Article 22 | FEE SCHEDULE

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ARTICLE 22: FEE SCHEDULE

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ARTICLE 22: FEE SCHEDULE

SECTION 1 – FEES ESTABLISHED

22.1.1 Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning, specific use permits, site plans, building permits, floodplain, earthwork, public works construction permits, certain residential drainage plan reviews and other administrative relief. The amount of the fees charged shall be as set forth in the City's budget or as established by resolution of the City Council filed in the office of the City Secretary.

22.1.2 Fees established in accordance with Subsection 22.1.1 in this Article, shall be paid upon submission of a signed application, or issuance of a permit.

SECTION 2 – FEE SCHEDULE

22.2.1 A Concept Plan is required for all new development prior to rezoning, clearing, preliminary engineering work and/or a preliminary or final plat (Refer to **Article 17, "Concept Plans,"** of the Unified Development Code).

City Initiated	No Fee
Non City Initiated	$700+$40 Per Acre*

** Fee not to exceed $11,000*

22.2.2 ***Zoning Related Fees:*** The following fees shall accompany and be required for consideration of the following zoning related applications:

Note: *Applicants may apply for a refund of any zoning related fees when an application has been withdrawn and/or cancelled prior to mailed public notification and is within a period of six (6) months of the application deadline date. The Director of Planning or his designee may issue a refund after the six (6) month expiration period pending the applicant submits a request in writing to the Planning Department. In considering these requests, the Director or his designee will determine whether a refund is appropriate on a case by case basis.*

22.2.2.1 Zoning Applications:

City Initiated	No Fee
Non City Initiated	$1000 + $40 Per Acre*

** Fee not to exceed $11,000*

22.2.2.2 Specific Use Permit Applications:

City Initiated	No Fee
Non City Initiated	$1000 + $40 Per Acre*

** Fee not to exceed $11,000*

22.2.2.3 Site Plan Applications:

City Initiated	No Fee
Administrative	$400
Heard by City Council:	
Non City Initiated	$1000 + $40 Per Acre*

** Fee not to exceed $11,000*

22.2.2.4 Zoning Applications:

City Initiated	No Fee
Non City Initiated	$1000 + $40 Per Acre

22.2.2.5 Specific Use Permit Applications:

City Initiated	No Fee
Non City Initiated	$1000 + $40 Per Acre

22.2.2.6 Specific Use Permit Renewal:

(For SUP's where no building permit has been issued within one year of City Council Adoption per ***Section 5.4.1.C.*** *The Development Review Committee may extend its validation up to one (1) year)*

City Initiated	No Fee
Non City Initiated	$100

22.2.2.7 Site Plan Applications:

City Initiated	No Fee
Administrative	$400
Heard by City Council:	
Non City Initiated	$1000 + $40 Per Acre

22.2.2.8 Zoning Verification Letter:

Letter Verifying Current Zoning of a Property	$50*

** Plus $25 for each additional item requested, i.e. Code Enforcement, Certificate of Occupancy, etc.*

22.2.2.9 *Fee for filing request for consideration of previously denied zoning request.*

City Council Appeal Fee	$125*

** The fee for filing a request for City Council reconsideration of a zoning request after it has been denied by the Planning and Zoning Commission.*

22.2.3 ***Platting Related Fees:*** The following fees shall accompany and be required for consideration of the following plat related applications:

22.2.3.1 Preliminary Plat Applications:

City Initiated	No Fee
Non City Initiated	$500 + $20 Per Lot or $20 Per Acre*

* *Whichever is Greater* (Fee Not to Exceed $10,500)

22.2.3.2 Final Plat Applications:

City Initiated	No Fee
Non City Initiated	$500 + $20 Per Lot or $20 Per Acre*

* *Whichever is Greater* (Fee Not to Exceed $10,500)

22.2.3.3 Minor Subdivision Plat Applications:

City Initiated	No Fee
Non City Initiated	$500 + $20 Per Lot or $20 Per Acre*

* *Whichever is Greater* (Fee Not to Exceed $10,500)

22.2.3.4 Replat Applications:

City Initiated	No Fee
Non City Initiated	$500 + $20 Per Lot or $20 Per Acre*

* *Whichever is Greater* (Fee Not to Exceed $10,500)

22.2.3.5 Amending Plat Applications

City Initiated	No Fee
Non City Initiated	$300 + $20 Per Lot or $20 Per Acre*

* *Whichever is Greater* (Fee Not to Exceed $10,500)

22.2.3.6 Plat Application Renewal:

*(per **Sections 12.8.1.F** and **12.12.8**)*

City Initiated	No Fee
All Others	$100

Amending Plats shall only be granted to correct one or a combination of the factors listed in Local Government Code, Section 212.016 V.A.T.S., as it may from time to time be amended. Should there be a disagreement between staff and any individual regarding whether an application should be styled an amending plat or a plat or replat, the determination of staff as to the nature of the request may be appealed to the Development Review Committee (DRC).

22.2.3.7 Filing Fees:

Applicant/Owner Filing:

Dallas County	In Accordance with County Fee Schedule
Tarrant County	In Accordance with County Fee Schedule
Ellis County	In Accordance with County Fee Schedule
Johnson County	In Accordance with County Fee Schedule

Staff Filing for Plats:

Transportation and Filing Fee	$250.00

Filing for Pro-rata:

Transportation and Filing Fee	$75

22.2.3.8 Vacating Fees:

Plat	$500
Easement Abandonment	$100
ROW Abandonment	$500

22.2.4 ***Tabling Fees:***

In the event any request for zoning, specific use permit, site plan, plat, replat or any matter of consideration going before the Planning and Zoning Commission or City Council is tabled at the request of the applicant after the case has been publicly notified and posted as an agenda item more than one (1) time, an additional fee of $1.00 for each property owner notice required shall be charged to offset the costs related to the re-notification and processing of the case. This fee shall be increased by $1.00 for each subsequent tabling up to a maximum amount not to exceed $3.00 per mailed notice.

The additional fee shall be required and paid as follows:

1st Tabling	No Fee
2nd Tabling	$1.00 for Each Property Owner Notice Required
3rd Tabling	$2.00 for Each Property Owner Notice Required
Over three (3) Tabling's	$3.00 for Each Property Owner Notice Required

If the applicant is not present at said meeting whereby their request cannot be considered, then the aforementioned additional fee shall also be required**.**

22.2.5 Zoning Board of Adjustments and Appeals for Right of Appeal; Notice; Costs; Transmitting Papers

Appeals before the Zoning Board of Adjustments and Appeals can be taken by any aggrieved person or by any officer, department, board or division of the municipality, as provided in **Article 1, "General Provisions and Procedure"** of the Unified Development Code. Such appeal

shall be taken within fifteen (15) days after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustments and Appeals, a notice of appeal specifying the grounds therefore, tendering with such notice the amount in accordance with the following fee schedule to cover the cost of processing such appeal:

$200	Residential Applications
$300	All Other Applications
$100	First Review
$150	Second Review
$200	Third Review

22.2.6 ***Other Appeals:***

22.2.6.1 Waiver from Screening Fence and Non-Residential Masonry Requirement:

City Initiated	No Fee
Non City Initiated	$400*

** Due with application.*

22.2.6.2 Exception to Sidewalk Requirements:

All	$100

22.2.6.3 Alcohol Proximity Variance:

Variance Fee	$125

**** The fee to appeal the alcohol proximity requirements stated in Article 4, "Permissible Uses," of the Unified Development Code to the City Council.***

22.2.7 ***Street Markers***

Street name signs are $250 per street marker.

22.2.8 ***Siren Fees, Early Warning***

For All Zoning Districts Except Single Family (See **Section 22.5.3**)	*Based on Current BID*
Single Family	$7.00 Per Lot

22.2.9 ***Shared Parking Ordinance***

City Initiated	No Fee
Non City Initiated	$300

22.2.10 ***Special Event Permits***

All: *$30 with $250.00 deposit to insure that appropriate clean-up and restoration of the specified place or property takes place (additional $15.00 if electrical permit is required).*

22.2.11 ***Ancillary Services:***

22.2.11.1 ***Maps:***

Comprehensive Plan Map (24" x 36")	$25.00
Zoning Maps:	
Zoning Map (24" x 36")	$8.00 Per Page
Zoning Map Atlas	$160.00
Custom Map Projects:	
Small (24" x 36" or Less)	$20.00
Major (Greater than 24" x 36")	$50.00
Transportation Plan Map	$20.00

22.2.11.2 ***Black Line/Plat/Map:***

24" x 36"	$8.00 Per Page
11" x 17"	$5.00 Per Page

22.2.11.3 ***Digital Copy of a Record Drawing or Plat in PDF Format***

CD or DVD + Hourly	$1.00 per CD or DVD/$15.00 per Hour

** Minimum Charge of $16.00.*

22.2.11.4 ***Per Page Cost for Copies***

Standard (8½" x 11")	$0.10 Per Page
Standard (11" x 17")	$0.25 Per Page

22.2.11.5 ***Commercial or Residential Address Change Fee:***

For property owners requesting a specific address	$50.00

22.2.11.6 ***Street Name Change Fee:***

For property owners requesting a street name change	$50.00

(Fee shall be refunded if request is denied by City Council)

22.2.12 ***Request for Petitioned Annexations:***

In addition to all powers of annexation granted to the City of Grand Prairie, the City Council upon request submitted to the Planning and Development Department by an owner of property within the extraterritorial jurisdiction of the City of Grand Prairie, may consider said property

for annexation. The following fees shall be submitted to the City of Grand Prairie, upon the passage of a resolution by the City Council calling public hearings for annexation of such area, said fee to pay for the administrative expenses of the City of Grand Prairie in reviewing said request:

Annexation request for up to one (1) acre.	$300.00
Annexation request for up to one (1) to five (5) acres.	$500.00
Annexation request for up to five (5) to 15 acres.	$600.00
Annexation request for up to 15 to 99 acres.	$1,000.00
Annexation request for up to 100 or more acres.	$2,000.00

22.2.13 ***Building Permit Fees:***

$25.00	Fence Permit in a Residential Area
1%	Subdivision Screening Fence: Based on the Value of the Fence/Retaining Wall
1%	Commercial Fence: Based on the Value of the Fence (Minimum of $50.00)
$1,000.00	New Single Family or Two-Family (Duplex) Dwelling + $100.00 for Plan Review
$200.00	Each Living Unit for Multi-Family Dwelling
$20.00	Each Residential Accessory Building/Structure up to and Including 100 Sq. Ft.
$100.00	Each Residential Accessory Building/Structure Larger than 100 Sq. Ft. up to and Including 400 Sq. Ft. (Storage Building, Gazebo, Garage, etc.)
$0.25	Residential Per Square Foot for each Garage/Accessory Building Greater than 400 Sq. Ft.
$200.00	Commercial Accessory Building/Structure up to and including 800 Sq. Ft.
$0.25	Commercial Per Square Foot for each Accessory Building/Structure greater than 800 Sq. Ft. [Total Cost=((Total Square Footage-800)*$0.25)+$200.00]
$20.00	Residential Driveway Approach
$100.00	Commercial Driveway Approach
$100.00	Each Swimming Pool
$50.00	House Moving Permit
$50.00	Structural, Electrical, Plumbing and Mechanical Re-Inspection
$100.00	Irrigation System
$50.00	Demolition Permit
$100.00	Commercial Parking Lot (New/Repair)
$50.00	Temporary Building Permit
$100.00	Change of Occupancy (Average)
$30.00	Clean and Show
$25.00	Tank Permit (Install or Remove)
$20.00	Boiler Permits (See Plumbing Permit)
$20.00	Fireplace Permit
$50.00	Fire Suppression Permits
$30.00	Foundation Repair Permit
$50.00	Residential Roof Repair Permit
$20.00	Spa and Hot Tub Permit

$20.00	Miscellaneous Work not Covered by a Building Permit (Minimum)
1% of work Min. $150	Commercial Re-Roof Permit

22.2.14 ***Remodel, Additions, Rehabilitation:***

Per Square Foot for Residential Dwelling, Not to Exceed the Fee for New Construction	$0.25
Per Square Foot for Commercial, Non-Dwelling, Structures	$0.14

22.2.15 ***Mobile Home Fees:***

Per Lot for Mobile Homes (Initial Fee)	$425.00
Per Mobile Home (Replacement)	$50.00

22.2.16 ***Inspection Fees:***

Electrical or Mechanical Inspection Fee	$50 (Min)
Plumbing Inspection Fee	$60 (Min)

22.2.17 ***Non-residential use buildings all occupancy classifications except those specifically mentioned herein:***

New Commercial (Finished)	$0.16/Sq. Ft.
New Commercial Shell	$0.14/Sq. Ft.
Interior Finish Out	$0.12/Sq. Ft.

Plan Review Fee is 45% of the Building Permit Fee. This fee is in addition to the Building Permit Fee.

22.2.18 ***REFUNDS:* There will be no refunds of building permit fees except in the following instances:**

A. When it is determined that the permit was issued due to an error by the Building Inspections Division, a full refund may be authorized.

B. When it is determined that the permit could not have been legally issued.

C. In cases where the building permit has been issued and the fee paid and no portion of the work has been commenced.

D. In cases where the building permit has been issued and the fee paid and no portion of the work has been commenced, a refund of not more than eighty percent (80%) of the permit fee paid shall be issued when a request is submitted no later than one-hundred-eighty (180) days after the date of payment.

E. Due to administration costs, all application fees under fifty dollars ($50.00) are non-refundable.

The dollar value of the proposed work is important to accurately report the total building activity in the City of Grand Prairie. It should be the present best estimate of the total market

value (all of owner's costs, including contractor's overhead and profit) of the proposed construction work (excluding raw land costs).

22.2.19 ***New Building Permit Fee:***

A. A new building permit fee includes all fees for the building, electrical, plumbing, mechanical, fire protection systems and concrete to be done during the new construction, which is included on the plans submitted.

B. Work done after the final inspection has been made for the permitted buildings or specific occupancy space in such building shall require additional permits for repairs, alterations, additions, or other specific permits or miscellaneous permits.

C. Work conducted within the City rights-of-way such as drive approaches and commercial sidewalks must receive a separate permit obtained at the Building Inspection Division.

D. Plans and specifications for proposed work shall accompany the permit application.

22.2.20 ***Penalties for Work Commencing Before Building Permit Issuance (twice the normal fee):***

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an increased permit fee equal to the established fee(s) normally assessed for the respective work being done multiplied by two.

22.2.21 ***Fees Related to Signs:***

The following fees shall accompany and be required for Sign permits:

A. Initial Permit:

0 – 50 Sq. Ft.	$75.00
> 50 Sq. Ft.	$100.00+$0.10/Sq. Ft.
Additional Fee if Lighted	$50.00

B. Annual Renewal Fee

For Grandfathered Off-Premise Signs	$105.00

C. Balloon Signs

Balloon Signs	$50.00

D. Penalties

1. ***All signs excluding portable signs:*** Any person who violates any provision of this UDC shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $200.00 upon conviction.

2. ***Portable Signs:*** Any person who violates any provision of this UDC regarding portable signs, shall be guilty of a misdemeanor and shall be punished by a fine of not less than $500.00 and not more than $1,000.00 upon conviction and shall be prohibited from displaying a portable sign on the property for a period of one year from date of conviction. However, if a lessor is found to be in violation, not only will the fine apply, but the lessor shall be prohibited from operating within the City for one year from date of conviction.

*E. Unified Signage Plan (See **Article 9.16.1**)*

City Initiated	No Fee
Non-City Initiated	$300.00*

**** Due with Application***

22.2.22 ***Floodplain Permit Fee:***

There shall be a fee charged for all permits issued under **Article 15, "Floodplain Management,"** of the Unified Development Code. The fee shall be as follows:

3 – 20 Acres	$300.00
> 20 Acres	$500.00

(Note: The Clearing and Grubbing permit and fees are separate from the Floodplain Permit Fee)

22.2.23 ***Clearing, Grubbing, and Earthwork Fee:***

A Clearing, Grubbing, and Earthwork permit shall expire after a period of three (3) years from the date of the release of the permit. Any work to be performed after expiration of the permit shall require a new permit at the standard fee. A new permit shall be required in the case of a significant change in the original design, operation or procedures that were not authorized by the original permit as determined by the City Engineer or designee.

A. *Residential:*

0 – 0.5 Acres	$50.00
0.5 Acres or Greater	$100.00

B. Commercial:

Clearing, Grubbing, and Earthwork	$25.00 Per Disturbed Acre with a $100.00 Minimum

Residentially zoned land owned by a developer is considered to be inventory, making the use commercial until such a time that it is sold to a single owner or perspective resident. Fees for Clearing, Grubbing and Earthwork Permits and Drainage Plan Review shall not be required for new single-family residential building permits with the following exceptions:

- ✓ In the case where directed by plat that a grading and/or drainage plan submittal is required by the home builder, as a portion of the building permit process. The fee for the Drainage Plan Review shall be as indicated above.
- ✓ In the case where the substantial drainage improvements are desired by the owner/builder, requiring grading and/or drainage plan submittal, or where an engineered erosion control plan is deemed necessary by the City Engineer or his agent.

Fees for these exceptions noted shall comply with the Residential Fee schedule above.

22.2.24 ***Engineering Construction Geotechnical Testing Fee:***

Two and one-half (2.5) percent of the cost of the work, with a minimum fee of $2500.00 for purposes of paying for geotechnical testing of public infrastructure (water, wastewater, storm drain, paving, etc.) as dictated by Ordinance 7951 passed May 19th 2009. Fees shall be paid for by the owner/developer in advance of release of the construction permit and placed in an escrow account administered by the Engineering Department. A formal request for refund of any remaining amount of the funds is required from the owner/developer.

22.2.25 ***Drainage Review Fees:***

For purposes of paying for drainage review of private developments as dictated by Ordinance 7677 passed October 2, 2007, fees shall be paid for by the owner/developer at the time of review submittal and placed in an escrow account administered by the Engineering Department. A formal request for refund of any remaining amount of the funds is required by the owner/developer.

22.2.26 ***Fees Related to Engineering Construction Inspection Overtime:***

There shall be a fee charged for engineering inspection accomplished on weekends and holidays.

For Engineer Construction Inspection Overtime	$50.00/Hour (Minimum 4 Hours)

22.2.27 ***Engineering Construction Permit Fee:***

Four (4) percent of the cost of the work, with a minimum permit fee of $100.00 for purposes of laying, construction, building, repairing, rebuilding, grading, graveling, paving surfaces, excavating, resurfacing or similar construction work.

22.2.28 ***Penalties for Work Commencing Before Engineering Permit Issuance (twice the normal fee):***

Any person who commences any work on public infrastructure before obtaining the necessary permits shall be subject to an increased permit fee equal to the established fee(s) normally assessed for the respective work being done multiplied by two. Damage to the City's public infrastructure, caused by unauthorized work or neglect by the contractor, shall be corrected at the expense of the party that caused said damage. Correction of the damage and obtaining the required permits does not release that party from criminal prosecution if deemed justified by the Director of Public Works, the Director of Planning and Development, the City Attorney, or the designee for these positions.

