

**2023-01**

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE CITY OF RIESEL, TEXAS REQUIRING A DEPOSIT FOR AND PAYMENT OF PROFESSIONAL FEES INCURRED BY THE CITY FOR DEVELOPMENT ASSISTANCE; PLAT AND SUBDIVISION REGULATION REVIEWS AND REVIEWS OF COMMERCIAL CONSTRUCTION PLANS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City has had to pay significant professional fees for Development Assistance, Review of Plats (and compliance with Plat regulations), and review of Commercial Construction Plans;

**WHEREAS**, the City cannot afford to keep absorbing these professional fees (engineering, legal, etc.) however, the assistance and reviews are important to the Developer and the City;

**WHEREAS**, to assure that the assistance and reviews may continue to be provided without fiscally harming the City, the City Council finds that in the situations addressed herein the Developer must put up a deposit for professional fees incurred. If the fees are less than the deposit, the balance shall be returned to the Developer, but if the fees are more than the deposit, the Developer must pay the fees owing after application of the deposit; and

**WHEREAS**, the enactment of this ordinance is vital to the financial stability of the City while maintaining the ability to provide for the control of the orderly growth of the City.


**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS that:**

1. Development Assistance. Developers often request information from the City to determine the feasibility of their developments. Availability of water, number of meters, availability of sewer and sewer capacity, drainage issues, concept reviews, etc. This often requires the review and assessment of the City Engineer. In circumstances where the development assistance will require the assistance of the City Engineer, the Developer must comply with Section 4 below.
2. Plat Reviews and Review of Compliance with Subdivision Regulations. Professional assistance is often necessary for plat and subdivision regulation compliance reviews. The Developer must comply with Section 4 below.
3. Commercial Construction Plan Review. Review of Commercial Construction plans often require the review of the City Engineer in addition to the Building Official. Therefore, for a commercial development the Developer shall comply with Section 4 below.
4. Deposit and Payment of Professional Fees.

Developers covered by Sections 1-3 above shall:

- a) Residential. For seven (7) Lots or more Deposit a \$2,500 cash deposit with the City Secretary to be used towards payment of professional fees incurred by the City for the Development, and for Six (6) Lots or less Deposit a \$1,000 cash deposit with the City Secretary to be used towards payment of professional fees incurred by the City for the Development.;
  - b) Commercial. For any review of commercial construction plans, deposit a \$2,500 cash deposit with the City Secretary to be used towards payment of professional fees incurred by the City;
  - c) If the professional fees incurred are less than the deposit, the remainder of the deposit shall be returned to the Developer; and
  - d) If the professional fees incurred by the City with regard to the Development are greater than the deposit, the Developer shall reimburse the City for the professional fees incurred by the City that exceed the deposit.
5. Severability Clause. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.
6. Effective Date. This Ordinance is effective on the date passed by the City Council.

PASSED and APPROVED this the 13<sup>th</sup> day of June, 2023.

  
\_\_\_\_\_  
Mayor  
City of Riesel, Texas

Attest:  
  
\_\_\_\_\_  
City Secretary

