

ORDINANCE NO. 3780

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 7.5-10(C), SECTION 7.5-11(A) AND SCHEDULE 2 REFERENCED IN 7.5-32(B) IN THEIR ENTIRETY AND ADDING A NEW SECTION 7.5-10(C), SECTION 7.5-11(A) AND SCHEDULE 2 REFERENCED IN 7.5-32(B) PERTAINING TO THE CALCULATION AND COLLECTION OF IMPACT FEES AS WELL AS THE COLLECTION RATES FOR ROADWAY FACILITY IMPACT FEES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code, Chapter 395, authorizes impact fees for roadway facilities; and

WHEREAS, on September 16, 1996, with the passage of Ordinance No. 3111 and an effective date of March 1, 1997, the City of Mesquite ("City") adopted impact fees; and

WHEREAS, on November 3, 2003, the City Council adopted Ordinance No. 3615 to update its land use assumptions and capital improvements plans upon which its impact fees are based; and

WHEREAS, the City has appointed a Capital Improvements Advisory Committee ("Advisory Committee") to advise the City Council concerning the need for adoption of land use assumptions, the capital improvements plan and impact fees and for amendment or revision of same; and

WHEREAS, City Code Section 7.5-17 provides that the impact fee collection rates established in Schedule 2 may be amended without revising land use assumptions and capital improvements plans at any time prior to the mandatory five-year update required in Chapter 395, provided that the impact fees to be collected under Schedule 2 do not exceed the impact fees assessed under Schedule 1.

WHEREAS, on October 10, 2005, the Advisory Committee recommended for approval amendments to impact fees for roadway facilities without amending the underlying land use assumptions or the capital improvements plan; and

WHEREAS, on October 17, 2005, the City Council passed Resolution No. 46-2005, establishing a public hearing date of November 21, 2005, for consideration of adoption of amended impact fees for roadway facilities; and

WHEREAS, on October 20, 2005, and October 21, 2005, notices for the public hearing were properly published in Kaufman and Dallas Counties, respectively, in accordance with Chapter 395; and

WHEREAS, the Advisory Committee has filed its written comments on the proposed amendments to the impact fees at least five business days prior to the public hearing; and

WHEREAS, such public hearing being held on November 21, 2005, and all interested members of the public having been heard on said occasion; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City to amend impact fees for roadway facilities; and

WHEREAS, the City Council finds that policies related to economic development and affordable housing must also be taken into consideration in establishing fees to be collected.

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

SECTION 1. That the Code of the City of Mesquite is hereby amended by deleting Sections 7.5-10(c), 7.5-11(a) and Schedule 2 referenced in 7.5-32(b) in their entirety and adding new Sections 7.5-10(c), 7.5-11(a) and Schedule 2 referenced in 7.5-32(b) to read as follows, in all other respects said Code and Chapter to remain in full force and effect.

- (1) *Sec 7.5-10(c).* Amend by deleting the section in its entirety and adding a new Section 7.5-10(c) to read as follows:

Whenever the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using Schedule 2 then in effect and such additional fee shall be collected at the time of application for a new building permit.

- (2) *Sec. 7.5-11(a).* Amend by deleting the section in its entirety and adding a new Section 7.5-11(a) to read as follows:

For all new developments, the impact fees due shall be collected at the time of application for a building permit. If the permit application or building permit for which an impact fee has been paid expires, and a new application is thereafter filed, the impact fees due shall be computed using Schedule 2 then in effect, and previous payments of impact fees shall be credited against the new fees due.

- (3) *Sec. 7.5-32(b).* Amend by deleting Schedule 2 referenced in the section in its entirety and adding a new Schedule 2 referenced in Section 7.5-32(b) to read as follows:

**Schedule 2
Collection Rates**

**City of Mesquite
Collection Rates for Roadway Facility Impact Fees**

<u>Service Area</u>	<u>Fee Per Service Unit For:</u>	
	<u>Residential Uses</u>	<u>Non-Residential Uses</u>
1	\$528.00	\$507.00
2	\$216.00	\$216.00
3	\$161.00	\$161.00
4	\$505.00	\$505.00
5	\$907.00	\$507.00
6	\$266.00	\$266.00
7	\$305.00	\$305.00
8	\$723.00	\$507.00
9	\$680.00	\$507.00
10	\$947.00	\$507.00
11	\$947.00	\$507.00
12	\$947.00	\$507.00
13	\$947.00	\$507.00
14	\$947.00	\$507.00
15	\$392.00	\$392.00

Consult the service area map to determine the service areas for roadway facility impact fees.


SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of the City of Mesquite as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance, shall 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 (\$500.00) Dollars. Each and every day such violation continues shall constitute a separate offense and shall be punishable as such hereunder.


SECTION 5. That this ordinance shall take effect on December 1, 2005.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 21st day of November, 2005.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney