

## **ORDINANCE NO. 3467**

**AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 110, ARTICLE XIX, IMPACT FEES, APPENDIX A, FEE SCHEDULE OF THE CODE OF ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS TO REFLECT THE REVISED CITY OF FORT WORTH WATER AND WASTEWATER IMPACT FEES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Chapter 395 of the 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 No. 2241, which such fees have previously been reviewed and updated after a public hearing on March 28, 2005 and March 8, 2010 pursuant to Ordinance No. 3090; and

**WHEREAS,** To ensure the development of adequate systems of sewage collection and disposal to protect the public health, welfare and safety of its citizens, the City of North Richland Hills ("North Richland Hills") contracts with the City of Fort Worth ("Fort Worth") as a wholesale customer whereby Fort Worth provides wholesale wastewater services to developments within the city limits of North Richland Hills ("Wholesale Wastewater Contract"); and

**WHEREAS,** The Wholesale Wastewater Contract requires North Richland Hills to collect and pay an Impact Fee to Fort Worth for all connections to the Fort Worth wastewater system; and

**WHEREAS,** After having complied with all legal prerequisites, on December 6, 2016, Fort Worth adopted amendments to its Land Use Assumptions, Capital Improvements Plan, and established a new Maximum Assessable Impact Fee to be collected upon issuance of all new building permits for developments that connect to the Fort Worth System; and

**WHEREAS,** In order to continue the Wholesale Wastewater Contract and provide adequate sewage collection and disposal services to its citizens, North Richland Hills is required to adopt the new Maximum Assessable Impact Fee being imposed by Fort Worth; and

**WHEREAS,** After having complied with all legal requirements and a public hearing on June 26, 2017, the City Council desires to adopt the updated impact fee calculations for the Fort Worth Access Fee attached hereto as **Exhibit "A,"** which was considered at the June 26, 2017 public hearing; and

**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: This ordinance incorporates the new Fort Worth impact fees and the incremental increase for fees as set forth in the attached Schedules 2A, 2B and 2C, which will be collected for Fort Worth by North Richland Hills.
- Section 3: The fees established by Appendix A of the North Richland Hills Code of Ordinances for Chapter 110, Article **XIX**, Impact Fees, Appendix A Fee Schedule are hereby amended by modifying the calculation for the Fort Worth Access Fee as set forth in the attached Exhibit A.
- Section 4: All other fees set forth in Appendix A 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 AND APPROVED on the 26th day of June, 2017.

**CITY OF NORTH RICHLAND HILLS**

By:

\_\_\_\_\_  
Scott Turnage, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Alicia Richardson, City Secretary

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
Maleshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mike Curtis, Managing Director of  
Public Works

## **EXHIBIT "A"**

**Table 1**

		<b>Fort Worth Access Fees/Impact Fees</b>					
<b>Year</b>		<b>NRH Water</b>	<b>NRH Wastewater</b>	<b>Water (Base Rate)</b>	<b>Wastewater Base Rate</b>	<b>NRH Ratio</b>	
Year 1	April 1, 2017 - March 30, 2018	\$ 1,330	\$ 363	\$ 971	\$ 577	58%	
Year2	April 1, 2018 - March 30, 2019	\$ 1,330	\$ 363	\$ 1,365	\$ 810	*	
Year3	April 1, 2019 - March 30, 2020	\$ 1,330	\$ 363	\$ 1,758	\$ 1,044	*	
Year4	April 1, 2020 - March 30, 2021	\$ 1,330	\$ 363	\$ 1,758	\$ 1,044	*	

- \* Fort Worth Water Access Fee changes annually. The annual rate will be the base rate shown multiplied by the NRH Ratio which is to be determined annually. The NRH Ratio will be calculated as the percentage of the overall water that the City of North Richland Hills purchases from the City of Fort Worth.
- Table 2 - Meter/Service Unit Equivalency Table

**Table 2**

<b>Meter Size</b>	<b>Maximum Flow (gpm)</b>	<b>Service Unit Equivalents</b>
3/4"	30	1
1"	50	1.67
1 1/2"	100	3.33
2"	160	5.33
3"	350	11.67
4"	600	21
6"	1250	46.67
8"	1800	80

## **SCHEDULE 2A**

### **THE EFFECTIVE AND COLLECTED IMPACT FEE FOR WATER AND WASTEWATER SCHEDULE -**

#### **YEAR 1**

**Effective for all Building Permits issued on or after April 1, 2017,  
but before April 1, 2018**

<b>METER SIZE</b>	<b>EQUIVALENCY FACTOR</b>	<b>WATER IMPACT FEE</b>	<b>WASTEWATER IMPACT FEE</b>
5/8" x 5/8" and 5/8" x 3/4"	1.00	\$971	\$577
3/4" x 3/4"	1.50	\$1,457	\$865
1"	2.50	\$2,428	\$1,442
1-1/2"	5.00	\$4,857	\$2,883
2"	8.00	\$7,771	\$4,613
3"	21.75	\$21,127	\$12,542
4"	37.50	\$36,426	\$21,624
6"	80.00	\$77,709	\$46,131
8"	140.00	\$135,991	\$80,729
10"	210.00	\$203,987	\$121,093

*Referenced in Section 35-70.J(a), 35-73(a) and 35-78(a)*

## **SCHEDULE 2B**

### **THE EFFECTIVE AND COLLECTED IMPACT FEE FOR WATER AND WASTEWATER SCHEDULE -**

#### **YEAR2**

**Effective for all Building Permits issued on or after April 1, 2018,  
but before April 1, 2019**

<b>METER SIZE</b>	<b>EQUIVALENCY FACTOR</b>	<b>WATER IMPACT FEE</b>	<b>WASTEWATER IMPACT FEE</b>
5/8" x 5/8" and 5/8" x 3/4"	1.00	\$1,365	\$810
3/4" x 3/4"	1.50	\$2,047	\$1,215
1"	2.50	\$3,412	\$2,025
1-1/2"	5.00	\$6,824	\$4,051
2"	8.00	\$10,918	\$6,482
3"	21.75	\$29,685	\$17,622
4"	37.50	\$51,180	\$30,382
6"	80.00	\$109,185	\$64,815
8"	140.00	\$191,073	\$113,427
10"	210.00	\$286,610	\$170,140

*Referenced in Section 35-70.3(a), 35-73(a) and 35-78(a)*

## **SCHEDULE 2C**

### **THE EFFECTIVE AND COLLECTED IMPACT FEE FOR WATER AND WASTEWATER SCHEDULE - YEAR3**

**Effective for all Building Permits issued on or after April 1, 2019**

<b>METER SIZE</b>	<b>EQUIVALENCY FACTOR</b>	<b>WATER IMPACT FEE</b>	<b>WASTEWATER IMPACT FEE</b>
5/8" x 5/8" and 5/8" x 3/4"	1.00	\$1,758	\$1,044
3/4" x 3/4"	1.50	\$2,637	\$1,566
1"	2.50	\$4,396	\$2,609
1-1/2"	5.00	\$8,791	\$5,219
2"	8.00	\$14,066	\$8,350
3"	21.75	\$38,242	\$22,702
4"	37.50	\$65,934	\$39,141
6"	80.00	\$140,660	\$83,500
8"	140.00	\$246,155	\$146,125
10"	210.00	\$369,233	\$219,187

*Referenced in Section 35-70.3(a), 35-73(a) and 35-78(a)*