

**ORDINANCE NO. 3570**

**AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 110 AND APPENDIX A, FEE SCHEDULE, OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES; AMENDING THE CAPITAL IMPROVEMENTS PLAN; AMENDING WATER AND WASTEWATER IMPACT FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Chapter 395, Texas Local Government Code, provides a procedure enabling municipalities to enact and update impact fees; and

**WHEREAS,** on September 22, 1997, the City Council first imposed impact fees by passing Ordinance 2241 which fees have been previously reviewed as provided by law and last updated after a public hearing on March 8, 2010; and,

**WHEREAS,** on December 11, 2017, the City Council conducted a public hearing, after compliance with all legal prerequisites, to consider amendments to the land use assumptions and capital improvements plan upon which the City's impact fees are based, as well as to consider amendments to such impact fees; and

**WHEREAS,** on January 7, 2018, the City Council adopted the updated land use assumptions and capital improvements plan for water and wastewater improvements (the "Water and Wastewater Impact Fee Update Report"); and

**WHEREAS,** on January 7, 2018, the City Council further adopted the updated capital improvements plans and impact fee calculations for water and wastewater improvements to the City's water and wastewater system, which was considered at the December 11, 2017 public hearing; and

**WHEREAS,** the City Council desires to update the Capital Improvements Plan and the water and wastewater fees based on the correction of a Service Unit Equivalent included in the Impact Fee Study; and

**WHEREAS,** the Water and Wastewater Impact Fee Update Report and Capital Improvements Plans were developed by qualified professionals using generally accepted engineering and planning practices in accordance with Section 395.014 of the Texas Local Government Code; and

**WHEREAS,** after having complied with all legal requirements and a public hearing on February 11, 2019, the City Council desires to adopt the updated water and

wastewater impact fee and Capital Improvements Plan as set forth in this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:**

- Section 1: The City Council finds that all legal requisites have been met, and that the recitals above are true and correct and are incorporated into this Ordinance for all purposes.
- Section 2: The City Council hereby approves and adopts the corrected Water and Wastewater Impact Fee Update Report and Capital Improvements Plans, copies of which are attached as Exhibit "A." A copy of the Water and Wastewater Impact Fee Update Report and Capital Improvements Plan including Exhibit "A" shall be maintained by the Public Works Department at all times in the City Hall.
- Section 3: The fees established by Appendix A, Fee Schedule, of the North Richland Hills Code of Ordinances for Chapter 110, Article XIX, Impact Fees, are hereby amended by adding thereto Tables 1, 3 and 4, which are attached hereto and incorporated herein. Table 1 shall replace the current Table 1 in its entirety.
- Section 4: All other fees set forth in Appendix A, Fee Schedule, not amended herein in this ordinance remain unchanged and in full force and effect.
- Section 5: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.
- Section 6: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 8: This ordinance shall become effective immediately after and upon its passage.

**AND IT IS SO ORDAINED.**

PASSED on this 4th day of March, 2019.

CITY OF NORTH RICHLAND HILLS

By: \_\_\_\_\_  
Oscar Trevino, Mayor

ATTEST:

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Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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Maleshia McGinnis, Attorney

APPROVED AS TO CONTENT:

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Caroline Waggoner, Director of Public Works