22.2.29 **Permit/Advertisement Fees for Temporary Concrete Batch Plants:**

The fee for processing an application for a temporary batch plant shall be three-hundred fifty dollars ($350.00) payable upon filing the application. In the event that an extension of the temporary batch plant permit should be sought, the fee for such extension shall be one-hundred dollars ($100.00). The fee for each follow-up extension of the temporary batch plant permit after the original extension of the temporary batch plant permit shall be one-hundred dollars ($100.00). Complete requirements for a temporary batch plant shall be per **Article 4, "Permissible Uses,"** of the Unified Development Code.

22.2.30 **Pro rata Charges**

A charge which shall be known as the pro rata shall be made against each lot or tract of land and the owner thereof whose water and wastewater line shall be hereafter connected with any water main or wastewater line in the City constructed by a developer with whom the City has contracted for reimbursement of oversizing or constructing water or wastewater mains or lines. The charge shall be at a rate per lot or acre as was agreed to by such contract which shall be based on total evaluated or contract cost divided proportionately by the acreage or number of lots served.

a) Costs available for pro rata reimbursement are:

i.) Materials, labor and materials testing for the installation of the public infrastructure

ii.) Staking and layout ($/LF)

iii.) Trench Safety ($/LF)

iv.) Testing ($/LF and/or $/ea for manhole)

v.) Spoils removal ($/CY)

vi.) Pavement and sidewalk repairs ($/SY)

vii.) Inspection fees at 4% of the sum of values i – vi above

viii.) Engineering design fees ($/LF) are not to be included in the calculation of vii above.

The developer shall provide to the City proof of estimated costs or actual costs when possible. Costs shall be reviewed by the City prior to forwarding the pro rata for execution.

b) Pro rata charges shall be collected at the time of platting or, if the City's records do not show that such pro rata charges were paid at the time of platting, prior to issuance of a building permit.

c) Such charges shall be placed in trust funds for the reimbursement of the developer who oversized the line and transmitted to such developer as soon as practicable.

d) Pro rata contracts shall not exceed ten (10) years; and, upon expiration, such charges shall not be collected.

The pro rata shall become effective once executed by the City Manager's office and the documentation shall be recorded by the City within the County of the lots served by the water

or wastewater line. The developer shall pay the costs for recordation as outlined in Article 22.2.3.7 Filing Fees.

SECTION 3 - IMPACT FEES

22.3.1 Purpose

Pursuant to the provisions of Chapter 395, Texas Local Government Code and Article 11, Section 5 of the Texas Constitution, the City of Grand Prairie may impose fees upon each new development project to pay the costs of constructing capital improvements and facility expansions necessary to serve new development.

Impact fees established by this Article are additional and supplemental to, and not in substitution of, any other requirements, tax, fee, charge, or assessment which is lawfully imposed by the City on the development of land or the issuance of building permits or certificates of occupancy. The impact fee is intended to be consistent with and to further the policies of the City's Comprehensive Plan, the impact fee capital improvements plan, and zoning ordinances, subdivision regulations and other City policies, ordinances and resolutions by which the City of Grand Prairie seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

The City may finance capital improvements or facilities expansions designated in the impact fee capital improvements plan through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

22.3.2 Definitions

Advisory Committee: The City's Planning and Zoning Commission.

Assessment: The determination of the amount of the impact fee per service unit that is imposed on new development pursuant to this Article.

Capital Improvement: Any roadway facility, water supply, treatment, and distribution facility, wastewater collection and treatment facility, and storm-water, drainage, and flood control facility that have a life expectancy of three or more years and are owned and operated by or on behalf of the City.

Capital Improvements Plan: The Capital Improvements Plan adopted by the City Council, as updated and amended pursuant to this Article. The Capital Improvements Plan identifies capital improvements or facility expansions, service areas, the maximum fee rate allowed in accordance with the impact fee statute, and other pertinent information.

City: The City of Grand Prairie, Texas.

Credit: The amount of the reduction of an impact fee for fees, payments or charges for or construction of the same type of capital improvement for which the fee has been assessed.

Facility expansion: The expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development.

Fee Rate: The dollar rate per service unit established by this Article for paying and collecting impact fees. The fee rate is less than or equal to the maximum fee rate. Fee rates for water and wastewater facilities are established in **Schedule 22.3.1** of this Article.

Final Plat Approval or Approval of a Final Plat: The point at which the applicant has complied with all conditions of approval and the plat has been released for filing with the County Clerk.

Impact Fee: Either a charge or assessment for roadway or water or wastewater facilities imposed as set forth in this Article against new development. Impact fees do not include dedications of land for public parks or payments in lieu thereof, or dedication of rights-of-way or easements for such facilities of the construction or dedication of rights-of-way or easements for such facilities or the construction or dedication of on-site water distribution, waste-water collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development. Impact fees also do not include funds deposited in escrow for the construction of roadway improvements imposed pursuant to the platting Article (**Article 12, "Platting,"** of the Unified Development Code), or pro rata charges or acreage fees to be placed in escrow for the purpose of reimbursing developers for over-sizing or construction of water or sewer mains for lines.

Impact Fee Statute: Chapter 35 of the Texas Local Government Code, as amended.

Land Use Assumptions: A description of the service area and projections of changes in land uses, densities, intensities and population and employment growth in the service area over at least a 10-year period which has been adopted by the City and upon which the Capital Improvements Plan is based.

Maximum Fee Rate: The dollar rate per service unit determined by the Capital Improvements Plan as the maximum rate for calculating impact fees allowed in accordance with the impact fee statute. Maximum fee rates for water facilities are reflected in **Schedule 22.3.1** of this Article.

New Development: The subdivision of land within the territorial boundaries and the extraterritorial jurisdiction of the City that increases the number of service units for which an impact fee is payable; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of a structure or other physical change in any structure within the territorial boundaries or extraterritorial jurisdiction of the City that increases the number of service units for which an impact fee is payable; or any use or extension of the use of land or structure that increases the number of service units.

Non-Residential Property: For the purpose of this Article, any property that is not residential in nature as defined in this Article and the Unified Development Code.

Residential Property: For the purpose of this Article, property located within a single family, duplex, or multi-family zoning district or within a planned development zoning district (or identifiable portion of such a district) limited to residential use.

Service Area: A water supply, treatment and distribution benefit area or wastewater collection and treatment benefit area located within the corporate limits of the City and its extraterritorial jurisdiction to be served by the Capital Improvements and facilities expansions specified in the Capital Improvements Plan.

