

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 51 “SEWER AND WATER SERVICE” BY AMENDING SECTION 51.095 “DEFINITIONS”; SECTION 51.097 “CAPITAL IMPROVEMENT PLAN FOR WATER IMPACT FEE”; AMENDING SECTION 51.098 “CAPITAL IMPROVEMENT PLAN FOR SEWER IMPACT FEE”; AMENDING SECTION 51.099 “LAND USE ASSUMPTIONS”; AMENDING SECTION 51.100 “IMPACT FEES ASSESSED”; APPROVING AMENDMENTS TO THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS FOR WATER AND SEWER; ADOPTING REVISED WATER AND SEWER IMPACT FEES FOR THE CITY OF MANSFIELD, TEXAS, AS SET FORTH HEREIN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas (“City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, Chapter 395 of the Texas Local Government Code sets forth certain procedures to be followed by municipalities in imposing, collecting, updating and expending impact fees; and,

WHEREAS, the City Council of the City of Mansfield, Texas, has heretofore directed City staff to prepare updated land use assumptions to be used in preparation of updated capital improvement plans for water and sewer facilities and revised impact fees based thereon; and,

WHEREAS, the City Council finds that the City has complied with the requirements of Chapter 395 of the Local Government Code regarding notice, public hearings, promulgation and methodology used to prepare the updated land use assumptions, updated capital improvement plans and revised impact fees; and,

WHEREAS, the City Council finds that the water and sewer improvements proposed in said updated capital improvement plans will best address the requirements imposed upon the City by new development; and,

WHEREAS, the City Council further finds that the revised impact fees imposed by this ordinance provide the proper level of cost recovery to the City attributable to new development.

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

SECTION 1.

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

Section 51.095 “Definitions”, of Chapter 51 “Sewer and Water Service” of the Code of Mansfield, Texas, is hereby amended as follows:

...

“Capital Improvement Plans. The plans approved by the City Council of the City of Mansfield, Texas that identifies Capital Improvements or facility expansions for which Impact Fees may be assessed. This is the equivalent of the Capital Improvements plans as described in Texas Local Government Code Chapter 395.

...

Facility Expansion. The expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new Capital Improvement, in order that the existing facility may serve New Development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

...

Service Area. The area within the corporate boundaries or extraterritorial jurisdiction of the city to be served by the capital improvements or facilities expansions specified in the capital improvements plan, such area being specified in the map contained within the impact fee study adopted by this subchapter and incorporated herein.”

SECTION 3

Section 51.097 “Capital Improvement Plan for Water Impact Fee”, of Chapter 51 “Sewer and Water Service” of the Code of Mansfield, Texas, is hereby repealed in its entirety and replaced as follows:

“§ 51.097 STUDY ADOPTED

The 2024 Water and Wastewater Impact Fee Study, dated September 2024, containing the amended Land Use Assumptions and updated Water and Wastewater Capital Improvement Plans, is approved, adopted and incorporated herein by reference for all purposes.”

SECTION 4.

Section 51.098 “Capital Improvement Plan for Sewer Impact Fee”, of Chapter 51 “Sewer and Water Service” of the Code of Mansfield, Texas, is hereby repealed in its entirety and replaced as follows:

“§ 51.098 WATER IMPACT FEES

A water Impact Fee shall be assessed and charged against New Development in the service area as set forth below.

Meter Size (Based on Water Meter)	Single Family Living Unit Equivalent (SFLUE)	Maximum Impact Fee	Impact Fee Collection Rate
3/4"	1.0	\$3,749	\$3,500
1"	1.6	\$5,998	\$5,600
1-1/2"	2.0	\$7,498	\$7,000
2"	4.0	\$14,996	\$14,000
3"	12.8	\$47,987	\$44,800
4"	20.0	\$74,980	\$70,000
6"	40.0	\$149,960	\$140,000
8"	64.0	\$239,936	\$224,000

SECTION 5.

Section 51.099 "Land Use Assumptions", of Chapter 51 "Sewer and Water Service" of the Code of Mansfield, Texas, is hereby repealed in its entirety and replaced as follows:

"§ 51.099 SEWER IMPACT FEES

A sewer Impact Fee shall be assessed and charged against New Development in the service area as set forth below:

Meter Size (Based on Water Meter)	Single Family Living Unit Equivalent (SFLUE)	Maximum Impact Fee	Impact Fee Collection Rate
3/4"	1.0	\$3,654	\$3,000
1"	1.6	\$5,846	\$4,800
1-1/2"	2.0	\$7,308	\$6,000
2"	4.0	\$14,616	\$12,000
3"	12.8	\$46,771	\$38,400
4"	20.0	\$73,080	\$60,000
6"	40.0	\$146,160	\$120,000
8"	64.0	\$233,856	\$192,000

SECTION 6.

The aforementioned 2024 Water and Wastewater Impact Fee Study (dated September 2024) is attached hereto as Exhibit "A".

SECTION 7.

Section 51.100 "Impact Fees Assessed", of Chapter 51 "Sewer and Water Service" of the Code of Mansfield, Texas, is hereby amended by repealing and reserving Subsection (D) in its entirety.

SECTION 8.

That it is the intent of the City of Mansfield to fund part of the cost of the capital improvements identified in the aforementioned Capital Improvement Plan for Water and Sewer Impact Fees by the impact fees adopted herein and to fund the remainder of the cost by utility revenues; and that no capital improvements identified hereinabove will be funded by duplicated revenue resources unless a credit is given to offset the amount of impact fees charged as specified by Chapter 395 of the Local Government Code.

SECTION 9.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City and shall not repeal or affect any of such other ordinances except insofar as the provisions thereof are inconsistent or in conflict with the provisions hereof, and to the extent of such conflict, if any, such other ordinances are hereby repealed.

SECTION 10.

Should any paragraph, sentence, subdivision, 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 thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 11.

The City Secretary of the City is hereby directed to publish this Ordinance to the extent required by law.

SECTION 12.

This ordinance shall be in full force and effect from and after its passage on the first and final reading and publication of the caption, as the law and Charter in such cases provide, and it is so ordained.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS THIS 23RD DAY OF SEPTEMBER, 2024.

Michal Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney