CITY OF SULPHUR SPRINGS

ORDINANCE NO. 2737

AN ORDINANCE AMENDING THE CITY OF SULPHUR SPRINGS CODE OF
ORDINANCES BY ESTABLISHING A NEW SECTION UNDER CHAPTER 21
ARTICLE V, STREET MAINTENANCE FEE, SECTIONS 21.64 – 21.73;
ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION AND
ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, the City of Sulphur Springs City Council finds, determines, and declares that in order to
protect the citizenry from the deterioration of the quality and safety of the Street 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 Street Maintenance Fee in order to provide a properly maintained Street System; and

WHEREAS, the City of Sulphur Springs City Council finds, determines, and declares that it is fair and
reasonable for all developed real property within City Limits using the Street System (Benefitted
Properties) to pay a portion of the costs to maintain the Street System; and

WHEREAS, the City of Sulphur Springs City Council will establish a Street Maintenance Fee, subject
to the limitations of the state law, and the City shall provide an efficient, reliable Street System with
the City Limits on the payment of such fees; now, therefore,

BE IT ORDAINED BY THE CITY OF SULPHUR SPRINGS, TEXAS:

SECTION 1: That Chapter 21, , Section V of the Code of Ordinances of the City of Sulphur Springs,
Texas, be added to (as set out in Exhibit A, attached hereto and made a part of this Ordinance for all
purposes)

SECTION 2: That the effective date for new assessments will be for bills dated January 1, 2019 and
subsequently.

PASSED AND APPROVED ON FIRST READING, the 6th day of November, 2018.

PASSED AND APPROVED ON SECOND AND FINAL READING, the 4th day of December,
2018.

John A. Sellers, Mayor
Gale Roberts, City Secretary
EXHIBIT A

The Code of Ordinances of the City of Sulphur Springs, Texas is amended by adding Article V under Chapter 21 Streets and Sidewalks, Street Maintenance Fee as set hereafter to read as follows:

ARTICLE V. STREET MAINTENANCE FEE

Sec. 21-64. Definitions.

*Benefitted property* means a single family residential unit, multifamily residential unit, commercial unit, and industrial unit within the city limits that benefits from vehicular or pedestrian traffic or use and defined as follows:

- **Single-family residential unit**- a building containing not more than one dwelling unit on one or more lots.
  - Duplexes, triplexes, quadraplexes, and condominiums- single-family dwelling units constructed in such a manner that the units share a common wall or lot line with another unit. Each dwelling in a duplex, triplex, quadraplex, or condominium shall be considered a single-family residential unit.
  - Mobile homes not in an approved mobile home park shall be considered a single-family residential unit.

- **Multifamily residential unit**- single-family dwelling in an apartment complex, mobile home park or recreational vehicle park.
  - Apartments- one or more buildings constructed on a single parcel of property where each building contains at least five living units.
  - Mobile Home or Recreational Vehicle Park- a parcel of property zones under provisions of the applicable city or county zoning regulations whose allowed and recognized use is the business of renting spaces or lots upon which mobile homes are placed and occupied as single-family dwellings and shall include any associated and allowed laundry and recreational and common facilities incidental thereto.

- **Commercial Unit**- The following enumerated commercial businesses, churches, public or private schools, public and charitable entities, that are not classified in Category F2 on the property tax roll, are defined as commercial units whether they are situated in one or more tract parcels or buildings:
  - All retail, and wholesale business establishments.
  - Professional and servicing businesses.
  - Hotels, motels, inns, boardinghouses, and rooming houses, whether private, public, or quasi-public.
  - Hospitals, public, private, charitable, or otherwise.
  - Fraternal organizations, public or private clubs associations or organizations, whether for profit or nonprofit.

- **Industrial Unit**- An Industrial Unit is defined as a unit classified in Category F2 according to the property tax roll as provided by the Hopkins County Appraisal District. Units classified in Category F2 are land and improvements of businesses that add value to a product through development, manufacturing, fabrication or processing of that product.
Street Maintenance Fee shall mean the fee that is established by this Ordinance which is assessed against, and collected from owners or occupants of Benefitted Property within City Limits for the purpose of inspections, maintenance, repair, improvement, and reconstruction of the Street System and costs incidental thereto.

