

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS (CITY), ESTABLISHING A TRANSPORTATION USER FEE IN ORDER TO PROVIDE A PROPERLY MAINTAINED ROAD SYSTEM; PROVIDING, SEVERABILITY AND REPEALER CLAUSES.

RECITALS:

WHEREAS, the Taylor City Council finds, determines and declares that in order to protect the citizenry from the deterioration of the quality and safety of the road system that they rely upon and use on a regular basis, it is necessary and in the best interest of the public health and safety to establish a transportation user fee in order to provide a properly maintained road system; and

WHEREAS, the Taylor City Council will establish transportation user fees, subject to the limitations of the state law, and the City shall provide efficient, reliable roads within the city limits on the payment of such fees; and

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

SECTION 1. INCORPORATION OF RECITALS. The facts and recitations contained in the preamble of this Ordinance are hereby declared to be true and correct and are incorporated by reference herein and made a part hereof, as if copied verbatim.

SECTION 2. DEFINITIONS.

A. City limits shall mean the city limits of the City of Taylor as they exist on the effective date of this Ordinance and as they may be amended from time to time.

B. Category or Categories means one (1) of twenty-two (22) categories recognized in the Trip Factor Index determined from the land uses of the nonresidential customers.

C. Tier means one (1) of six (6) tiers established per Trip Factor Index calculations and the monthly base rate established for each Tier.

D. Transportation user fee shall mean the fee that is established by this Ordinance which is assessed against, and collected from, owners, occupants of the property for the purpose of planning, constructing, operating,

monitoring and maintaining the transportation system of the City.

E. Transportation system or road system shall mean the structures, traffic controls, streets and other facilities in the public right-of-way, such as bridges, sidewalks and alleys which are dedicated to the use of vehicular and pedestrian traffic, all of which are owned and/or controlled in whole by the City and which are dedicated to the transportation system service of the City, including provisions for additions, improvements and extensions to the system.

F. Trip Factor means a principle basis of service measurement, principally derived from the trip generation rates published by the Institute of Transportation Engineers Trip Generation Manual Edition 9.

G. Trip Factor Index means the table of applied land uses recognized by the City for purposes of implementing the transportation user fee.

H. Utility Customer ("customer") means the holder of a City utility account or the person who is responsible for the payment of charges of a Transportation User Fee.

SECTION 3. ESTABLISHMENT AND REVISION OF TRANSPORTATION USER

FEE.

A. The City Council hereby establishes a transportation user fee to be paid by Taylor, Texas Utility Customers within the city limits of Taylor, Texas. Such fee shall be set in amounts which will provide sufficient funds to properly maintain the transportation system.

B. Collection of the fee against each developed property shall be made by a monthly charge to be added to the Taylor, Texas utility bill for such property.

C. The City Council has established a fee schedule based upon the cost of maintaining the transportation system shown in Exhibit "A" and attached hereto and incorporated by reference herein and may by separate resolution or ordinance establish and change the fee based upon changes in the cost of maintaining the transportation system.

SECTION 4. TRANSPORTATION FUND.

A. A separate fund shall be created effective June 1, 2016, known as the transportation fund. All fees collected by the City for the purpose of construction and

maintenance of the transportation system shall be deposited in the transportation fund. It shall not be necessary for the expenditures from the fund to specifically relate to any particular property from which the fees were collected.

B. An annual report of the fund and the transportation user fee program will be provided to the City Council.

SECTION 5. IMPOSITION OF FEE. There is hereby imposed upon Taylor, Texas Utility Customers within the city limits of The City of Taylor, Texas, a transportation user fee. This fee is deemed reasonable and necessary to pay for the operation, administration and maintenance of the transportation system.

SECTION 6. FINDINGS.

- A. The number of motor vehicle trips generated by a benefitted property may reasonably be used to estimate the prorated cost of the street system attributable to a benefitted property.
- B. The size and use of a property may reasonably be used to estimate the number of motor vehicles trips generated by the property.
- C. Based on the best available data, the method of imposing the transportation user fee reasonably prorates the cost of the transportation system among the benefitted properties.
- D. It is reasonable and equitable to impose a set monthly fee per each developed residential and nonresidential benefitted property in order to avoid a disproportionate burden on any residential or nonresidential benefitted property.
- E. If available, appraisal district property tax records may be relied on to determine the size of nonresidential benefitted property.
- F. It is reasonable and equitable to consider trip generation rates for nonresidential property from the Institute of Transportation Engineers in determining the trip factor used for benefitted properties.

SECTION 7. DETERMINATION OF FEE.

A. Collection of the fee for residential property shall be charged on the basis of a set fee per lot, unit, tract or parcel that is a Taylor, Texas Utilities customer within the city limits of the City of Taylor or person or entity responsible for the Transportation User Fee for such lot, unit, tract, or parcel.

B. Collection of the fee for nonresidential property that is a Taylor, Texas Utility Customer within the city limits of the City of Taylor shall be charged on the basis of using the monthly base trip rate in the City of Taylor Transportation User Fee Schedule as shown in Attachment A and based on land uses to establish categories of nonresidential customers. The trip factors listed in the trip factor index are derived from the Institute of Transportation Engineers Trip Generation Manual, 9th Edition and are the number of trips anticipated to and from a property per its land use and established units. For each nonresidential property, except lodging, schools, and outdoor recreation, the building area, in square foot, on the property will be multiplied by the appropriate trip factor from the trip factor index in Attachment A to arrive at a monthly base trip rate. Properties fitting in the lodging, school, and outdoor recreation categories will calculate the monthly base trip rate of the property by multiplying the appropriate trip factor by the quantity of the unit specified in the trip factor index. The monthly base trip rate value will determine which tier the nonresidential property is classified. The monthly fee for the nonresidential property is determined by its tier as shown in the transportation user fee schedule in Attachment A

SECTION 8. BILLING AND COLLECTION OF FEE. The fee shall be billed and collected with the monthly utility bill. All such bills shall be rendered monthly and shall be due upon receipt.

SECTION 9. RECOVERY OF UNPAID FEE. Any fee due hereunder which shall not be paid when due may be recovered in action at law by the City. In addition to any other remedies or penalties provided by this Ordinance or the Code of the City, failure of any user of the City utilities within the City to pay the fees promptly when due shall subject such user to the discontinuance of water services provided by the City.

SECTION 10. ADMINISTRATION; RULES AND REGULATIONS. The City Manager or designee shall be responsible for the administration of this Ordinance. The City Manager or designee shall be responsible for developing rules, regulations and procedures for the administration of fees and the consideration of petitions for modification and appeals pertaining to the fees charged hereunder; developing maintenance programs; and establishing transportation system criteria and standards for the operation and maintenance of the transportation system.

SECTION 11. DISPOSITION OF FEES AND CHARGES. The fee paid and collected by virtue of this Ordinance shall not be used for the

general government proprietary purposes of the City, except to pay for the equitable share of the cost of accounting, management and government thereof.

Other than as described above, the fees and charges shall be used solely to pay for the cost of operation, administration, planning, engineering, development of guidelines and controls, inspection, maintenance, repair, improvement, renewal, replacement and reconstruction of the transportation system and cost incidental thereto.

SECTION 12. EXEMPTION. Property owned by the City is hereby exempt from the provisions of this Ordinance.

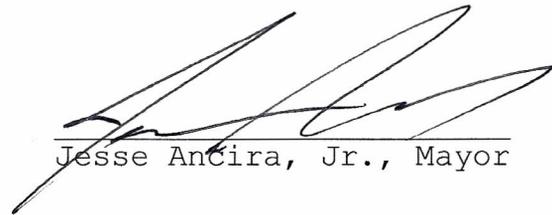
SECTION 13. PERIODIC REVIEW OF RATES. The City Council will periodically review this Ordinance and the transportation user fee and shall be obligated to review them no later than in the first month following the third anniversary date of this Ordinance. Notwithstanding, the transportation user fees established by this Ordinance will remain unchanged until the first month following the third anniversary date of this Ordinance.

SECTION 14. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

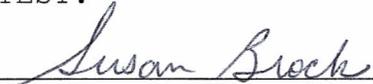
SECTION 15. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

In accordance with Article VIII, Section 1 of the City Charter, Ordinance No. 2016-03 was introduced before the Taylor City Council on the 28th day of January, 2016.

PASSED, APPROVED, and ADOPTED on the 11th day of February, 2016.


Jesse Ancira, Jr., Mayor

ATTEST:


Susan Brock, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl,
City Attorney

CERTIFICATE

THE STATE OF TEXAS

COUNTY OF WILLIAMSON

I, Susan L. Brock, being the current City Clerk of the City of Taylor, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2016-03, passed and approved by the City Council of the City of Taylor, Texas, on the 11th day of February, 2016, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this 11th day of February, 2016.


Susan L. Brock
City Clerk

City of Taylor - Transportation User Fee

ATTACHMENT A

TRIP FACTOR INDEX

Category	Units	Trip Factor	SubCategories
Building Materials	1,000 SF	4.49	Building Materials and Lumber Store, Hardware/Paint Store, Nursery
Convenience Market	1,000 SF	34.57	Convenience Market (no gas pumps), Convenience Market with Gas Pumps, Gasoline/Service Station
Medical Office	1,000 SF	3.57	Medical-Dental Office Building, Clinic, Veterinary Hospital/Veterinary Clinic
Restaurant	1,000 SF	11.15	Restaurant, Drinking Place
Fast Food	1,000 SF	26.15	Fast Food Restaurant w/out Drive-Thru Window, Fast Food Restaurant with Drive-Thru Window, Donut Place w/out Drive-Thru Window, Donut Place with Drive-Thru Window
Hospital/Nursing Home	1,000 SF	0.74	Hospital, Nursing Home
Indoor Recreation	1,000 SF	3.53	Bowling Alley, Movie Theater, Health Fitness Club
Lodging	Rooms	0.47	Hotel, Motel
Business Office	1,000 SF	1.29	General Office Building, Single Tenant Office Building, United States Post Office, Research and Development Center, Business Park
Bank	1,000 SF	12.13	Walk-In Bank, Drive-In Bank
Salon	1,000 SF	1.93	Hair Salon
General Retail	1,000 SF	3.71	Shopping Center, Apparel Store, Arts and Craft Store, DVD/Video Rental Store
Auto Part/Service/Wash	1,000 SF	4.46	Quick Lubrication Vehicle Shop, Self Service Car Wash, Automated Car Wash, Automobile Parts Sales, Automobile Parts and Service Center
Large School/Day Care	students	0.2	All schools w/greater than 50 students
Day Care	1,000 SF	12.46	Daycare Center (less than 50 students)
Supermarket/Pharmacy	1,000 SF	8.4	Supermarket, Pharmacy/Drugstore
Prison	1,000 SF	2.91	Prison
Superstore	1,000 SF	4.35	Free-Standing Discount Superstore
Outdoor Recreation	acres/campsites	0.3	Campground/RV Park, Golf Course, Arena
Car Sales	1,000 SF	2.62	New Car Sales
Warehousing	1,000 SF	0.32	Warehousing
Industrial	1,000 SF	0.73	General Light Industrial, General Heavy Industrial, Manufacturing, Utilities

TRANSPORTATION USER FEE SCHEDULE

	Monthly Base Trip Rate	Monthly Charge
Nonresidential Tiers		
Tier I*	0-8.99	\$25.00
Tier II	9.00-13.65	\$33.00
Tier III	13.66-27.30	\$50.00
Tier IV	27.31-53.99	\$67.00
Tier V	54.00-102.00	\$84.00
Tier VI	102.01+	\$133.00
Residential		
Single Family	flat rate	\$8.00
Multi-Family	flat rate	\$8.00

*All churches will be placed in Tier I