

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 2, “ADMINISTRATION” OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, BY AMENDING ARTICLE XII “FEE SCHEDULES”, SECTION 2-322 “PENALTIES AND MITIGATION FEES” TO AMEND THE FEE SCHEDULE FOR URBAN FORESTRY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council deems it appropriate to amend the fee schedule as it relates to services rendered for development, zoning and platting application fees to recover the costs incurred by the City to provide services.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:**

**SECTION 1.**

Chapter 2, of the City Code of the City of Fort Worth, Article XII “Fee Schedules”, Section 2-322 "Penalties and Mitigation Fees", is hereby amended to revise and add certain fees, to read as follows:

- (a) For ~~ordinance~~ violations of section 6.302, “Urban Forestry” of the Zoning Ordinance, Appendix A of the City Code or development activities requiring mitigation, the follow schedule of penalties and mitigation fees are hereby adopted; provided however, that such fees may be waived or refunded by action of the City Council in accordance with policies adopted by the City Council.

- (b) Urban Forestry Penalties and Mitigation Fees:

<u>Urban Forestry</u>		
a. Penalties		
1. Unauthorized removal of non-significant trees	<del>\$300.00</del> <u>600.00</u> /diameter inch or <del>\$7.50</del> <u>15.00</u> /canopy sf	<del>Penalty to be assessed according to Urban Forestry Section 6.302. Funds to be deposited into PARD Park &amp; Recreation Department Tree Fund</del>
2. Unauthorized removal of significant trees	<del>\$600.00</del> <u>1,200</u> /diameter inch or <del>\$15.00</del> <u>30.00</u> canopy sf	<del>Penalty to be assessed according to the Urban Forestry Ordinance, Section 6.302. Funds deposited into PARD Park &amp; Recreation Department Tree Fund</del>

3. Administrative fee assessed on penalties	\$500.00/case	Funds deposited into the <u>P&amp;D Development Services Department account</u> to cover staff investigative and enforcement costs
b.Mitigation Fees		
1. Removal of Significant Trees	\$300.00/diameter inch or \$7.50/canopy sf	<del>Fees to be assessed according to Urban Forestry Ordinance, Section 6.302, Available when applicant opts for for mitigation by payment. See section 6.302(g)(5). Funds Deposited into PARD-Park &amp; Recreation Department Tree Fund.</del>

## SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

## SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## SECTION 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinances; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.**

That any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

**SECTION 6.**

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by the Texas Local Government Code Subsection 52.013.

**SECTION 7.**

This ordinance shall take effect and be in full force and effect from and after its adoption, and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

\_\_\_\_\_  
Christopher Austria  
Senior Assistant City Attorney

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Jannette S. Goodall, City Secretary

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_