Street Improvement Program (SIP) means the Street Improvement Program or as referred to as the Summer Paving Program, as amended from time to time, partially funded by the street maintenance fee.

Street System shall mean the structures, traffic controls, streets and other facilities in the public right-of-way, such as bridges, sidewalks, wheelchair ramps, alleys, storm sewer drainage system appurtenances, and other facilities which are dedicated to the use of motor vehicles, transit, bicycles and pedestrians; the maintenance and repair of those facilities; and the inspection of such maintenance and repair under the street improvement program.

Utility Customer shall mean the holder of a City utility account or the person, firm, partnership, joint venture, association, corporation, governmental entity, or other entity responsible for the payment of the Street Maintenance Fee.

City Limits shall mean the city limits of the City of Sulphur Springs as they exist on the effective date of this ordinance and as they may be amended from time to time.

Section 21.65. Establishment of Street Maintenance Fee.

a.) The City Council hereby establishes a Street Maintenance Fee to be paid by Benefitted Customers within the City Limits. Such Street Maintenance Fee shall be set in amounts which will provide sufficient funds to properly maintain the Street System.

b.) From and after the effective date of this ordinance, each single family residential unit shall be charged $_.5_ per month; multi-family residential units shall be charged $.5_ per dwelling unit per month; each commercial unit shall be charged $.12.50_ per month, and each industrial unit shall be charged $.30_ per month. Fee will be assessed on a per unit basis.


a.) Collection of the Street Maintenance Fee against each benefitted property shall be made by a monthly charge and where applicable be added to the Utility Customer’s utility bill for such property and shall be due upon receipt.

b.) The City Manager or designee shall create an account in the City’s billing system for any benefitted property for which no utility account exists. The Street Maintenance Fee will be assessed to the street fee only accounts according to land use.

c.) Any Street Maintenance Fee due hereunder which is not 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 Ordinances of the City of Sulphur Springs, Texas, failure of any utility customer to pay the Street Maintenance Fee promptly when due shall subject such Utility Customer to the discontinuance of utility services provided by the City.
Section 21.67. Street Improvement Fund.

a.) A separate fund shall be created effective January 1, 2019 known as the Street Improvement Fund.

b.) All Street Maintenance Fees shall be deposited in the Street Improvement Fund. It shall not be necessary for the expenditures from the Street Improvement Fund to specifically relate to any particular property from which the Street Maintenance Fees were collected.

c.) An annual report of the Street Improvement Fund and the Street Maintenance Fee program will be provided to the City Council.

d.) Every year, the Capital Improvement Projects (CIP) Committee shall provide City Council a report on the progress of the Street Improvement Program and publish an updated three-year map of street candidates to be considered for the Street Improvement Program.

Section 21.68. 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 the rules, regulations and procedures for the administration of fees and the consideration of petitions for modification and appeals pertaining to the fees charges hereunder; developing maintenance programs; establishing Street Improvement Program criteria and standards for the operation and maintenance of the Street System.

Section 21.69. Disposition of Fees and Charges.

a.) The Street Maintenance Fee shall not be used for the general governmental purposes of the City.

b.) The Street Maintenance Fee shall be used solely to pay for the costs of inspection, maintenance, repair, improvement, and reconstruction of the Street System.

Section 21.70. Exemption.

a.) This ordinance does not apply to properties where the normal business of a city, county, state, federal agency or department, hospital district, publicly funded independent school district, or church occurs.

b.) It is the responsibility of the person entitled to the exemption under this section to notify the City Business Office of the applicable exemption.

c.) The City reserves the right to exempt properties from provisions of this Ordinance through City Council action.

Section 21.71. Effective Period; Sunset

The ordinance codified in this article takes effect immediately upon its passage and continues for ten (10) years after January 1, 2019. The ordinance ceases to have effect on January 1, 2029, unless the City Council takes further action to extend the ordinance.

Section 21.72. Liability.
This article does not create additional duties on the part of the City. This article does not waive the City’s immunity under any law.

Section 21.73. Periodic review of rates.

The City Council will periodically review the street maintenance fees and rate and adjust fees accordingly.