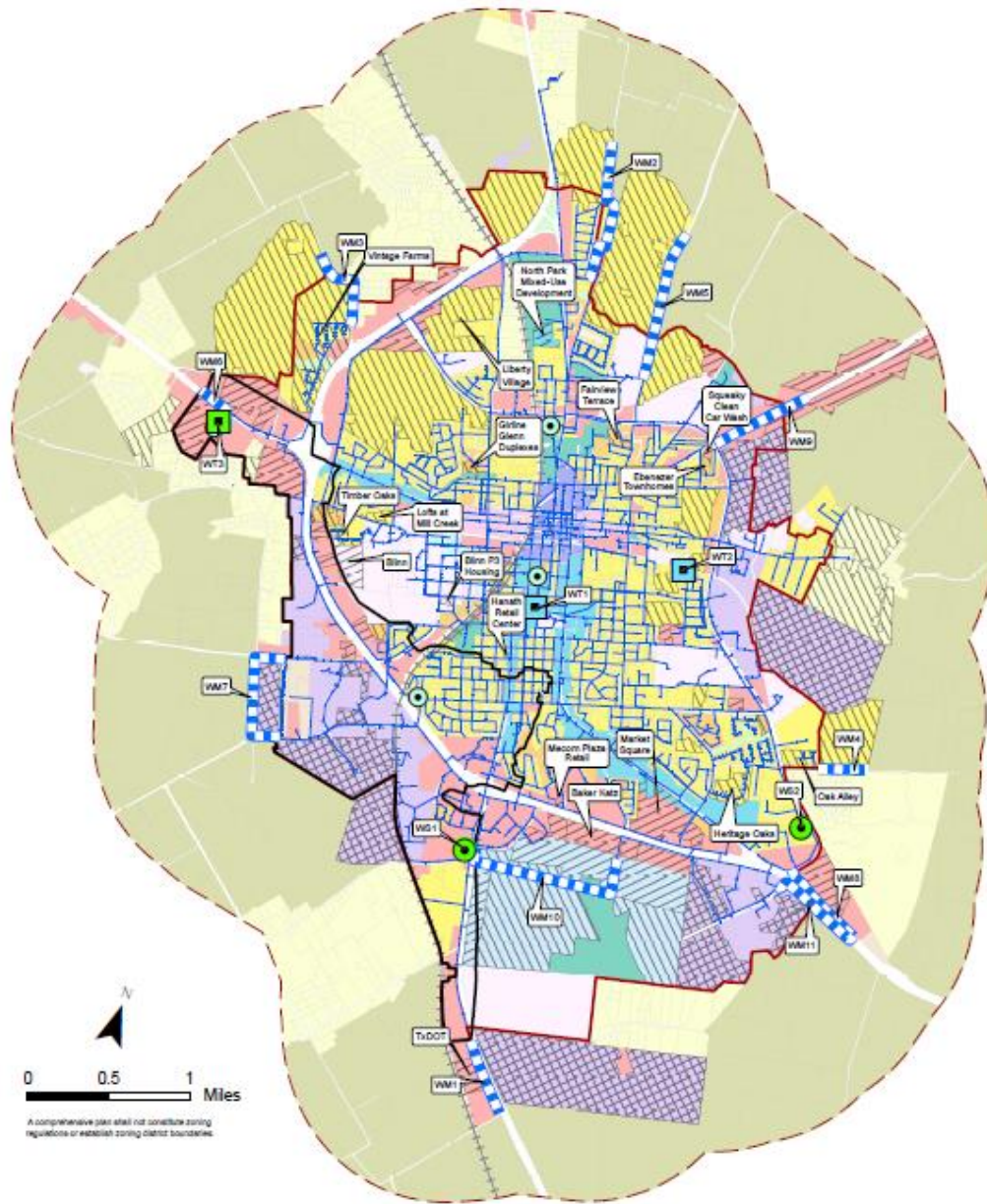


Brenham, TX
Future Land Use

Legend

Rural	Mixed Use Blinn Adjacent	City Limits
Open Space	Mixed Use Downtown Adjacent	ETJ
Park	Corridor Mixed Use	Railroad
Estate Residential	Planned Development	Future Commercial
Single Family Residential	Downtown	Future Industrial
Manufactured Homes	Local Public Facilities	Future Residential
Multi-Family Residential	Commercial	
	Industrial	

Sec. 28-15(2). Map B - Water Impact Fee Service Area.



Brenham, TX
Water Impact Fee Service Area

Legend

- | | | |
|--|--|--|
| <p>Future Land Use Plan</p> <ul style="list-style-type: none"> Rural Open Space Park Estate Residential Single Family Residential Manufactured Homes Multi-Family Residential Mixed Use Blinn Adjacent Mixed Use Downtown Adjacent Corridor Mixed Use Planned Development Downtown Local Public Facilities Commercial Industrial | <ul style="list-style-type: none"> City Limits Extraterritorial Jurisdiction Boundary Railroad Future Commercial Future Industrial Future Residential Pressure Zone Boundary | <p>Existing Infrastructure</p> <ul style="list-style-type: none"> Water Main Elevated Storage Tank Water Treatment Plant <p>Proposed Improvements</p> <ul style="list-style-type: none"> Water Main Elevated Storage Tank Water Treatment Plant |
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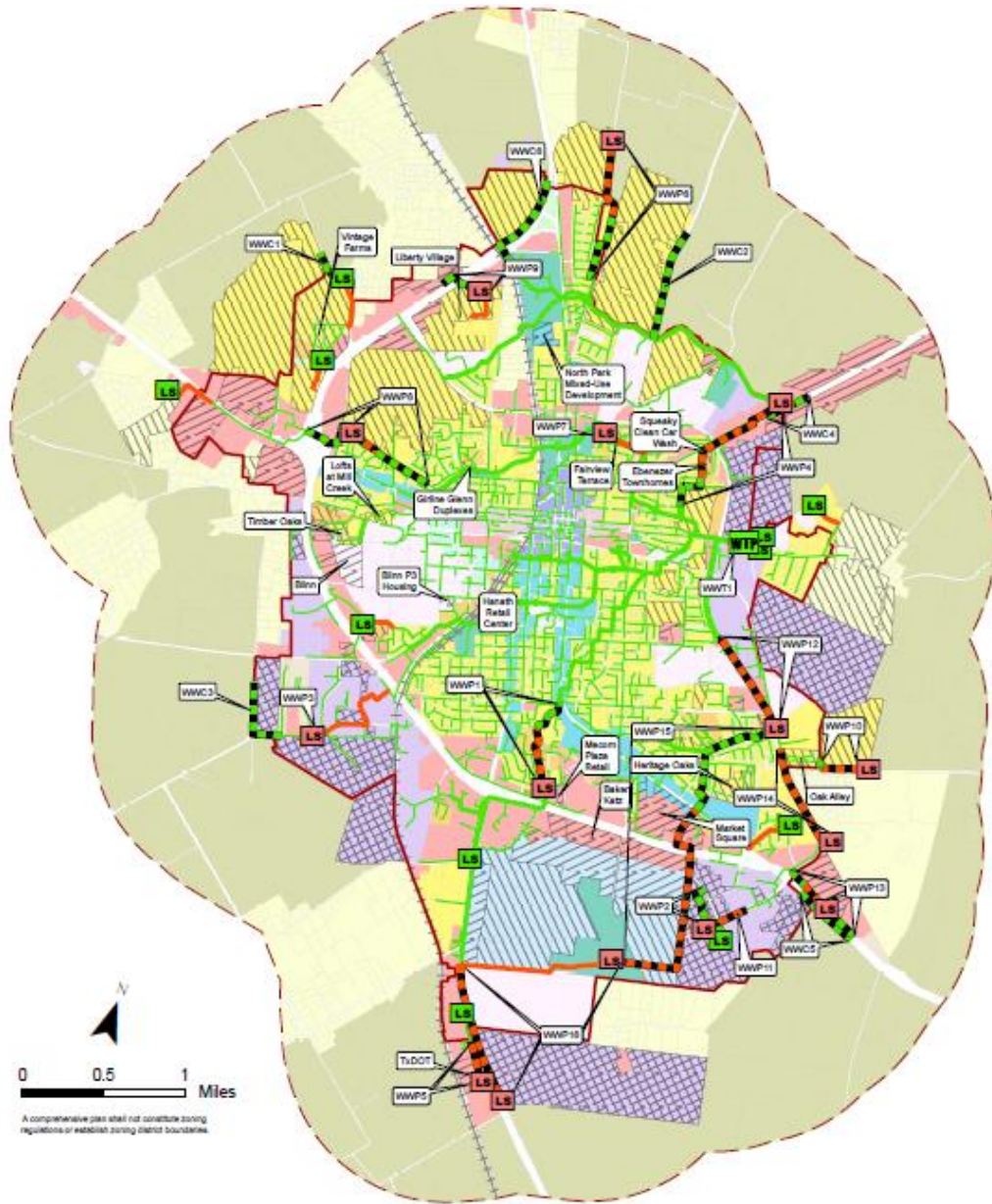
Sec. 28-15(3). Impact Fee Capital Improvement Plan; Water Capital Improvement Plan Projects.

ID	PROJECT NAME	COST
WT1	Surface Water Treatment Plant Improvements	\$ 24,300,000.00
WT2	Loesch Street Water Plan	\$ 11,700,000.00
WT3	Westside Water Plant	\$ 12,700,000.00
WS1	Highway 36 South Elevated Storage Tank	\$ 3,036,000.00
WS2	Gun and Rod Road Elevated Storage Tank	\$ 3,036,000.00
WM1	Highway 36 South Water Main Extension	\$ 741,250.00
WM2	Old Masonic Road Water Main Replacement and Extension	\$ 1,289,900.00
WM3	Dixie Road Water Main Extension	\$ 805,000.00
WM4	Mustang Road Water Main Extension	\$ 378,900.00
WM5	Farm-to-Market (FM) 2935 Water Main Extension	\$ 1,366,450.00
WM6	Highway 290 West Water Main Replacement	\$ 496,700.00
WM7	FM 332 Water Main Extension	\$ 1,287,800.00
WM8	Highway 290 East – Phase 1 Water Main Extension	\$ 847,250.00
WM9	Highway 105 Water Main Replacement and Extension	\$ 1,006,200.00
WM10	Small Area Plan Water Main Extension	\$ 1,576,250.00
WM11	Highway 290 East – Phase 2 Water Main Extension	\$ 857,400.00
Study	Water Impact Fee Study	\$ 65,000.00
	WATER CAPITAL IMPROVEMENT PLAN PROJECTS – TOTAL COST:	\$ 65,490,100.00