Service Unit: In the case of water and wastewater facilities, the service unit shall be five-eights inch (5/8") water meter equivalents, which serves as the standardized measure of consumption, use or generation attributable to the new unit of development, as more particularly described in the Capital Improvements Plan.

Wastewater Facility: An improvement for providing wastewater collection and treatment, including, but not limited to, land or easements, treatment facilities, lift stations, collector and interceptor main. Wastewater facility excludes sanitary sewer lines or mains that are constructed by developers, the costs of which are reimbursed from pro rata charges paid by developers or owners of property in other subdivisions as a condition of connection to or use of such facility.

Water Facility: An improvement for providing water supply, treatment and distribution service, including, but not limited to, land or easements, water treatment facilities, water supply facilities or water distribution lines. Water facility excludes water lines or mains, which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by developers or owners of property in other subdivisions as a condition of connection to or use of such facility.

22.3.3 Advisory Committee

The land use assumptions and Capital Improvements Plan upon which impact fees are based shall be updated at least every five (5) years, or as prescribed or as prescribed by state statute. Alternatively, the City Council may, pursuant to the provisions of Section 395.0575 of the Local Government Code, make a determination that no such update is required.

22.3.3.1 The Advisory Committee serves in an advisory capacity and is established for:

A. To advise and assist the adoption of land use assumptions;

B. To review the capital improvements plan and file written comments;

C. To monitor and evaluate implementation of the capital improvements plan;

D. To file semi-annual reports with respect to the progress of the Capital Improvements Plan and report to the City Council any perceived inequities in implementing the plan or imposing the impact fee; and

E. To advise the City staff and Council of the need to update or revise the land use assumptions, Capital Improvements Plan and impact fee.

22.3.3.2 The Advisory Committee shall elect a chairperson to preside at its meetings and a vice-chairman to serve in his absence. All meetings of the committee shall be open to the public and posted at least 72 hours in advance. Robert's Rules shall, in so far as applicable, govern the conduct of the Committee's business. A majority of the membership of the Committee shall constitute a quorum.

22.3.3.3 All professional reports concerning the development and implementation of the capital improvements plan shall be made available to the Advisory Committee.

22.3.4 Administrative Responsibilities

The Public Works Department shall be responsible for the administration of **Section 3 of Article 22, "Impact Fees,"** and shall:

A. Provide assistance and administrative support to the Advisory Committee.

B. On behalf of the City, receive all reports and recommendations of the Advisory Committee.

C. Keep the land use assumptions, the Capital Improvements Plan and the service area map on file, and afford the public reasonable access to those documents.

D. Provide for the calculation of impact fees in accordance with **Section 3 of Article 22, "Impact Fees."**

E. Direct and coordinate activities of other City departments involved in the implementation of this Article, including the collection, investment, disbursement, and refund of impact fees, and the maintenance of appropriate accounting and other records in accordance with this Article.

F. Take such other actions as may be necessary or desirable to carry out the provisions of this Article.

22.3.5 Periodic Updates Required

The land use assumptions and Capital Improvements Plan upon which impact fees are based shall be updated at least every five (5) years, or as prescribed or as prescribed by state statute. Alternatively, the City Council may, pursuant to the provisions of Section 395.0575 of the Local Government Code, make a determination that no such update is required.

22.3.6 Impact Fee Required; Exceptions

22.3.6.1 No building permit shall be granted for new construction of any property nor shall any original water or sewer service connection be made or service commenced unless and until impact fees required by this Article are assessed and collected or a written

agreement is entered into with the developer and approved as to the form by the City Attorney providing for a different type of payment.

22.3.6.2 For new development located on property which was platted under the procedures of the City prior to adoption of this Article, impact fees shall not be due on any service unit for which a valid building permit is issued prior to June 12, 1991.

22.3.6.3 Impact Fees shall not be due for any mobile home which does not utilize a water or sewer service connection and which receives a Specific Use Permit per **Article 5, Section 8** of this Unified Development Code.

22.3.7 Assessment of Impact Fees

22.3.7.1 For property which is submitted for approval pursuant to the City's subdivision regulations after the effective date of this Article, impact fees shall be assessed at the time of final plat approval and release for recordation, and shall be the amount of the impact fee rate per service unit then in effect as set forth in **Schedule 22.3** for water and wastewater facilities as computed by the procedures set forth in **Section 22.3.8** of this Article.

22.3.7.2 For property which was platted prior to June 12, 1990 and for property which is proposed to be developed without platting, assessment shall be at any time after the effective date of this Article, and shall be the amount of the allowable impact fee rate per service unit set forth in **Schedule 22.3** for water and wastewater facilities.

22.3.7.3 Following assessment of impact fees as required in Subsection 22.3.7.1, impact fees per service unit for the property may not be increased unless the number of service units to be developed on the property increase. Should the service units be increased, a new assessment shall occur and impact fees shall be increased in an amount equal to the current impact fee per service unit multiplied by the differences in number of service units.

22.3.7.4 Following lapse or expiration of approval for a plat, a new assessment must be made at the time a new application for such property is filed.

22.3.7.5 An application for an amending plat made pursuant to V.T.C.S. Local Government Code, Section 212.016 and Platting Rules and Regulations, subsection 12.11.4 is not subject to reassessment for an impact fee.

22.3.8 Calculation of Impact Fees

22.3.8.1 Following the filing and acceptance of an application for a building permit, or the request for connection to the City's water or sanitary sewer system, the City shall compute the impact fees due for the new development in the following manner:

A. For water and wastewater facilities, the amount of impact fee due (exclusive of credits) shall be determined by multiplying the number of service units attributable to the new development by the service unit impact fee established in **Schedule 22.3.1** of this Article. The number of service units attributable to the new development shall be the equivalent number of service units for the water meter size (or in the case of a replacement water meter, the incremental increase in water meter size) serving the new development determined in accordance with **Schedule 22.3.1**.

B. The amount of each impact fee due shall be reduced by any allowable credits for the category of capital improvements as provided by **Section 22.3.10** of this Article.

C. The total amount of the impact fees due for the new development shall be calculated and attached to the development application, or, if to be paid at some later date, to the request for permit or connection as a condition of approval.

D. For new development consisting of an irrigation system connected to a new water meter that is located on property already served through a separate water meter, the water impact fees due pursuant to Article 22.3.8.1.A shall be reduced by 50%.

22.3.8.2 Replatting shall not require recalculation of impact fees unless the number of service units is increased. If a new development increases the number of service units, a new assessment shall occur and the impact fee shall be recalculated as provided by **Subsection 22.3.7.3**.

22.3.8.3 Impact fees for requests for connection to the sanitary sewer system when no water meter exists shall be calculated based on the equivalent of five eights (5/8) meter (1 service unit). Subsequently, upon request for connection to the water system, the impact fee for water shall be calculated using actual meter size. No adjustment for the sanitary sewer fee shall be calculated and collected unless the existing sanitary sewer connection is to be replaced by a larger service.

22.3.8.4 Upon application for a residential use which generates more roadway service units than have been paid for, the impact fee will be recalculated and building permits shall not be granted until the additional number of service units are paid for by the applicant.

22.3.9 Payment and Collection of Impact Fees

22.3.9.1 The impact fees due for the new development shall be collected prior to or at the time of issuance of the building permit and prior to or at the time of connection to the City's water or sanitary sewer system for water or sanitary sewer facilities unless an agreement between the developer and the City has been executed providing for a different time of payment.

22.3.9.2 In its sole discretion, and subject to approval by the Director of Public Works, the City may permit the developer or property owner, upon written application to pay impact

fees for all or a portion of single-family residential lots at the time of final plat recording for such development, in the amounts provided in Subsection 22.3.9.1 of this Article.

22.3.9.3 Impact fees may be assessed but not collected for property where service is not available unless:

A. The City commits to commence construction of necessary facilities identified in the Capital Improvements Plan within two years and have service available in a reasonable time not exceeding five years; or

B. The City agrees in writing to permit the owner of the property to construct or finance the required capital improvement or facility expansion and agrees that the costs incurred or funds advanced will either:

1. Be credited against the impact fees otherwise due from the new development;

2. Reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions in which case fees shall be reimbursed to the owner at the time collected as other new development plats are recorded; or

3. The owner voluntarily requests that the City reserve capacity to serve future development and the City and the owner enter into a valid written agreement.

22.3.9.4 The owner of property for which there is a recorded plat may enter into a written agreement with the City providing for the time and method of payment of impact fees, which agreement shall be approved by the City Attorney and shall prevail over any contrary provision of this Article.

22.3.9.5 Notwithstanding anything to the contrary in this Article, no impact fees shall be payable in any of the following circumstances:

A. No wastewater impact fees are due for new development consisting of an irrigation system connected to a new water meter that is located on property already served through a separate water meter.

B. No water or wastewater impact fee shall be due for new development consisting of a water line connected to a water main used exclusively for fire protection.

22.3.10 Credits

22.3.10.1 Credits against impact fees for water facilities shall be allowed for water facilities in the Capital Improvements Plan that the City requires an owner to construct at the owner's expense (or that an owner constructs pursuant to a development agreement) and that are not reimbursable to the owner from water pro-rata charges collected under other provisions of the City's Unified Development Code.

22.3.10.2 The amount of each credit allowed for construction of a facility in the Capital Improvements Plan shall equal the product obtained by multiplying the following:

A. The value of the land improvements in the Capital Improvements Plan for the calculation of the maximum fee rate assessed in this Article (regardless of the actual value of land dedicated and constructed); by

B. A fraction, the numerator equal to the impact fee rate used in calculating the fee payable per service unit for the new development and a denominator equal to the maximum impact fee rate per service unit assessed pursuant to this Article.

22.3.10.3 If the value of the facility on the Capital Improvements Plan cannot easily be determined, or if the credit is for an item not on such plan, its value (to be multiplied by the fraction contained in 22.3.10.2B) shall be assumed to be the documented expenditure of the developer. For the purpose of initial credit calculation in such event, the engineer's estimate shall be used; provided, however, the developer shall provide documentation to the City after construction as to actual expenditures, including canceled checks if required, and the credit shall be recalculated at such time and additional fees paid or excess fees refunded as a condition of building permits.

22.3.10.4 The City and the owner may enter into an agreement providing that in addition to the credit, the owner will be reimbursed for all or a portion of the costs of such facilities from pro rata charges collected from others who connect to such facilities and from impact fees as received from other new developments that will use such capital improvements or facility expansions. Pro rata charges paid shall be credited against impact fees in the same manner as expenditures for facilities constructed as set forth in Subsection 22.3.10.2 of this Article.

22.3.10.5 An owner shall be entitled to a credit against any category of impact fee as provided in any written agreement between the City and the owner.

22.3.10.6 Credits shall be allowed only to the extend of land and completed improvements accepted by the City at the time the impact fee is payable unless:

A. Impact fees are paid for residential property at the time a plat is released for recording, in which case credit shall be allowed at the time of payment of the impact fees, and completion and acceptance of the land and improvements by the City shall be a condition to the issuance of any building permit for construction of dwellings on such residential property; or

B. The City otherwise agrees in a development agreement.

22.3.10.7 Unless the City otherwise agrees in a development agreement, allowed credits shall be applied to reduce impact fees only when an impact fee is actually paid, and no one shall be entitled to any refund or reimbursement of any credit allowed but not so applied. Any unapplied credit may, however, be applied against impact fees attributable to any additional new development on the same land in the future.

22.3.10.8 Unless the City otherwise agrees in a development agreement, credits under this Article shall be an incident of ownership of the land on which new development occurs, and may not be assigned or transferred separately from the land. Unless the City otherwise agrees in a development agreement, if any land area for which a credit has been allowed is owned by more than one owner, the City shall allocate the credit pro-rata based on land area to the owner then obligated to pay impact fees. The City shall never have any duty to investigate the ownership of land, but may rely fully on information submitted by the party requesting a credit under this Article.

22.3.10.9 No credit for construction of any facility shall exceed the total amount of impact fees due from the development for the same category of improvements.

22.3.10.10 The City may credit against impact fees due the reasonable value of water, wastewater, pursuant to rules established in this Section, including the value of rights-of-way for capital improvements, dedicated, constructed or paid pursuant to an agreement with the City on or after January 1, 1980, and prior to the effective date of this Article, if the owner provides documentary evidence of such dedication, construction, improvements, fees, charges, and payments acceptable to the City.

22.3.10.11 No credit shall be allowed under this Article unless an application is first submitted to the City requesting the credit. The application shall be accompanied by any materials that the City requires to verify the applicant's entitlement to the credit or the amount of the credit.

22.3.11 Agreement for Capital Improvements

22.3.11.1 An owner of a new development may construct or finance a capital improvement or facility expansion designated in the impact fee Capital Improvements Plan, if required or authorized by the City, by entering into an agreement with the City prior to the issuance of any building permit for the development. The agreement shall be on a form approved by the City, and shall identify the estimated cost of the improvement or expansion, the schedule for initiation and completion of the improvement or expansion, a requirement that the improvement be designated and completed to City standards and such other terms and conditions as deemed necessary by the City. The agreement shall provide for the method to be used to determine the amount of the credit to be given against impact fees due for the development.

22.3.11.2 In the event that the City elects to reimburse an owner for the dedication, construction or financing of a capital improvement or facility expansion designated in the impact fee Capital Improvements Plan, the terms of reimbursement shall be incorporated in the agreement required by Subsection 22.3.12.1.

22.3.12 Expenditures and Accounting for Fees and Interest

22.3.12.1 All impact fees collected shall be deposited in interest bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee is adopted.

22.3.12.2 Interest earned shall be credited to the account and shall be subject to the same restrictions on expenditures as the funds generating such interest.

22.3.12.3 22.3.13.3 Impact fees and the interest earned thereon may be spent only for the purposes for which such fee was imposed as shown in the Capital Improvements Plan.

22.3.12.4 The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

22.3.13 Relief Procedures

22.3.13.1 Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the City Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the City Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence with sixty (60) days of the date of the request and to continue until completion.

22.3.13.2 The City Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, and only upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

22.3.13.3 The City Council may grant a waiver from any requirement of this ordinance as may be set forth in a developer's tax abatement agreement with the City.

22.3.13.4 If the City Council grants a variance or waiver of the amount of the impact fee due for a new development under this Section, the City shall fund the amount of the reduction in the impact fee by any of the methods set forth in **Section 22.3.12.3** of this Article.

22.3.14 Appeals

22.3.14.1 The property owner or applicant for new development may appeal the following administrative decisions to the City Council:

A. The applicability of an impact fee to the development;

B. The amount of the impact fee due;

C. The availability or the amount of an offset or credit;

D. The application of an offset or credit against an impact fee due;

E. The amount of a refund due, if any.

22.3.14.2 The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable schedule of impact fees or the guidelines established for determining offsets and credits.

22.3.14.3 The appellant must file a notice of appeal with the City Secretary within thirty (30) days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due, the development application may be processed while the appeal is pending.

22.3.15 Refunds

22.3.15.1 On the request of an owner of the property on which a water or wastewater impact fee has been paid, impact fees shall be refunded if existing facilities are available and service is denied or if the City failed to commence construction of facilities required for service within two years of payment of the fee or if such construction is not completed within a reasonable time but not in any event in more than five years from the date of payment of the fee.

22.3.15.2 Upon completion of capital improvements or facility expansions identified in the capital improvements plan, the impact fee shall be recalculated utilizing actual costs. If the impact fee based on actual cost is less than the impact fee paid, the City shall refund the difference if such difference exceeds the impact fee paid by more than ten percent.

22.3.15.3 Any impact fee funds not expended within ten years after payment shall be refunded.

22.3.15.4 Refunds shall bear interest calculated from the date of collection to the date of refund at the statutory rate set forth in Article 5069-1.03, Vernon's Texas Civil Statutes or its successor statute.

22.3.15.5 All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

22.3.15.6 The owner of the property on which an impact fee has been paid or another political subdivision or governmental entity that paid the impact fee has standing to sue for a refund under this section.

22.3.15.7 If the building permit for a new development for which an impact fee has been paid has expired, no utility connections for that category of improvements have been made to the development, and a modified or new application has not been approved within six months of such expiration, the City shall, upon written application, refund the amount of the impact fee to the record owner of the property for which the impact fee was paid. If no application for refund pursuant to this subsection is filed within this period, no refund shall be come due.

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22.3.16 Impact Fee Schedules

Schedule 22.3-1a
Water & Wastewater Impact Fee (North Sector)

Actual Water Meter Size (Inches)	Equivalent Number of Service Units	Impact Fee Rate* Per Service Unit	
		Water	Wastewater
5/8”	1	$1,711.00	$543.00
3/4”	1.5	$2,567.00	$815.00
1”	2.5	$4,278.00	$1,358.00
1.5”	5	$8,555.00	$2,715.00
2”	8	$13,688.00	$4,344.00
3”	16	$27,376.00	$8,688.00
4”	25	$42,775.00	$13,575.00
6”	50	$85,550.00	$27,150.00
8”	80	$136,880.00	$43,440.00
10”	115	$196,765.00	$62,445.00

** The “fee rate” listed in this column is the rate to be used in calculating water and wastewater facility impact fee amount pursuant to **Section 22.3.8.1A** of this Article.*

Schedule 22.3-1a (Continued)
Water & Wastewater Impact Fee (South Sector)

Actual Water Meter Size (Inches)	Equivalent Number of Service Units	Impact Fee Rate* Per Service Unit	
		Water	Wastewater
5/8”	1	$3,617.00	$1,258.00
3/4”	1.5	$5,425.00	$1,887.00
1”	2.5	$9,042.00	$3,145.00
1.5”	5	$18,085.00	$6,290.00
2”	8	$28,936.00	$10,064.00
3”	16	$57,872.00	$20,128.00
4”	25	$90,425.00	$31,450.00
6”	50	$180,850.00	$62,900.00
8”	80	$289,360.00	$100,640.00
10”	115	$415,955.00	$144,670.00

** The “fee rate” listed in this column is the rate to be used in calculating water and wastewater facility impact fee amount pursuant to **Section 22.3.8.1A** of this Article.*

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ARTICLE 22: FEE SCHEDULE

SECTION 4 - TAP FEES

22.4.1 Purpose

Under Chapter 26 of the City Code of Ordinances, The City provides taps to existing water and sewer services to persons who have obtained a permit to procure water or discharge wastewater. Rates are determined by the classification for which the applicant qualifies; residential, commercial or industrial.

22.4.2 Definitions

For the purposes of applying service rate classifications to individual accounts, the following definitions shall apply. The director of utility services shall determine the appropriate rate classification for each account.

Residential Single and multi-family properties used primarily for residential purposes.

Commercial Entities engaged primarily in the sales of goods or services, or other non-manufacturing commercial uses.

Industrial Entities engaged primarily in the manufacturing, fabrication or assembly of products.

Governmental Properties owned or operated by city, county, state or federal governments, as well as properties owned or operated by public school or community college districts.

