

**Ordinance establishing a street maintenance fee to be implemented by policies, rates, and methodologies established by separate ordinance.**

**WHEREAS**, City Council desires to establish a street maintenance fee; and

**WHEREAS**, by subsequent ordinance the City Council will adopt the policies, rates, and methodologies to be used to implement the street maintenance fee,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:**

**SECTION 1. AUTHORITY.**

The City of Corpus Christi, a Home-Rule City, is authorized to establish this street maintenance fee pursuant to the authority, regulatory authority, and police powers granted by the Texas Constitution, the City Charter, Texas Local Government Code § 51.001, Chapter 311 of the Texas Transportation Code, and other laws of the State of Texas.

The City has exclusive control over and under the public highways, streets, and alleys within the municipality and may regulate the public highways, streets, and alleys within its city limits. Tex. Transp. Code Ann. § 311.001.

**SECTION 2. DEFINITIONS.**

- 1) *Benefitted Property* means a residence; a business; or lot, parcel or property within the city limits of the City that generates motor vehicle trips.

~~*Commercial Residential Benefitted Property* means attached multi-family housing or a detached dwelling unit of a mobile home park, recreational vehicle (RV) park, or manufactured home community.~~

- 2) *City Manager* means the City Manager or designee.
- 3) *Equivalent Residential Unit ("ERU")* means a unit of measurement equal to the median size of a residence or 1,500 square feet.
- 4) *Motor Vehicle Trip* means each departure from and each arrival to a property by a motor vehicle.
- 5) *Nonresidential Benefitted Property* means Benefitted Property not defined as ~~Commercial Residential Benefitted Property~~ or

Residential Benefitted Property under this article.

- 6) *Residential Benefitted Property* means a detached single-family residence, attached multi-family housing, or a detached dwelling unit of a mobile home park, recreational vehicle (RV) park, or manufactured home community.
- 7) *Street Maintenance Fee (“Fee”)* means the fee established by this article imposed against, and collected from, owners or occupants of Benefitted Property for the purpose of maintaining the street system of the City.
- 8) *Street Preventative Maintenance Program (“SPMP”)* means the street maintenance program, as amended from time to time, funded by the Street Maintenance Fee.
- 9) *Street System* means the structures, streets, rights-of-way, bridges, alleys, and other facilities within the city limits of the City that are dedicated to the use of vehicular traffic; the maintenance and repair of those facilities; and the operation and administration of such maintenance and repair under the Street Preventative Maintenance Program.
- 10) *Trip Factor* means a principle basis of service measurement, principally derived from the trip generation rates published by the Institute of Transportation Engineers.
- 11) *Utility Customer (“Customer”)* means the holder of a city utility account or the person who is responsible for the payment of charges for a Benefitted Property.

### **SECTION 3. FEE ESTABLISHED.**

A Street Maintenance Fee is established to be implemented by policies, rates, and methodologies established by separate ordinance.

The 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 road system.

To this end, the City Council will establish a schedule of street maintenance fees subject to the limitations of the state law to cover the costs to the City to provide maintenance of the Street System. The City will offer this maintenance service in a nondiscriminatory, reasonable and equitable manner.

- (a) Council hereby establishes a Street Maintenance Fee, imposed against, and to be paid by, Utility Customer and owner of Benefitted Property within the city limits, set in amounts that will provide sufficient funds to properly maintain the Street System.
- (b) Collection of the fee against each Benefitted Property shall be made by a monthly charge to be added to the utility bill for such property.
- (c) Council will by separate ordinance establish the rate based upon the cost to the City for maintaining the Street System.

**SECTION 4. DISPOSITION OF FEES AND CHARGES.**

The fee paid and collected by virtue of this article shall not be used for the general or 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, and renewal of the Street System, the Street Preventative Maintenance Program, and the costs incidental thereto.

**SECTION 5. EFFECTIVE PERIOD.**

This Ordinance takes effect immediately upon its passage and continues for ten years. This Ordinance ceases to have effect ten years from date of its final passage, unless further Council action is taken to extend this Ordinance.

**SECTION 6. 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.

**ATTEST:**

**CITY OF CORPUS CHRISTI**

\_\_\_\_\_  
Armando Chapa

\_\_\_\_\_  
Nelda Martinez

City Secretary

Mayor

That the foregoing ordinance was read for the first time and passed to its second reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

|                |       |                  |       |
|----------------|-------|------------------|-------|
| Nelda Martinez | _____ | Chad Magill      | _____ |
| Kelley Allen   | _____ | Colleen McIntyre | _____ |
| Rudy Garza     | _____ | Lillian Riojas   | _____ |
| Priscilla Leal | _____ | Mark Scott       | _____ |
| David Loeb     | _____ |                  |       |

That the foregoing ordinance was read for the second time and passed finally on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

|                |       |                  |       |
|----------------|-------|------------------|-------|
| Nelda Martinez | _____ | Chad Magill      | _____ |
| Kelley Allen   | _____ | Colleen McIntyre | _____ |
| Rudy Garza     | _____ | Lillian Riojas   | _____ |
| Priscilla Leal | _____ | Mark Scott       | _____ |
| David Loeb     | _____ |                  |       |

PASSED AND APPROVED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2103.

ATTEST:

\_\_\_\_\_  
 Armando Chapa  
 City Secretary

\_\_\_\_\_  
 Nelda Martinez  
 Mayor