Assumptions:

1. Costs are listed in 2023 dollars.

Sec. 28-15(4). Map C - Wastewater Service Area.



Brenham, TX
Wastewater Impact Fee Service Area

Legend

Future Land Use Plan

- Rural
- Open Space
- Park
- Estate Residential
- Single Family Residential
- Manufactured Homes
- Multi-Family Residential

- Mixed Use Blinn Adjacent
- Mixed Use Downtown Adjacent
- Corridor Mixed Use
- Planned Development
- Downtown
- Local Public Facilities
- Commercial
- Industrial

- City Limits
- Extraterritorial Jurisdiction Boundary
- Railroad
- Future Commercial
- Future Industrial
- Future Residential

Existing Infrastructure

- Gravity Sewer >12"
- Gravity Sewer <12"
- Force Main
- Wastewater Treatment Plant
- Lift Station

Proposed Improvements

- Gravity Sewer
- Force Main
- Lift Station

Sec. 28-15(5). Impact Fee Capital Improvement Plan; Wastewater Capital Improvement Plan Projects.

ID	PROJECT NAME	COST
WWT1	Wastewater Treatment Plant Expansion Study	\$ 150,000.00
WWP1	Stone Hollow Lift Station, Force Main, and Gravity Sewer Replacement	\$ 2,115,000.00
WWP2	Business Center Lift Station-Phase 1, Force Main, and Gravity Sewer Replacement	\$ 1,413,000.00
WWP3	Industrial Boulevard Lift Station, Force Main, and Gravity Sewer Replacement	\$ 1,762,000.00
WWP4	Highway 105 Lift Station, Force Main, and Gravity Sewer Replacement	\$ 5,126,000.00
WWP5	TxDOT Lift Station and Force Main	\$ 942,000.00
WWP6	Old Masonic Road Lift Station, Force Main, and Gravity Sewer	\$ 1,707,000.00
WWP7	Henderson Park Lift Station (Pump Replacement), Force Main and Gravity Sewer Replacement	\$ 456,000.00
WWP8	Munz Lift Station, Force Main, and Gravity Sewer Replacement	\$ 5,104,000.00
WWP9	Liberty Village Lift Station (Pump Replacement) and Gravity Sewer Replacement	\$ 764,000.00
WWP10	Mustang Road Lift Station, Force Main, and Gravity Sewer	\$ 1,122,000.00
WWP11	Business Center Lift Station-Phase 2, Force Main Replacement	\$ 611,000.00
WWP12	Ralston Creek Lift Station (Pump Replacement) and Force Main Replacement	\$ 1,504,000.00
WWP13	Highway 290 East Lift Station – Phase 1, Force Main, and Gravity Sewer	\$ 1,008,000.00
WWP14	K of C Hall Lift Station and Force Main	\$ 1,806,000.00
WWP15	Baker Katz Lift Station, Force Main, and Gravity Sewer Replacement	\$ 3,525,000.00
WWP16	Highway 36 South No. 2 Lift Station and Force Main	\$ 2,074,000.00
WWC1	Dixie Road Gravity Sewer Extension	\$ 223,000.00
WWC2	Farm-to-Market (FM) 2935 Gravity Sewer Extension	\$ 697,000.00
WWC3	FM 332 Gravity Sewer Extension	\$ 509,000.00
WWC4	Highway 105 Gravity Sewer Extension	\$ 515,000.00
WWC5	Highway 290 East Gravity Sewer Extension – Phase 2	\$ 249,000.00
WWC6	Highway 36 North Gravity Sewer Extension	\$ 772,000.00
Study	Wastewater Impact Fee Study	\$ 110,000.00
WASTEWATER CAPITAL IMPROVEMENT PLAN PROJECTS – TOTAL COST:		\$ 34,264,000.00

Assumptions:

1. Costs are listed in 2023 dollars.

SECTION 3.

All provisions of any ordinance, resolution, or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions or other actions shall remain in full force and effect.

SECTION 4.

Should any section, subsection, sentence or clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases remaining should any provision be declared unconstitutional or invalid.

SECTION 5.

This Ordinance, upon passage, approval and publication as required by law, shall take effect on July 1, 2024.

PASSED and APPROVED on its first reading this the 15th day of February 2024.

PASSED and APPROVED on its second reading this the 22nd day of February 2024.

Atwood C. Kenjura
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary