

ORDINANCE NO. _____

AN ORDINANCE AMENDING IDENTIFIED PROVISIONS OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, TO REFLECT CHANGES IN THE FEES STATED IN THOSE CODE SECTIONS; ADDING NEW FEES AND CHANGING CERTAIN FEES AND RATIFYING AND CONTINUING PREVIOUSLY ESTABLISHED UNCODIFIED FEES; ALLOWING FOR CHANGES IN CERTAIN FEES DUE TO MARKET CONDITIONS; DESIGNATING OTHER DEPARTMENTS ACTING ON BEHALF OF THE FINANCIAL MANAGEMENT SERVICES DEPARTMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain City functions are provided on a fee-for-service basis, with such fees designed to recover some or all of the costs incurred by the City to provide such services;

WHEREAS, adoption and revision of the utility rates for water and wastewater and for municipal drainage (stormwater) are subject to specific processes and are therefore handled by separate action in order to ensure compliance with those utility-rate-setting processes but certain other, non-rate miscellaneous fees are simply set by Council;

WHEREAS, in limited instances the fees for other non-utility City services are reflected in codified ordinances that can be found in the Code of the City of Fort Worth (2015), as amended;

WHEREAS, for a number of other fee-based services, the City Code simply refers to fees being set by City Council, which action may not take the form of an ordinance;

WHEREAS, in an effort to improve transparency and facilitate locating the various uncodified fees, staff recommends adopting a single ordinance as part of the annual budget to reflect changes to codified fees *other than* utility rates for water and stormwater and changes to non-codified fees and to ratify all previously established fees that will continue to be charged for the coming fiscal year; and

WHEREAS, in connection with the adoption of the Fiscal Year 2025 budget, the City Council deems it appropriate to adopt this instrument to amend certain non-utility fee schedules in the City Code, to update the non-codified fee schedule as reflected herein, and to ratify all previously enacted uncodified fees.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

SECTION 1.

The following sections of the City Code of the City of Fort Worth are hereby amended in accordance with the attached Exhibit "A" to reflect changes in certain fees:

Chapter 2, Article XII, Section 2-321, “Development Application Fees”;
Chapter 7, Article I, Section 7-118.2.1, “Fees”;
Chapter 7, Article I, Section 7-119, “Fee Tables”;
Chapter 12.5, Article VII, Section 12.5-844, “Non City Waste Landfill Environmental Fee”;
Chapter 13, Article I, Section 13-2, “Amendments”;
Chapter 20, Article VII, Section 20-271, “Application; Fee; Duration”;
Chapter 29, Article I, Section C05.4;
Chapter 29, Article I, Section C05.5;
Chapter 29, Article V, Section 5.01, “Registration of Off-Premise Signs,” Table 5.01;
Chapter 30, Article I, Section 30-14, “Painting House Numbers on Curbs or Driveways – License and Bond Required; License Fee; Permission from Property Owners”; and
Chapter 30, Article II, Section 30-33, “License Application; Required Information; Conditions”

SECTION 2.

With the exception of Water and Wastewater utility rates charged by the Water Department and Municipal Drainage utility rates charged by the Stormwater Division of Transportation and Public Works, all fees for the Aviation, Development Services, Environmental Services, Fire, Financial Management Services, Park and Recreation, Property Management, Public Events, Transportation and Public Works, and Water Departments beginning and effective October 1, 2024 shall be those previously authorized by City Council action and are ratified and shall continue to be in effect by the adoption of this Ordinance, save and except those fees where a change is being implemented as detailed on Exhibit “B” to this Ordinance, including changes to pre-existing fees and enactment of new fees, and all such fees and changes are hereby approved.

SECTION 3.

The Aviation, Development Services, Environmental Services, Fire, Financial Management Services, Park and Recreation, Property Management, Public Events, Transportation and Public Works, and Water Departments operate facilities and programs that compete with public and private sector facilities for business and periodically need to make adjustments in response to market demands and for promotional and educational purposes. Approval of this Ordinance authorizes the Directors of the departments identified above (or their designees) to adjust or waive fees in response to market demands, including, but not limited to, seasonal, weather-related, and facility condition-driven factors; customer service resolutions; memberships; advertising opportunities; special marketing promotions; and educational purposes. In addition, to the extent any City-owned facility is managed or operated by a non-profit support group, the Director of the department having responsibility for such facility may exercise the discretion to adjust fees by acting in concert with such non-profit organization. The maximum amount of fees will continue to be capped at those amounts previously approved by the City Council.

SECTION 4.

Approval of this Ordinance will also officially designate other personnel and departments as acting on behalf of the Financial Management Services (FMS) Department in collecting fees and issuing licenses, as applicable. The City Charter charges the City's Finance Department "with the administration of the financial affairs of the city, including the keeping and supervision of all accounts and the issuance of licenses and the collection of license fees." As the City has grown over the years, responsibilities for issuing licenses and collecting fees became decentralized, with various departments and personnel being assigned as reflected in the City's revenue manual. In connection with the adoption of the Fiscal Year 2016 budget, the City Council approved M&C G-18545 (September 15, 2015), which formally designated the assigned personnel and departments to act on behalf of FMS in collecting fees and issuing licenses, where applicable. Adoption of this Ordinance continues that designation through Fiscal Year 2025.

SECTION 5.

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 6.

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 7.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. 3011, Ordinance No. 13896, Ordinance 21653 or any other ordinances affecting zoning which have accrued at the time of the effective date of this Ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

This Ordinance shall take effect on October 1, 2024 and after publication as required by law, if necessary.

ATTEST:

By: _____
Jannette Goodall, City Secretary

APPROVED AS TO FORM AND LEGALITY

By: _____
Denis C. McElroy, Assistant City Attorney

ADOPTED: September 17, 2024

EFFECTIVE: October 1, 2024

EXHIBIT A

INFORMATION FORTHCOMING

EXHIBIT B

INFORMATION
FORTHCOMING