

ORDINANCE NO. 18-10-1104

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AMENDING TITLE II, BUILDINGS AND DEVELOPMENT, CHAPTER 23, "ADMINISTRATION AND GENERAL PROVISIONS", ARTICLE 23.02 "IMPACT FEES", SECTION 23.02.064 "CALCULATION", SUBSECTION (A) BY REPEALING SUBSECTION 23.02.064(A) OF SECTION 23.02.064, "CALCULATION" AND ADOPTING A NEW SUBSECTION 23.02.064(A) OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS TO UPDATE THE CITY OF MURPHY WATER AND WASTEWATER IMPACT FEES; ADOPTING AMENDED LAND USE ASSUMPTIONS AND AN AMENDED CAPITAL IMPROVEMENTS PLAN FOR WATER AND WASTEWATER; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS AND THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED ON EACH DAY OF VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 395 of the Texas Local Government Code authorizes the imposition and collection of water and wastewater impact fees for eligible capital improvements; and

WHEREAS, the City of Murphy has previously adopted land use assumptions and a capital improvements plan for water and wastewater, and water and wastewater impact fees; and

WHEREAS, Chapter 395.052(a) of the Texas Local Government Code requires the City of Murphy to update the land use assumptions and capital improvements plan at least once every five years; and

WHEREAS, the City of Murphy received an update of its land use assumptions and the capital improvements plan, and the City Council of the City of Murphy ordered a public hearing on the amendments of land use assumptions, capital improvements plan, and impact fees, pursuant to section 395.053 of the Texas Local Government Code; and

WHEREAS, the City of Murphy published notice of the public hearing on the proposed amendment of its impact fees at least thirty-one (31) days prior to the public hearing on October 2, 2018, consistent with sections 395.055 and 395.044 of the Texas Local Government Code; and

WHEREAS, the advisory committee for the City of Murphy filed its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and water and wastewater impact fees by August 27, 2018, consistent with section 395.056 of the Texas Local Government Code; and

WHEREAS, the City of Murphy has followed all legally-mandated requirements necessary for the amendment of land use assumptions and capital improvements plan for water and wastewater impact fees; and

WHEREAS, having held a public hearing and reviewed the proposed amendments to the City's impact fees, the City Council has determined it appropriate and necessary to approve the land use assumptions, Capital Improvements Plan and impact fee amendments as set forth more fully herein.

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

Section 1. Incorporation of Premises; Findings. That the findings and recitations contained above in the preamble of this Ordinance are true and correct findings of the Murphy City Council and are incorporated herein by reference.

Section 2. Amendments.

Section 2.01. Capital Improvements Plan Approved and Adopted. That the Murphy Land Use Assumptions prepared by City of Murphy and the water and wastewater portion of the Capital Improvements Plan prepared by Birkhoff, Hendricks & Carter, LLP, entitled Water and Water Impact Fee Update, 2018 to 2028, and dated August 2018 are on file in the Office of the City Secretary of the City of Murphy and are hereby approved and adopted as the **Amended Murphy Capital Improvements Plan**, a copy of which is incorporated by reference as **Exhibit "A-1"**.

2.02. Subsection (a) of Section 23.02.064 entitled "Calculation" of Article 23.02, "Impact Fees" of Chapter 23, "Administration and General Provisions" of Title II, "Buildings and Development" of the Code of Ordinances of the City of Murphy, Texas is hereby repealed and a new Section 23.02.064(a) is hereby adopted to be and read in its entirety as follows and all other provisions of Section 23.02.064 not expressly amended hereby shall be the same and remain in full force and effect:

Sec. 23.02.064

"(a) Impact fees shall be determined by multiplying the number of Service Units in a proposed development by the impact fee per Service Unit amount, such fee being hereby adopted as specifically set out in exhibits A-2 and B-2, attached and incorporated herein for all purposes by reference. The number of Service Units shall be determined in accordance with the calculations set forth in the approved Murphy Capital Improvements Plan adopted hereby and on file in the Office of the City Secretary for the City of Murphy, Texas."

Section 3. Penalty. Any person, firm or corporation intentionally, knowingly or recklessly violating any term or provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a penalty of fine not to exceed the amount of Two Thousand Dollars (\$2,000) for each offense. Every day a violation continues shall constitute a separate offense.

Section 4. Savings. That all rights and remedies of the City of Murphy are expressly saved as to any and all violations of the provisions of any Ordinances 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 5. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all other Ordinances of the City of Murphy and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Section 6. Severability Clause. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. Publication/Effective Date. This Ordinance shall take effect immediately from and after its passage and the publication, as the law and City Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 16th day of October, 2018.




Scott Bradley, Mayor
City of Murphy, Texas

ATTEST:



Susie Quinn, City Secretary

APPROVED AS TO FORM:



for Wm. Andrew Messer, City Attorney

EXHIBIT A-1
AMENDED MURPHY CAPITAL IMPROVEMENTS PLAN

The Murphy Capital Improvements Plan also contains the Murphy Land Use Assumptions and is on file in the Office of the City Secretary for the City of Murphy, Texas.

EXHIBIT A-2
Water Impact Fees

Service Area \$1,932 per Service Unit as defined in the City of Murphy Water and Wastewater Impact Fee Update 2018 to 2028.

EXHIBIT A

Wastewater Impact Fees

Service Area \$1,904 per Service Unit as defined in the City of Murphy Water and Wastewater Impact Fee Update 2018 to 2028.