

ORDINANCE NO. 2017-05

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING APPENDIX A “FEE SCHEDULE,” SECTION A7.009 “IMPACT FEES,” OF THE CITY OF OVILLA CODE OF ORDINANCES, PROVIDING AMENDED WATER AND WASTEWATER IMPACT FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, on June 13, 2016, the City Council of the City of Ovilla authorized the Ovilla Planning and Zoning Commission to act as an advisory committee to review and advise the City Council of the need to update or revise the water and wastewater impact fees (herein the “Advisory Committee”); and

WHEREAS, on December 05, 2016, the Advisory Committee met and reviewed the City of Ovilla’s current Land Use Assumptions and Water and Wastewater Capital Improvement Projects; and

WHEREAS, on March 06, 2017, the Advisory Committee met and reviewed the City of Ovilla’s water and wastewater impact fees in relation to the maximum fee allowable as described in the *Five Year Water and Wastewater Impact Fee Review 2015*; and

WHEREAS, the engineering firm of Birkhoff, Hendricks and Carter, L.L.P. updated the eligible capital costs based on the related bond debt and calculated the 2017 maximum allowable impact fee for water at \$2,106.97 and maximum allowable impact fee for wastewater at \$2,190.22; and

WHEREAS, the Advisory Committee made a comparison of impact fees of other neighboring cities and the impact fees in City of Ovilla’s extraterritorial jurisdiction by Sardis Lone Elm; and

WHEREAS, on March 06, 2017, the Advisory Committee recommended to the City Council that the total water impact fees per service unit be amended from a total maximum of \$3,311 to a total maximum of \$2,106.97 with City Council to approve the individual water impact fee and wastewater impact fee; and

WHEREAS, on March 06, 2017, the Advisory Committee recommended to the City Council that the total wastewater impact fees per service unit be amended from a total maximum of \$1,441 to a total maximum of \$2,190.22 with City Council to approve the individual wastewater impact fee; and

WHEREAS, on March 13, 2017, the City Council of the City of Ovilla approved to set and conduct a public hearing on May 08, 2017 for the Water and Wastewater Impact Fee Update; and

WHEREAS, on May 08, 2017, the City Council of the City of Ovilla held a public hearing on the Water and Wastewater Fee Update and, after concluding the public hearing, approved the total water impact fee per service unit be amended to a total maximum of \$2,106.97, and the total wastewater impact fee to be a total of \$2,190.22; and

WHEREAS, the amendments are reflected in the revised *Five Year Water & Wastewater Impact Fee Review Amended Report, February 2017*.

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

SECTION 1. AMENDMENT OF APPENDIX A, SECTION A7.009 OF THE OVILLA CODE OF ORDINANCES

Appendix A, Section A7.009 of the Ovilla Code of Ordinances is hereby amended to read as follows:

Sec. A7.009 Impact Fees

**TABLE
ALLOWABLE MAXIMUM FEE PER LIVING UNIT EQUIVALENT
AND PER METER SIZE AND TYPE**

50% Max. Water Impact fee /LUE \$2,106.97
50% Max. Wastewater Impact fee /LUE \$2,190.22

Typical Land Use	Meter Type	Meter Size	LUE	Maximum Impact Fee		Total
				Water	Wastewater	
Single Family Residential	Simple	5/8" x 3/4"	1	\$ 2,106.97	\$ 2,190.22	\$ 4,297.18
Single Family Residential	Simple	1"	2.5	\$ 5,267.41	\$ 5,475.54	\$ 10,742.96
Single Family Residential	Simple	1-1/2"	5	\$ 10,534.83	\$ 10,951.09	\$ 21,485.91
Single Family Residential	Simple	2"	8	\$ 16,855.72	\$ 17,521.74	\$ 34,377.46
Commercial/Retail	Compound	2"	8	\$ 16,855.72	\$ 17,521.74	\$ 34,377.46
Commercial/Retail	Turbine	2"	10	\$ 21,069.65	\$ 21,902.17	\$ 42,971.82
Commercial/Retail/MultiFamily	Compound	3"	16	\$ 33,711.44	\$ 35,043.47	\$ 68,754.91
Commercial/Retail/MultiFamily	Turbine	3"	24	\$ 50,567.16	\$ 52,565.21	\$ 103,132.37

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a

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separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of Ovilla, Texas on this the 8 day of May 2017.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary



APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney