

**ORDINANCE NO. 2024-11-005-31**

**AN ORDINANCE OF THE CITY OF WHITE SETTLEMENT, TEXAS, AMENDING ARTICLE IX “STORMWATER DRAINAGE SYSTEM” OF CHAPTER 46 “UTILITIES” OF THE CODE OF ORDINANCES; AMENDING DEFINITIONS; ESTABLISHING AND CALCULATING STORMWATER CHARGES AND MONTHLY STORMWATER UTILITY SYSTEM FEES; ESTABLISHING THE BILLING AND PAYMENT OF STORMWATER FEES; PROVIDING PENALTIES AND REMEDIES FOR FAILURE TO PAY FEES; PROVIDING THE EXEMPTION FROM AND ADJUSTMENT OF FEES; ESTABLISHING PROGRAM RESPONSIBILITIES AND A STORMWATER UTILITY SYSTEM FUND; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE, PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of White Settlement is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, within the City of White Settlement (“City”) there is an existing stormwater utility system adopted by Ordinance No. 2276-05 pursuant to Chapter 552, Subchapter C, of the Texas Local Government Code, as amended (the “Act”); and

**WHEREAS**, the City Council has concluded that it is necessary and essential that the City make textual amendments as described herein; and

**WHEREAS**, the City Council finds and determines that the City will still continue a schedule of stormwater charges against all real property in the proposed service areas subject to charges, provide stormwater service for all real property in the proposed areas upon payment of stormwater charges (except real property that is exempt from such charges), and offer stormwater service on nondiscriminatory, reasonable, and equitable terms; and

**WHEREAS**, through this ordinance, the City desires to maintain and declare the continuation of the stormwater utility system of the City as being a public utility; and

**WHEREAS**, in setting the schedule of charges for stormwater service, the calculations are based on a certain type of inventory of the lots and tracts within the City, the impervious area of and type of development on the benefitted properties; and

**WHEREAS**, it is the intent of the City to continue funding the stormwater utility system in a manner that fairly and equitably allocates the cost of stormwater control to properties in proportion to stormwater impervious area for each class of property; and

**WHEREAS**, notice of a public hearing and the content of the proposed ordinance was duly, properly and legally given pursuant to Section 552.045 (c) of the Texas Local Government

Code, said notice having been published at least three time prior to the date of such hearing, in a newspaper of general circulation in the City, the first of which publications was made on or before thirty (30) days prior to the date of the public hearing; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITE SETTLEMENT, TEXAS THAT:**

**SECTION 1.**

The recitals of this Ordinance are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2.**

Article IX “Stormwater Drainage System” of Chapter 46 “Utilities” of the Code of Ordinances, City of White Settlement, Texas, is hereby amended to read as follows:

**“ARTICLE IX. – STORMWATER DRAINAGE SYSTEM**

**Sec. 46-311. – Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act*: means Chapter 552, Subchapter C, of the Texas Local Government Code, as amended.

*Benefitted property* means an improved parcel, lot or tract to which stormwater service is made available. All parcels within the city receive stormwater service in some manner directly or indirectly.

*Certificates of obligation* means short-term obligations issued to finance the costs of facilities that are payable and secured by tax revenues of the city and by a transfer of revenues from the stormwater utility if the facilities are declared part of the stormwater utility.

*City* means the City of White Settlement.

*Customer* means the person(s) or entity(ies) that is recorded as the customer or user of utility services for a parcel as recorded in the records of the city's utility billing system (UBS).

*Detention* means the use of a structure that detains stormwater runoff for a designated storm frequency so that the release of water from the structure is controlled to a specific maximum discharge volume and discharge velocity.

*Director* means the director of public works of the city or his/her designated representative.

*Equivalent residential unit (ERU)* means impervious area on an improved parcel, lot or tract that is generally equal to the average impervious area on a single-family property in the city limits.

*General obligation bonds* means long-term obligations issued to finance the costs of facilities that are payable and secured by tax revenues of the city and by a transfer of revenues from the stormwater utility if the facilities are declared part of the stormwater utility.

*Impervious area* means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious areas include, but are not limited to, compacted soils with a surface treatment, buildings, pavement, parking lots, driveways, sidewalks and private ingress/egress roadways, gravel, crushed stone, or any uses that change natural surface of land and increase, concentrate or otherwise alter surface water runoff from natural vegetative condition.

*Improved lot or improved parcel* means a lot or parcel that has been changed from its natural state by construction of a structure or other improvement on it that causes an impervious area on the property.

*Nonresidential property* means all developed properties within the city that are not used for residential property, including but not limited to commercial, industrial, institutional, governmental, apartments, duplexes, condominiums, homeowners' associations and similar properties.

*Owner* means the person(s) or entity(ies) that is recorded as the owner of a parcel as recorded in the records of the Tarrant Appraisal District. The owner of a parcel may also be recorded as the owner or customer receiving other utility services in the utility billing system.

*Parcel* means one or more lots or tracts, or portions of lots or tracts.

*Residential property* means any property platted, zoned or used for residential development upon which a single-family home has been constructed or placed, including manufactured homes.

*Retention* means the use of a structure that permanently retains stormwater runoff for a designated storm frequency event so that there is no release of water from the structure.

*Service area* means the area for the stormwater utility system, which includes all real property within the boundaries of the city.

*Stormwater infrastructure or stormwater facilities* means the property, real, personal or mixed, that is used in providing stormwater capabilities and capacity to manage and control stormwater runoff for the stormwater utility system, including bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, retention ponds, ditches, draws, creeks, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the stormwater runoff away, collect, store, or treat the stormwater runoff, or divert the stormwater runoff into natural or artificial watercourses. Drainage infrastructure has the same meaning as stormwater infrastructure.

*Stormwater only account* means a utility billing account that is established for the sole purpose of billing applicable stormwater utility fees where other utility services are provided through suppliers other than the city.

*Stormwater revenue bonds* means any obligations issued to finance the costs of facilities that are payable from and secured by a lien and pledge of stormwater utility fees.

*Stormwater utility fee* means the stormwater charge, including interest and penalties paid by the owner or customer of a benefitted property for stormwater services provided by the stormwater utility system including, but not limited to, the items described in “cost-of-service” in Section 552.044(2) of the Act.

*Stormwater utility system* means the stormwater utility system owned or controlled, in whole or in part by the city, including the city's existing stormwater facilities, materials, and supplies and any stormwater facilities, personnel resources, materials, and supplies hereafter constructed or utilized, and dedicated to the service of benefitted property, and including provision for additions, extensions, and improvements thereto and replacements thereof, and to be funded, in whole or in part, by the stormwater utility fee.

*Street sweeping* means the mechanical sweeping of paved surfaces including the curb and gutter with a street sweeping machine designed to remove debris and sediment from the street without washing the material into the storm drain or stormwater conveyance structure.

*Wholly sufficient and privately owned stormwater system* means land and facilities owned and operated by a person or entity other than the city and from which the stormwater does not discharge under any storm frequency event or conditions into a creek, river, slough, culvert, channel or other infrastructure that is part of the city's stormwater utility system.

**Sec. 46-312. – Establishment of stormwater utility.**

The City hereby adopts the provisions of the Act and hereby creates and establishes a Stormwater Utility System to serve the City, whose boundaries shall be the boundaries of the City. The City Council finds and hereby declares the drainage of the City to be a public utility.

- (1) *Duty of director.* It shall be the duty of the director to administer the stormwater utility system. The director shall keep an accurate record of all properties benefitted or served by the stormwater utility system and the stormwater utility fee charged for each parcel. The record may be maintained within the city's utility billing system or in other record keeping systems that may be developed.
- (2) *Program implementation.* By the passage of this article, the city makes no representation that all of the city's stormwater problems will be remedied, and the city council is given full discretion in establishing the time and quantitative priorities in expending funds on a reasonable basis as the same become available to meet the stormwater needs of the city. The passage of this article shall not be construed to relieve private landowners, developers or other individuals or entities

from providing stormwater improvements pursuant to the ordinances of the city and the laws of this state which relate to stormwater or stormwater improvements.

- (3) *Access to benefitted properties.* Employees of the city shall have access, at all reasonable times, to any benefitted properties served by the stormwater utility system for inspection or repair or enforcement of the provisions of this article and the Act.

**Sec. 46-313. – Establishment of a stormwater utility fee.**

- (a) *Imposed; stormwater rate classes.* A stormwater utility fee shall be imposed on each improved parcel within the city for services and facilities provided by the stormwater utility system. For purposes of imposing the stormwater utility fee, all eligible parcels within the city are classified into the following categories:

- (1) Residential
- (2) Nonresidential

- (b) *Responsible party.*

- (1) The stormwater utility fee shall be billed monthly along with other utilities provided to the property, including water, sewer, garbage or other utility service.
- (2) The stormwater utility fee will be mailed to either the owner or customer as is currently established as the responsible party in the utility billing system for water, sewer, garbage or other utility service for the parcel; and the owner or customer recorded in the utility billing system will be responsible for payment of the fee.
- (3) Where an improved parcel is not occupied by a customer that might use water, sewer, garbage or other utility service and considered by the city to be vacant, either on a temporary or permanent basis, the city may bill the owner of the parcel for the stormwater utility fee.
- (4) Where an improved parcel is not billed for water, sewer, garbage or other utility service to an owner or customer of the city, the city is hereby authorized to establish a stormwater only account and to bill the stormwater utility fee to either the owner or customer as appropriate.

- (c) *Revision of rates.* The initial rates established for the stormwater utility fee were adopted by the City Council by ordinance. The city council may review the schedule of rates, and may, by ordinance, increase or decrease said rates within the schedule, upon a determination that said increase or decrease is warranted.

- (d) *Billing procedures and policies.*

- (1) Any partial payment of the stormwater utility fee will be applied against the amount due in accordance with the policies and procedures established by the city regarding all utility services provided by the city.
  - (2) A ten (10%) percent late charge will be applied to all accounts that remain unpaid within fifteen (15) days after the billing date. The purpose of this charge is to cover the excess billing, accounting, collection and administrative costs of the city which result from the failure to make timely payments.
- (e) *Delinquencies.* Any stormwater utility fee which is not paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided in the Act or other law, failure of a user within the service area to pay the charges promptly when due shall subject such user to discontinuances of any utility services provided by the city.

**Sec. 46-314. – Calculation of stormwater utility fees.**

- (1) *Rates in accordance with Act.* The city council hereby finds and determines that the methodology for determining the stormwater utility fee has been established in accordance with the provisions of the Act.
- (2) *Fee Calculation.* The stormwater utility fee shall be based on an inventory of parcels within the city which also evaluates the benefitted property's impact on the stormwater utility system. Due to impervious area causing increases in stormwater runoff and associated pollutants to the stormwater utility system, it is fair and equitable to calculate the impact and assess the stormwater charge to each benefitted property based on impervious area, subject to limitation set forth below for residential properties. The stormwater utility fee shall be determined by the city council, as amount to establish one or more funds to provide financing for future stormwater system construction and for implementing programs to provide financing for future stormwater quality. The city council hereby imposes a stormwater charge to be paid by uses of benefitted property to cover the cost of service of the stormwater utility system. Said charges shall be calculated as follows:
  - a. *Residential class.* Includes residential properties, which shall be assessed one (1) ERU per month. Monthly fees for each residential property are set forth in Section 20-02 "Stormwater fees".
  - b. *Nonresidential class.* All parcels that are not residential properties will be billed stormwater utility fees as nonresidential properties. Monthly fees are set forth in Section 20-02 "Stormwater fees".
- (3) *Credit availability.* Any or nonresidential properties that are directly served by an approved and privately owned stormwater system or facility may apply to the Director for a credit to the Stormwater Utility Fee. The Stormwater Utility Fees for

residential properties are calculated at a flat rate based upon average impervious area. Because these residential fees are adopted as a flat rate, they are not subject to adjustment for this credit. The Director may adjust the Stormwater Utility Fee for nonresidential property according to the actual mitigative effect of the private facility on the City's annual maintenance and operation costs, provided that:

- a. The Owner remains responsible for all costs of maintenance of the facility;
- b. The facility was constructed and is maintained in compliance with the City's stormwater standards and specifications; and
- c. The Owner obtained the proper permits from the City.

(4) *Credits.* Those improved nonresidential properties on which stormwater runoff management techniques are used are eligible to receive a credit on their monthly billings, provided that:

- a. The application for such credit shall be made to the director and shall follow the procedures as set forth in this article.
- b. The application for credit shall be in writing and shall include an engineering report prepared and sealed by a Texas licensed professional engineer presenting the rationale for determining the credit for the approved stormwater management techniques.
- c. The credit methodology shall be an administrative policy as established by written report maintained in the public works department of the city.
- d. The credit will be only for the impervious area within the total parcel area which receives the stormwater management technique.
- e. The maximum credits that are available with appropriate documentation and review and approval by the director are as follows:
  1. The area which receives approved street sweeping funded by the Owner on a weekly basis will be eligible for up to a five (5%) percent (5%) reduction in the fee.
  2. The area which drains into an approved detention basin will be eligible for up to a fifteen (15%) percent (15%) reduction in the fee.
  3. The area which drains into an approved retention basin will be eligible for up to a thirty three (33%) percent (33%) reduction in the fee.
- f. Any property served by a private facility which is maintained by the city shall not receive a credit and shall be charged the normal monthly stormwater utility fee.

- g. The director shall have the right to inspect the private stormwater infrastructure facility at any reasonable time to determine if it is in compliance with the approved design and continues to be capable of functioning properly. If the facility's performance is affected, because it fails to meet the proper operating and maintenance standards, has been altered, or is in disrepair, upon notice from the director, the property Owner shall pay the monthly stormwater utility fee at the normal rate, without benefit of reduction, until such time that the facility is brought into total compliance.

