

ORDINANCE NO.

AN ORDINANCE AUTHORIZING FEES, FINES, AND OTHER CHARGES TO BE SET OR CHARGED BY THE CITY FOR FISCAL YEAR 2026-2027, BEGINNING ON OCTOBER 1, 2026, AND ENDING ON SEPTEMBER 30, 2027, AND WAIVING FEES AND OTHER CHARGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Council authorizes the fees, fines, and other charges listed in the attached **Exhibits “A” and “B”** to be set or charged by the City for Fiscal Year 2026-2027 beginning on October 1, 2026, and ending on September 30, 2027.

PART 2. To the extent that a previous ordinance conflicts with this ordinance, the earlier ordinance is repealed.

PART 3. The City Council waives fees and reimburses costs for the following City co-sponsored events identified in the following Council actions:

Resolution No. 20021003-040	Veterans’ Day Parade
	Juneteenth Festival
	Martin Luther King Jr. Parade
	Fiesta de Independencia (Dies y Seis event)*
Resolution No. 20040226-040	Celebrate Texas Parade and Run
Resolution No. 20050324-040B	Austin Farmer’s Markets
Resolution No. 20070308-033	South by Southwest Festival
Resolution No. 20100408-034	Austin PRIDE event
Resolution No. 20100624-080	Austin Symphony July 4th Concert and Fireworks
Resolution No. 20111208-077	Zilker Kite Festival
Resolution No. 20120927-081	HOPE Farmers Market

Ordinance No. 20130808-057	Viva la Vida Street Festival and Parade
Ordinance No. 20131212-140	Merry Memories event
Ordinance No. 20141106-057	Viva! Streets Ciclovía
Ordinance No. 20210610-088	Texas Farmers' Market at Mueller
Resolution No. 20221208-066	Austin Energy Regional Science Festival
Resolution No. 20230309-043	Austin Trail of Lights
Resolution No. 20230720-093	Honor Flight
Ordinance No. 20240530-105	Texas Book Festival
Resolution No. 20240926-073	Small Business Opportunity Summit
Ordinance No. 20250306-030	Eeyore's Birthday Party
Ordinance No. 20260423-040	Austin Dragon Boat Festival and Race

* This event has not required fee waivers from the City Council since fiscal year 2012

These events are Council-approved co-sponsored events which serve documented public purposes as set forth in the actions of the City Council noted above. Each event must annually provide reasonable documentation to the City Manager that the event brings a value to the City that is at least roughly equivalent to the fees waived or reimbursed by this action.

PART 4. S.M.A.R.T. Housing Program-certified Developments.

- (A) This part applies to housing that is certified under City Code Chapter 25-1, Article 15, Division 2 (*S.M.A.R.T. Housing*).
- (B) The City Manager or their designee may waive all or a portion of the fees required to develop housing that complies with the requirements of City Code Chapter 25-1, Article 15, Division 2 and is certified by the Housing Department Director under the S.M.A.R.T. Housing Program.
- (C) If the City Code exempts or otherwise modifies a fee-related development requirement because the development is a S.M.A.R.T. Housing Program-certified development, the City Code provision controls.

PART 5. High Quality Childcare Fee Waivers.

- (A) Article III, Section 52-a of the Texas Constitution and Section 380.001 of the Texas Local Government Code authorize fee waivers for economic development purposes.
- (B) As described in Resolution No. 20230126-055, the availability of licensed childcare facilities impacts economic development, and increasing the number of available licensed childcare facilities stimulates business and commercial activity. Accordingly, the City Council waives a maximum of \$250,000 in fees since the launch of the economic development Childcare Fee Waiver Program that must be paid to:
- (1) obtain a conditional use permit to open a childcare facility;
 - (2) construct an expansion of an existing high quality childcare facility;
 - (3) construct a qualifying new childcare facility; and
 - (4) obtain an annual inspection by the Austin Fire Department for a high quality childcare facility.
- (C) To ensure that the public purpose of these fee waivers is met, the City Manager or their designee is directed to adopt, and amend as necessary, guidelines to implement and administer these fee waivers in accordance with this ordinance and Resolution No. 20230126-055, including any future amendments.

PART 6. Density Bonus and Affordable Housing Incentive Programs Fee Waivers.

- (A) Article III, Section 52-a of the Texas Constitution and Section 380.001 of the Texas Local Government Code authorize fee waivers for economic development purposes.
- (B) A development that complies with the affordability requirements and affordability period required by the applicable program impacts economic development. Fee waivers provide an incentive to generate more affordable units.
- (C) As authorized by City Code Section 4-18-27 (*Fee Waivers*) if a development includes on-site affordable units and is certified by the director of Austin

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Housing under Section 4-18-25 (*Certification*), the city manager, or their designee, may waive all or a portion of the fees required to develop housing.

- (D) If the applicant or its successors and assigns fails to comply with the minimum applicable affordability requirement or affordability period, the applicant shall reimburse the City for all fees.
- (E) The maximum amount for fee waivers authorized under City Code Section 4-18-27 and this part may not exceed \$250,000 for Fiscal Year 2026-2027.

PART 7. Waiver of Fees for Austin Light Rail Development.

- (A) As described in Ordinance No. 20260521-055, the City Council finds that waiving right-of-way usage fees and traffic control plan review fees for the light rail components of the Austin Light Rail Implementation Plan, as defined in Resolution No. 20230601-072, serves a public purpose by recognizing the reconstruction of and improvements to the right-of-way provided by the light rail project; implementing light rail is identified as being a key strategy for achieving the goals outlined in the Austin Strategic Mobility Plan, the City's transportation plan; and by recognizing the staff resources committed by Austin Transit Partnership to the City to support review services in lieu of cost-of service fees.
- (B) Also as described in Ordinance No. 20260521-055, the City Council authorizes the City Manager to waive right-of-way usage fees and traffic control plan review fees for the light rail components of the Austin Light Rail Implementation Plan beginning in Fiscal Year 2026-2027, as necessary to achieve the public purposes described in Part 7(A) above.
- (C) The City Council authorization of the City Manager to waive right-of-way usage fees and traffic control plan review fees for the light rail components of the Austin Light Rail Implementation Plan shall continue for each subsequent fiscal year until construction of the light rail components of the Austin Light Rail Implementation Plan is designated as complete by the Austin Project Connect Mobility Officer.

PART 8. Fees on Food Service Establishments, Retail Food Stores, Mobile Food Units and Roadside Food Vendors.

- (A) Council finds that, in accordance with Texas Health and Safety Code Section 437.0126 (*Local Fee Limitation*), where an adopted fee for food service

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establishments, retail food stores, mobile food units, roadside food vendors, or temporary food service establishments or employees of any of those entities exceeds the maximum fee those entities or employees would be charged biannually by the Texas Department of State Health Services if the entity or employee were located within the department's jurisdiction, the increased fee is necessary to protect public safety and maintain adequate food safety staffing levels in the City.

- (B) To aid the City in complying with the registration requirements of Health and Safety Code Section 437.0124 (*County, Municipality, and Public Health District Fee Schedule*), the effective date of fee changes included in the fee schedule subject to Health and Safety Code Chapter 437 (*Regulation of Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors*) is November 1, 2026. For those fees, the adopted fee amounts in effect from October 1, 2026, through October 31, 2026, are the fee amounts adopted for Fiscal Year 2025-2026.

PART 9. Except as otherwise specifically provided in this ordinance and in **Exhibits “A” and “B”**, this Ordinance takes effect on October 1, 2026. A fee, fine, or other charge for which a specific effective date has been established in **Exhibits “A” and “B”** takes effect on the specified effective dates.

PASSED AND APPROVED

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_____, 2026

Kirk Watson
Mayor

APPROVED: _____

Deborah Thomas
City Attorney

ATTEST: _____

Erika Brady
City Clerk