

ORDINANCE NO. _____

AN ORDINANCE ADOPTING UPDATED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS FOR WATER AND SEWER, AND REVISED WATER AND SEWER IMPACT FEES FOR THE CITY OF MANSFIELD, TEXAS, AS SET FORTH HEREIN; AMENDING CHAPTER 51 OF TITLE V OF THE CODE OF ORDINANCES, CITY OF MANSFIELD, TEXAS, AS AMENDED, TO REVISE THE IMPACT FEES THEREIN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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:

SECTION 1.

Section 15.097, Chapter 51 of Title V of the Code of Ordinances, City of Mansfield, Texas, is hereby amended to read as follows:

“§ 51.097 CAPITAL IMPROVEMENT PLAN FOR WATER IMPACT FEE

The Capital Improvement Plan in the Water and Wastewater Impact Fee Report, dated May 2019, is adopted and incorporated herein by reference for all purposes.”

SECTION 2.

Section 15.098, Chapter 51 of Title V of the Code of Ordinances, City of Mansfield, Texas, is hereby amended to read as follows:

“§ 51.098 CAPITAL IMPROVEMENT PLAN FOR SEWER IMPACT FEE

The Capital Improvement Plan in the Water and Wastewater Impact Fee Report, dated May 2019, is adopted and incorporated herein by reference for all purposes.”

SECTION 3.

Section 15.099, Chapter 51 of Title V of the Code of Ordinances, City of Mansfield, Texas, is hereby amended to read as follows:

“§ 51.099 LAND USE ASSUMPTIONS

The Land Use Assumptions in the Water and Wastewater Impact Fee Report, dated May 2019, is adopted and incorporated herein by reference for all purposes.”

SECTION 4.

The aforementioned Capital Improvement Plan and Land Use Assumptions are contained in the Water and Wastewater Impact Fee Report (dated May 2019) attached hereto as Exhibit “A” and made a part hereof for all purposes, and are hereby adopted.

SECTION 5.

The imposition of the revised impact fees set forth hereinbelow and in Exhibit “B” attached hereto and made a part hereof for all purposes is hereby approved.

SECTION 6.

Section 15.100, Chapter 51 of Title V of the Code of Ordinances, City of Mansfield, Texas, is hereby amended by revising Subsection (D) to read as follows:

“(D) The maximum assessable impact fee for water supply treatment and distribution facilities shall be \$3,070 per equivalent service unit or ESU. The amount of the water impact fee to be collected hereunder shall be \$3,000 per equivalent service unit or ESU. The maximum assessable impact fee for

wastewater collection and treatment facilities shall be \$1,509 per equivalent service unit or ESU. The amount of the wastewater impact fee to be collected hereunder shall be \$1,500 per equivalent service unit or ESU. The amount of each impact fee due shall be determined by multiplying the impact fee to be collected hereunder by the number of ESU generated by the new development. The impact fees to be collected hereunder may be increased by adoption of an ordinance to an amount not to exceed the maximum assessable impact fee.”

SECTION 7.

The equivalent service units or ESUs to be used in the determination or calculation of impact fees are contained in the Water and Wastewater Impact Fee Report (dated May 2019) adopted hereinabove.

SECTION 8.

For new development that is part of a valid preliminary or final plat approved prior to the adoption of this ordinance, the revised impact fees shall not be collected on any lot for which a valid and complete building permit application is submitted within one year after the date of adoption of this ordinance, provided however, lots in such development shall continue to be subject to any previously assessed impact fees.

SECTION 9.

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 10.

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 11.

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 12.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _____ day of _____, 2019.

Second reading approved on the _____ day of _____, 2019.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2019.

David Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney

Exhibit “B”

Water and Sewer Impact Fees
City of Mansfield, Texas
Updated _____, 2019
via Ordinance No. _____

Water Meter Size	Impact Fee Amounts at		
	Water	Sewer	Total
3/4"	\$3,000	\$1,500	\$4,500
1"	\$5,100	\$2,550	\$7,650
1.5"	\$9,900	\$4,950	\$14,850
2"	\$24,900	\$12,450	\$37,350
3"	\$50,100	\$25,050	\$75,150
4"	\$99,900	\$49,950	\$149,850
6"	\$159,900	\$79,950	\$239,850
8"	\$279,900	\$139,950	\$419,850