

ORDINANCE NO. 2023-44

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, APPENDIX A – COMPREHENSIVE FEE SCHEDULE, ARTICLE IV (ENGINEERING FEES), AMENDING SECTION D (ENGINEERING INSPECTION FEES) REGARDING THE UPDATING OF FEES IN RESPONSE TO THE IMPLEMENTATION OF HOUSE BILL 3492; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Texas Local Government Code, §212.906, effective September 1, 2023, prohibits a city from considering the cost of constructing or improving the public infrastructure for a subdivision, lot, or related property development in determining the amount of a fee assessed by the city for an application, review, engineering, inspection, acceptance, administrative, or other fee imposed by the city related to the acceptance, review, or processing of engineering or construction plans or for the inspection of improvements for construction of a subdivision or lot or a related improvement associated with or required in conjunction with that construction; and

WHEREAS, the City Council of the City of Wylie, Texas ("Wylie") finds it is necessary and in the public interest to adopt this Ordinance for the purpose amending Wylie's Engineering Inspection Fees to conform to the above amendment to state law.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Appendix A (Wylie Comprehensive Fee Schedule), Article IV (Engineering Fees), Section D (Engineering Inspection Fees) of the Wylie Code of Ordinances. Appendix A (Comprehensive Fee Schedule), Article IV (Engineering Fees), Section D (Engineering Inspection Fees) of the Code of Ordinances is hereby amended as follows:

“APPENDIX A

WYLIE COMPREHENSIVE FEE SCHEDULE

...

D. Engineering Inspection Fees. Each project shall be charged an engineering inspection fee. The fee shall be in accordance with the table below and shall apply to any public work utilities improvements and paving improvements which are to be dedicated to the City of Wylie, Texas, or designated as public improvements. Such items shall include, but not be limited to: street paving, sidewalk, storm drainage, water mains, sewer mains, commercial parking areas, and other items designated for conveyance to the city after completion of improvements through the process of public dedication. These fees shall be paid prior to the start of construction and the basis of fees must be supported by engineer certification of the summary of quantities for each element of the public improvement category (storm, paving, water, and sewer) from the approved construction plans.

Inspection Fees for Public Improvements on Projects:

Length of Public Storm Sewer Pipe or Culvert Installation - \$4.86 per Linear Foot (LF)

Area of Public Pavement, Including Sidewalks - \$2.72 per Square Yard (SY)

Length of Public Water Main Installation - \$4.40 per Linear Foot (LF)

Length of Public Sanitary Sewer Installation - \$1.66 per Liner Foot (LF)

...”

SECTION 3: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: Effective Date. This Ordinance shall be effective upon its passage and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, on this
26th day of September, 2023.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

Date of Publication: October 4, 2023 in The Wylie News