

**ARTICLE VII. STREET MAINTENANCE FEE**

**Sec. 25-225. Definitions.**

In this article:

*Annual street maintenance costs* means the annual cost of street maintenance including related materials; supplies; contracted treatments; pavement; concrete; markings; roadway reconstructions with associated expenses, including, but not limited to, design, engineering analysis, geotechnical engineering, debt service payments, and making adjustments to existing sidewalks as required by the Americans with Disabilities Act. Annual street maintenance costs do not include capital expansion expenses such as existing debt, as it exists on the effective date of the ordinance from which this section is derived, or any new construction providing added capacity.

*Benefitted property* means a residence; a business; or a lot or parcel on which improvements have been constructed and that generates motor vehicle trips.

*Nonresidential benefitted property* means benefitted property not defined as residential benefitted property under this article. Nonresidential property shall include, but not be limited to, property being used for the following purposes: commercial, industrial, institutional, lodging, medical, office, or religious.

*Residential benefitted property* means a single-family residence, modular home, townhouse, two-family housing, multi-family housing, mobile home, travel trailer, or manufactured home.

*Single-family equivalent* is the equivalent number of trips per any other land use to single-family land use and is the principle basis of service measurement derived from trip generation rates, pass by percentages, and trip lengths published by the Institute of Transportation Engineers. The single-family equivalents of the following uses per unit are:

Land Use	Single-family Equivalent Rate	Billing Code
1. Single-family detached housing dwelling unit	1.00	SFH
2. Multi-family housing (low-rise) dwelling unit	0.57	MFL
3. Multi-family housing (mid-rise) dwelling unit	0.44	MFH
4. Mobile home dwelling unit	0.47	MH
5. Assisted living 1,000 SF GFA	0.49	ALV
6. Intermodal truck terminal 1,000 SF GFA	2.31	ITT
7. General light industrial 1,000 SF GFA	0.78	GLI
8. Industrial park 1,000 SF GFA	0.49	IPK
9. Manufacturing 1,000 SF GFA	0.83	MFG
10. Warehousing 1,000 SF GFA	0.23	WHS
11. Mini warehouse 1,000 SF GFA	0.21	MWH

12. Hotel room	0.50	HRM
13. Motel/other lodging facilities room	0.31	MLF
14. Multipurpose recreational facility 1,000 SF GFA	2.84	MPR
15. Bowling alley 1,000 SF GFA	0.92	BWA
16. Adult cabaret 1,000 SF GFA	2.32	ACB
17. Ice skating rink 1,000 SF GFA	1.05	ISR
18. Health/fitness club 1,000 SF GFA	2.74	HFC
19. Athletic club 1,000 SF GFA	4.99	ATC
20. Recreational community center 1,000 SF GFA	1.83	RCC
21. Elementary school 1,000 SF GFA	1.01	ES
22. Middle school/junior high school 1,000 SF GFA	0.88	MS
23. High school 1,000 SF GFA	0.72	HS
24. Private school (K-8) 1,000 SF GFA	4.83	PVS
25. Junior/community college 1,000 SF GFA	1.37	JCC
26. Place of Worship 1,000 SF GFA	0.24	PLW
27. Reserved	0.00	—
28. Day care center 1,000 SF GFA	3.61	DCC
29. Museum 1,000 SF GFA	0.13	MSM
30. Nursing home 1,000 SF GFA	0.44	NSH
31. Clinic 1,000 SF GFA	2.42	CLC
32. Animal hospital/veterinary clinic 1,000 SF GFA	1.83	AVC
33. General office building 1,000 SF GFA	0.85	GOB
34. Corporate headquarters building 1,000 SF GFA	1.03	CHB
35. Single tenant office building 1,000 SF GFA	1.26	STO
36. Medical - Dental office building 1,000 SF GFA	2.56	MDO
37. Office Park 1,000 SF GFA	0.98	OFP
38. Construction equipment rental store 1,000 SF GFA	0.82	CER
39. Building materials and lumber store 1,000 SF GFA	1.70	BML
40. Free-standing discount superstore 1,000 SF GFA	1.72	DSS
41. Variety store 1,000 SF GFA	2.76	VRS
42. Free-standing retail store 1,000 SF GFA	1.96	RTS
43. Hardware/paint store 1,000 SF GFA	0.97	HPS
44. Nursery (garden center) 1,000 SF GFA	2.63	NGC
45. Shopping center 1,000 SF GLA	1.25	SHC
46. New and used car sales 1,000 SF GFA	2.38	CRS
47. Recreational vehicle sales 1,000 SF GFA	0.61	RVS
48. Automobile parts sales 1,000 SF GFA	1.71	APS
49. Tire store 1,000 SF GFA	1.96	TRS
50. Tire superstore 1,000 SF GFA	1.04	TSS

