

## **TOWN OF FLOWER MOUND, TEXAS**

### **ORDINANCE NO. 34-17**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING APPENDIX A “FEE SCHEDULE” OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO THE CHARGES FOR STORMWATER UTILITY SYSTEM FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Flower Mound is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter adopted November 3, 1981; and

**WHEREAS**, the Town of Flower Mound possesses all the rights, powers, and authorities possessed by all home rule municipalities to regulate the fees for services provided; and

**WHEREAS**, the Town of Flower Mound has determined that it needs to increase the fees charged for the operation and maintenance of the Town’s surface water management program designed to assist in the protection of public health and safety from loss of life and property caused by surface water overflows, surface water stagnation, and pollution arising from water runoff within the boundaries of the Town;

**WHEREAS**, the Town Council finds that the classification of the benefited properties and the increased fees charged for the operation and maintenance of the Town’s surface water management program are nondiscriminatory, reasonable, and equitable for similar services in all areas of the service area.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

#### **SECTION 1**

All the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

#### **SECTION 2**

From and after the effective date of this Ordinance, Appendix A, “Fee Schedule,” of the Code of Ordinances of the Town of Flower Mound shall be amended by amending Section 70-777, Stormwater Utility System fee as follows:

Code Section Number	Description
70-777	Stormwater Utility System fee:

(a) The drainage charge for single family residential, townhome, duplex, and mobile home parcels that are not entitled to a Discount:

- (1) For property that is less than one (1) acre in size is Four and Thirty-Five/One Hundredths Dollars (\$4.35) per month;
- (2) For property that is between one (1) acre and five (5) acres in size is Three and Seventy-Five/One Hundredths Dollars (\$3.75) per month; and
- (3) For property greater than five (5) acres in size is Three and Fifteen/One Hundredths Dollars (\$3.15) per month.

(b) The drainage charge for Multi-family, Commercial, and Industrial parcels that are not entitled to a Discount:

- (1) For property that is up to twenty-five thousand (25,000) square feet in size is Thirty-Two and Seventy-Four/One Hundredths Dollars (\$32.74) per month;
- (2) For property that is between twenty-five thousand (25,000) square feet and fifty thousand (50,000) square feet in size is Forty-Four and Sixty-Four/One Hundredths Dollars (\$44.64) per month; and
- (3) For property that is over fifty thousand (50,000) square feet in size is Fifty-Six and Fifty-Five/One Hundredths Dollars (\$56.55) per month.

(c) The drainage charge for single family residential, townhome, duplex, and mobile home parcels that are entitled to a Discount:

- (1) For property that is less than one (1) acre in size is Three and Sixty-One/One Hundredths Dollars (\$3.61) per month;
- (2) For property that is between one (1) acre and five (5) acres in size is Three and Eleven/One Hundredths Dollars (\$3.11) per month; and
- (3) For property greater than five (5) acres in size is Two and Sixty-Two/One Hundredths Dollars (\$2.62) per month.

(d) The drainage charge for Multi-family, Commercial, and Industrial parcels that are entitled to a Discount:

- (1) For property that is up to twenty-five thousand (25,000) square feet in size is Twenty-Seven and Seventeen/One Hundredths Dollars (\$27.17) per month;
- (2) For property that is between twenty-five thousand (25,000) square feet and fifty thousand (50,000) square feet in size is Thirty-Seven and Five/One Hundredths Dollars (\$37.05) per month; and
- (3) For property that is over fifty thousand (50,000) square feet in size is Forty-Six and Ninety-Four/One Hundredths Dollars (\$46.94) per month.

### **SECTION 3**

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

### **SECTION 4**

If any section, subsection, clause, phrase or provision of this Ordinance and the Code, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance and the Code, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

### **SECTION 5**

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

### **SECTION 6**

This Ordinance shall take effect and be in full force on and after October 1, 2017, and its publication as provided by the laws of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 18<sup>th</sup> DAY OF SEPTEMBER, 2017.

APPROVED:

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Thomas E. Hayden, MAYOR

ATTEST:

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Theresa Scott, TOWN SECRETARY