

ORDINANCE NO. 3213

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 7, SECTIONS 7.5-4 AND 7.5-5 OF THE CODE OF THE CITY OF MESQUITE; THEREBY ADDING A DEFINITION FOR GOVERNMENT AGENCY AND EXEMPTING GOVERNMENTAL AGENCIES FROM IMPACT FEE REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Mesquite on the 16th day of September, 1996, adopted Ordinance No. 3111, currently codified as Chapter 7.5 of the Code of the City of Mesquite, which provides for the establishment of Impact Fees; and

WHEREAS, it has been demonstrated and the City Council finds that it is in the best interest of the citizens of the City to exempt governmental agencies from the impact fee regulations;

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

SECTION 1. That Chapter 7.5 of the Code of the City of Mesquite, Texas, is hereby amended as follows; in all other respects said Code and Chapter to remain in full force and effect:

Section 7.5-4. Definitions is amended by adding subsection 12.1 to read as follows:

(12.1) *Governmental Agency* means the State or a political subdivision of the State, including a county, a municipality, a school district, or a special purpose district or authority.

Section 7.5-5. Applicability is amended by repealing the current section 7.5-5 and adding a new section 7.5-5 to read as follows:

The provisions of this Chapter shall apply uniformly within each service area as set forth in this section.

A. *Water and Wastewater Impact Fees:* The provisions of this Chapter concerning water and wastewater impact fees apply to all new, non-exempt development within the corporate boundaries of the City and within its extraterritorial jurisdiction and in any area outside the City or its extraterritorial jurisdiction for which an intergovernmental cooperation agreement has been executed authorizing the City to collect and expend impact fees in accordance with this Chapter.

B. *Roadway Impact Fees*: The provisions of this Chapter concerning roadway impact fees apply to all new, non-exempt development within the corporate boundaries of the City.


C. *Exempt Development*: New development undertaken by a governmental agency in the fulfillment of that agency's duties and responsibilities shall be exempt from the provisions of this Chapter, and no impact fees shall be assessed for such development.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense.

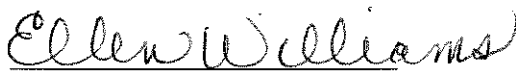
SECTION 4. That the present ordinances of the City of Mesquite are inadequate to regulate impact fees creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of March, 1998.



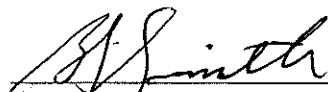
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney