

ORDINANCE NO. 2022-009

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, AMENDING ARTICLE A9.003 BUILDING AND DEVELOPMENT FEES, OF THE CODE OF ORDINANCES, PRESERVATION OF EXISTING LANDSCAPE VEGETATION AND NATURAL FEATURES, TO UPDATE THE PENALTY PROVISION; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PENALTY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of West Lake Hills (“City Council”) seeks to provide for reasonable fees; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Section 54.001(b), a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000; and

WHEREAS, the City Council finds that a violation of section 22.03.301 creates a serious threat to public health and fire safety; and

WHEREAS, the City Council finds that the amendment proposed is reasonable, necessary, and proper for the good government of the City of West Lake Hills.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Section 22.03.301 of the City of West Lake Hills Code of Ordinances is hereby amended so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Underlined and italicized text shall be added, and struck-through and bracketed text shall be deleted as indicated in *Attachment A*.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & 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, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED THIS, THE 10th DAY OF AUGUST, 2022.

CITY OF WEST LAKE HILLS:



Linda Anthony, Mayor

ATTEST:


Terry Blanchard, TRMC
City Secretary

ATTACHMENT A

ARTICLE A9.00 BUILDING AND DEVELOPMENT FEES

Sec. A9.003 Building

(w) Landscaping:

- (1) Tree application: No fee
- (2) Tree Inspection
 - (1) Remodel, demo, swimming pool: \$150
 - (2) New construction: \$250
- (3) Tree removal and replacement for nondiseased trees between ten (10) inches and less than fourteen (14) inches (section 22.03.301 et seq.): \$200.00 per caliper inch.
- (4) Tree removal and replacement for nondiseased trees fourteen (14) inches and greater (section 22.03.301 et seq.): \$300.00 per caliper inch.
- (4) Unauthorized tree removal for nondiseased trees (section 22.03.301 et seq.): ~~\$750.00.~~\$500.00 per caliper inch