51. Supermarket 1,000 SF GFA	1.98	SPM
52. Convenience market (open 24 hours) 1,000 SF GFA	11.75	CVM
53. Convenience market w/ gasoline pumps 1,000 SF GFA	4.47	CMG
54. Discount supermarket 1,000 SF GFA	3.52	DSM
55. Home improvement superstore 1,000 SF GFA	0.65	HIS
56. Office supply superstore 1,000 SF GFA	1.12	OSS
57. Discount home furnishing superstore 1,000 SF GFA	0.64	DHF
58. Department store 1,000 SF GFA	0.85	DTS
59. Apparel store 1,000 SF GFA	1.80	AST
60. Pharmacy/drugstore w/o drive-through window 1,000 SF GFA	2.32	PDS
61. Pharmacy/drugstore w/drive-through window 1,000 SF GFA	3.23	PDT
62. Furniture store 1,000 SF GFA	0.20	FTS
63. Walk-in bank 1,000 SF GFA	2.49	WKB
64. Drive-in bank 1,000 SF GFA	3.68	DIB
65. Hair salon 1,000 SF GFA	0.43	HRS
66. Drinking place 1,000 SF GFA	3.83	DRP
67. Sit down restaurant 1,000 SF GFA	1.33	SDR
68. High turnover (sit-down) restaurant 1,000 SF GFA	1.79	HTR
69. Fast food restaurant without drive-thru window 1,000 SF GFA	4.52	FFR
70. Fast food restaurant with drive-thru window 1,000 SF GFA	5.21	FFD
71. Coffee/donut shop without drive-through window 1,000 SF GFA	2.36	CDS
72. Coffee/donut shop with drive-thru window 1,000 SF GFA	2.82	CDW
73. Quick lubrication vehicle shop 1,000 SF GFA	3.45	QLV
74. Automobile care center 1,000 SF GFA	.24	ACC
75. Automobile parts & service center 1,000 SF GFA	.90	APC
76. Self-service car wash stall	0.41	CWS
77. Automated car wash 1,000 SF GFA	1.05	ACW

*Street maintenance fee* means the fee established by this article.

*Transportation system* means the structures, streets, rights-of-way, bridges, alleys, and other facilities within the city limits that are dedicated to the use of vehicular traffic; and the maintenance and repair of those facilities.

*Unit* means a unit of measurement equaling:

- (1) Residential benefitted property: One (1) per dwelling unit; or
- (2) Nonresidential benefitted property: One (1) per one thousand (1,000) square feet of improvements designated as living area/floor area as applicable in the records of the Bell County Appraisal District; or
- (3) Hotel/motel: One (1) per room; or
- (4) Self-service car wash: One (1) per stall.

*User or utility customer* means the person who is responsible for the payment of charges on a city utility meter for a benefitted property.

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( Ord. No. 18-045 , § I, 12-11-18; Ord. No. 19-010 , § I, 3-26-19; Ord. No. 20-033 , § I, 8-4-20; Ord. No. 21-055 , § I, 9-14-21)

**Sec. 25-226. Creation of street maintenance special revenue fund; audit.**

A separate fund, within the city's fund structure, shall be created as of the effective date of the ordinance, known as the Street Maintenance Special Revenue Fund, for the purpose of maintenance of the transportation system.

Such street maintenance revenues shall be used only for those costs included in annual street maintenance costs as defined herein.

The street maintenance special revenue fund shall be audited twice annually, once by the city's internal auditor and once by the external auditor. Audits should occur approximately six (6) months apart, as feasible.

( Ord. No. 18-045 , § I, 12-11-18; Ord. No. 20-033 , § I, 8-4-20; Ord. No. 21-055 , § I, 9-14-21)

**Sec. 25-227. Administration.**

The city manager, or designee, shall be responsible for the administration of this ordinance including, but not limited to, creating a policy for the administration of the street maintenance fund and the street maintenance fee; enacting any procedures necessary for the administration of the street maintenance fees and the consideration of petitions for exemption or adjustment; developing maintenance programs; and establishing transportation system criteria and standards for the operation of maintenance of the transportation system.

( Ord. No. 18-045 , § I, 12-11-18; Ord. No. 20-033 , § I, 8-4-20; Ord. No. 21-055 , § I, 9-14-21)

Editor's note(s)—Ord. No. 21-055 , § I, adopted September 14, 2021, amended § 25-227 and in so doing changed the title of said section from administration; calculation of street maintenance costs; review, to read as set out herein.

**Sec. 25-228. Findings.**

The city council finds and determines the following:

- (1) It is appropriate that a benefitted property pay the prorated annual cost of the maintenance of the transportation system that can reasonably be attributed to the benefitted property.
- (2) The number of motor vehicle trips generated by a benefitted property may reasonably be used to estimate the prorated cost of the maintenance of the transportation system attributable to a benefitted property.
- (3) The size and use of a property may reasonably be used to estimate the number of motor vehicle trips generated by and single-family equivalent associated with the property.
- (4) Based on the best available data, the method of imposing the Street Maintenance fee reasonably prorates the cost of maintenance of the transportation system among benefitted properties.
- (5) If available, appraisal district property tax records may be relied on to determine the size of nonresidential benefitted property.
- (6) It is reasonable and equitable to derive trip generation rates or single-family equivalents for residential and nonresidential benefitted property as determined and published by the Institute of Transportation Engineers.

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- (7) It is reasonable and equitable to assume that each utility meter in the service area serves a benefitted property.
  - (8) For purposes of this article, a property's use does not depend on the property's zoning. If a property fits more than one (1) category of land use, the city manager, or designee, shall assign a composite single-family equivalent which will be calculated by combining the single-family equivalents for the existing land uses in percentages corresponding to the percentage of property used for each land use.

( Ord. No. 18-045 , § I, 12-11-18; Ord. No. 21-055 , § I, 9-14-21)

### **Sec. 25-229. Fee established.**

The city council hereby establishes a street maintenance fee intended to fund annual street maintenance costs. Such street maintenance fee shall be set in an amount which will provide sufficient funds to properly maintain the transportation system.

The street maintenance fee shall be at ten dollars and no cents (\$10.00) per single-family equivalent. The street maintenance fee shall be paid by each City of Killeen utility customer within the city limits of Killeen, Texas.

(Ord. No. 20-033 , § I, 8-4-20; Ord. No. 21-055 , § I, 9-14-21)

### **Sec. 25-230. Calculation of fee.**

The street maintenance fee shall be calculated using the following formula:

Street Maintenance Fee per Single-Family Equivalent x Number of Units x Single-Family Equivalent = Monthly Bill

For example, a similarly situated customer shall pay an amount equal to the following each month:

Single-family: \$10.00 x 1 unit x 1 = \$10.00

Multi-family (Low-Rise): \$10.00 x 4 units x .57 = \$22.80

Shopping Center: \$10.00 x 20 units (1 per 1,000 square feet) x 1.25 = \$250.00

( Ord. No. 18-045 , § I, 12-11-18; Ord. No. 20-033 , § I, 8-4-20; Ord. No. 21-055 , § I, 9-14-21)

### **Sec. 25-231. Allocation.**

If one (1) benefitted property is served by multiple meters or where one (1) meter serves multiple benefitted properties, the city manager, or designee, may determine the allocation of the fee among the users by any reasonable method that takes into account the relative contribution of each to traffic generation. In the absence of better information, the city manager, or designee, may allocate the fee equally among the users.

( Ord. No. 18-045 , § I, 12-11-18)

### **Sec. 25-232. Exemptions.**

- (a) This article does not apply to property owned by the city.
- (b) This article does not apply to a property that is vacant and not generating any traffic. The city manager, or designee, may adopt any reasonable method to determine whether a property is vacant.

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- (c) A user entitled to an exemption under this section must notify the city manager, or designee, of the applicable exemption. A fee paid before the city manager, or designee, is notified of an exemption may not be refunded.

( Ord. No. 18-045 , § I, 12-11-18)

### **Sec. 25-233. Adjustments.**

- (a) A user may apply to the city manager, or designee, for an adjustment in the user's monthly street maintenance fee if:
  - (1) the user disputes the category of land use used in calculating the fee for the owner's benefitted property; or
  - (2) the user believes the fee has been calculated in error.
- (b) The city manager, or designee, may adjust the street maintenance fee for a user who has applied for an adjustment under this section according to best professional judgment.
- (c) A user who disagrees with a determination of the city manager, or designee, under this section may apply for a hearing. The city manager shall designate a hearing officer with authority to hold the hearing. The user requesting the hearing shall have the burden of proof to show by a preponderance of evidence that the adjustment should be granted. On completion of the hearing, the hearing officer shall recommend a disposition of the matter to the city manager who may revise or reinstate the original determination.

( Ord. No. 18-045 , § I, 12-11-18)

### **Sec. 25-234. Billing and payment.**

- (a) Bills or statements for the street maintenance fee shall be rendered by the city for all properties subject to the fee. Bills shall be payable when rendered and shall be considered as received by the customer/owner, whether actually received or not, when deposited in the United States mail, postage prepaid, addressed to the utility customer.
- (b) Bills shall be rendered monthly, and subject to late charges.
- (c) Bills shall be for services for the preceding month.
- (d) Street maintenance fees shall be billed with the city's utility billings and shall be identified separately on the bill as a street maintenance fee.

( Ord. No. 18-045 , § I, 12-11-18)

### **Sec. 25-235. Recovery of unpaid fees; enforcement.**

The city may recover a street maintenance fee that is not paid when due in an action at law.

( Ord. No. 18-045 , § I, 12-11-18)

### **Sec. 25-236. Liability.**

This article does not imply that a benefitted property will be free from inadequately maintained roads, and does not create additional duties on the part of the city. This article does not waive the city's immunity under any law.

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( Ord. No. 18-045 , § I, 12-11-18)

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