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22.4.3 Tap Fees:

Water Meter Cost on Existing Taps:

5/8" x 3/4" Meter	$150.00
1" Meter	$200.00
1 ½" Meter	$350.00
2" Meter	$450.00
3" and Larger Meters (Owner Provides City Approved Meters)	

Request for Tap Fee for Water:

3/4" x 3/4" Meter (Plus $9.00 Per 1-Foot for each service foot over 35'; 60' Maximum)	$897.78
1" Tap w/1" Meter (Plus $9.00 Per 1-Foot for each service foot over 35'; 60' Maximum)	$997.00
1 ½" Tap w/1 ½" Meter (Plus $10.00 Per 1-Foot for each service foot over 35'; 60' Maximum)	$1,250.00
2" Tap w/2" Meter (Plus $12.00 Per 1-Foot for each service foot over 35'; 60' Maximum)	$1,496.00
3" and Larger Meter (Owner Provides City Approved Meters)	

Request for Tap Fees for Sewer:

Less Than 35' in Length and Less Than 10' in Depth	$1,250.00
Over 35' in Length and Less Than 10' in Depth (Plus $35.00 Per 1-Foot Over 35')	$1,250.00
Relocate Existing Water Meter (8' Maximum)	$650.00

** A new tap may be required if existing facilities are not adequate for the requested adjustment.*

*** Any tap not performed by City or sewer taps over 10' depth is required to be installed by a bonded utility Contractor, have engineering plans prepared and Contractor required to obtain a Construction Permit with 4% inspection fee and provide a 2-Year (100% of Contract Price) Maintenance Bond.*

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SECTION 5 - DISASTER WARNING SIREN FEE

22.5.1 Purpose

This ordinance is adopted to insure that adequate early warning sirens are provided to meet the additional need created by new development.

22.5.2 Definitions

For purposes of this ordinance, the following words, except where the context clearly indicates otherwise, shall be defined as follows:

1. "Commission" shall mean the Planning and Zoning Commission of the City of Grand Prairie, Texas.

2. "Council" shall mean the City Council of the City of Grand Prairie, Texas.

3. "Sub-divider or Developer" shall mean an individual, firm, association, syndicate, co-partnership, corporation, or other organization dividing or proposing to divide land, developing or making improvements to such land, so as to effect a subdivision of land hereunder for himself, or for itself, or for another.

4. **"**Subdivision" shall mean the division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes re-subdivision or re-platting of an existing subdivision, building upon, or other development of land. When appropriate to context, the term subdivision shall relate to the process or subdividing or to the land subdivided. Subdivisions of mobile home spaces for sale, lease or rent shall comply with all provisions of the City of Grand Prairie Code of Ordinances regulating mobile home parks, as it now exists or it may hereafter be amended.

22.5.3 General Requirements

1. The Council hereby establishes a Disaster Warning Siren Fee which shall be calculated as follows:

   FEE = (NUMBER OF ACRES PLATTED) X (COST PER ACRE)*
   ** The cost per acre will be based upon the cost of the last bid siren.*
   Note: Contact the Planning and Development or Fire Departments for the current bid.

   The number of acres served is determined by the radius (in feet) served by the siren squared, time 3.1416, divided by 43,560 square feet per acre.

   Example: If a siren serves a 5,000 ft radius the formula would be $5{,}000^2$ x 3.1416 / 43,560 sq. ft. = 1,803 acres served by one siren.

   If the cost of the last bid siren was $50,000, the fee would be $27.73 per acre. {$50,000 / 1803 = $27.73}

2. The provisions of this ordinance shall apply to all new development within the City of Grand Prairie and all subdivisions within its extraterritorial jurisdiction after the effective date of the ordinance:

   A. Development for which a final plat is required to be submitted to the City for approval in accordance with state law and the ordinances of the City; or,

   B. Existing vacant platted lots for which a building permit has not yet been issued by the City.

3. ***Payment Required:*** The Council hereby establishes that the owner of any property which is to be developed and to which this ordinance applies, shall pay to the City at the time of subdivision platting or upon issuance of a building permit for existing platted lots on the effective date of this ordinance a Disaster Warning Siren Fee to provide for the early warning siren needs created by such development, in accordance with the provisions of this ordinance.

4. ***Time of Payment:*** Payment of the Disaster Warning Siren Fee required herein shall be paid as a condition of approval of any final plat or replat. Payment shall be made prior to the filing of the plat unless otherwise stated in a facilities agreement approved by the Council. As applied to existing platted lots, the fee shall be paid at the time of issuance of the building permit(s).

5. ***Early Warning Siren Fund:*** All cash payments paid to the City in accordance with this ordinance shall be deposited in a separate Early Warning Siren Fund. The City shall account for all such payments with reference to each development for which the payment is made.

6. ***Use of Funds:*** Any payments made to the Early Warning Siren Fund shall be used solely for the acquisition, development, expansion, or upgrading of early warning sirens.

7. ***Right to Refund:*** If all or part of the payments made pursuant to this Ordinance are not expended, or not under contract to be expended for the purposes authorized herein, within ten (10) years of the date that 95% of all certificates of occupancy have been issued for the completed development of the property for which the payments were made, the person or entity who made such payment shall be entitled to a refund of all unexpended funds if a written request for such refund is made within one (1) year of entitlement. If no such timely request is made, the right to a refund of the unexpended funds shall be considered waived.

8. ***Disaster Warning Siren Map:*** The City Secretary shall maintain a Disaster Warning Siren Map open to public inspection, indicating the sphere of influence of the early warning sirens put in place.

22.5.4 Penalties, Sanctions, and Determinations

1. ***Requirements to be Satisfied Prior to Development:*** It shall be unlawful for any person who is required to pay the Disaster Warning Siren Fee as required by this ordinance, to begin, or allow any other person or contractor to begin, any construction or improvements

on any land within the development to which this ordinance applies, until the required payment is made to the City in accordance with this ordinance.

2. ***Permits and Services to be Withheld:*** No building permits shall be issued for, and no permanent utility services shall be provided to any land within any development to which this ordinance applies until the required payment of the Disaster Warning Siren Fee is made to the City in accordance with this ordinance.

3. ***Request for Adjustments:*** A request for adjustment to the Disaster Warning Siren Fee must be submitted in writing to the City Manager. Adjustments shall only be granted upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the adjustment would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a adjustment will not result in increased threats to public safety, extraordinary public expense, create nuisances, or conflict with existing local laws or ordinances. All determinations made by the City Manager shall be final.