**Sec. 46-315. – Appeal.**

- (a) *Appeal of stormwater utility fee to the director.* Subject to the restrictions set forth in this section, any owner or customer who has been charged or has paid a stormwater utility fee and who believes that the calculation or determination of the stormwater utility fee is incorrect or inappropriate may appeal the fee to the director by filing a notice of appeal application. The director shall evaluate all appeal applications according to the process set forth herein and based on the methodologies for calculating the stormwater utility fee set forth in this article.
- (b) *Process.*
  - (1) An Owner or Customer may file an appeal by completing a notice of appeal application form created by the director in which the owner or customer describes the basis for the appeal, including the provision of independent engineering reports supporting a more accurate impervious area calculation.
  - (2) The appeal shall be in writing and shall set forth, in detail, the grounds upon which relief is sought. The director shall decide on the appeal based upon a preponderance of the evidence received. Appeals may be submitted for the following reasons:
    - a. The applicability of a stormwater utility fee for a parcel;
    - b. The calculation of applicable stormwater impervious area for a parcel;
    - c. The calculation of the stormwater utility fee for a parcel; or
    - d. The discontinuance of utility service or other legal actions for non-payment of stormwater utility fees.
  - (3) The information submitted to the city must be complete in order to conduct an evaluation of the appeal. A response regarding receipt and completeness by the director will be provided within ten (10) business days of the receipt of the completed appeal form and supporting material.
  - (4) The utility billing office shall refer questions of impervious fee calculations to the director.

- (5) Billing and payment disputes for administrative issues shall be subject to appeals procedures used by the city for other billing disputes.
  - (6) The director shall review appeals according to the following:
    - a. During the first fiscal year that the stormwater utility fee is imposed or amended, the director shall review and make a decision about the appeal within four (4) months from the date that the director receives the appeal. An adjustment resulting from such request shall be retroactive to the beginning of billings of the appealed fee but shall not exceed one (1) year.
    - b. After the first fiscal year that the stormwater utility fee is imposed or amended, the director shall review and provide his/her decision about the appeal within thirty (30) days from the date that the director received the appeal. An adjustment resulting from such a request shall be prospective and applied to future billings; and, at the discretion of the director, may also be retroactive for no more than three (3) months prior to the receipt of the appeal.
  - (7) The director shall render a written decision on an appeals.
  - (8) In making a determination to grant an adjustment request, the director shall consider the potential for any adverse impact to the holders of any outstanding stormwater revenue bonds, certificates of obligation, or general obligation bonds, the payment of which is supported by revenues of the stormwater utility.
- (c) *Supporting information for appeal.* The owner or customer requesting an adjustment may be required, at the owner's or customer's cost, to provide supplemental information to the director, including but not limited to survey data sealed by a Texas licensed professional land surveyor, engineering reports sealed by a Texas licensed professional engineer qualified in civil engineering, or other documentation the director deems necessary to properly evaluate the appeal. Failure to provide requested information in a timely manner may result in the denial of the appeal.
- (d) *Appeal of stormwater utility fees to the city council.* Upon receipt of a written statement from the director denying a request to adjust the stormwater utility fees or refusing to direct that a lien be released or not be filed, the owner or customer who initially filed the appeal may, within thirty (30) days after receiving the statement from the director, apply in writing to the city council for review of the denial.
- (1) The owner or customer may appeal the following decisions of the director to the city council:
    - a. The applicability of a stormwater utility fee to the development of a parcel;
    - b. The calculation of impervious area for a parcel;

- c. The calculation of the stormwater utility fee for a parcel;
  - d. The availability or the value of a credit for a parcel;
  - e. The application of a credit against a stormwater utility fee that is due; or
  - f. The discontinuance of utility service(s), filing of a lien or other legal actions for non-payment of applicable stormwater utility fees.
- (2) The owner or customer shall file a written appeal to the city council with the city secretary within thirty (30) days of receipt of the director's statement. The city council shall hear the appeal within sixty (60) days of receipt of the appeal by the city secretary. Notice of the hearing shall be mailed to the address provided on the appeal form or, if no address is given, to the address on the utility billing statement at least fourteen (14) days prior to the hearing.
- (3) The burden of proof shall be on the owner or customer to demonstrate that the fee is not applicable or that the determination of the value of the fee or credit was not calculated according to the applicable stormwater utility fee schedule or the methodology established in this article. If applicable, and if not previously submitted to the director, the owner or customer shall submit to the city council with the appeal, a report prepared by a Texas licensed professional engineer, describing the basis for the appeal. The failure to submit such report, if it is germane to appeal, shall be considered in determining whether the applicant has met the burden of proof.
- (4) If the appeal is accompanied by a bond or other sufficient security satisfactory to the city attorney in an amount equal to the original determination of the stormwater utility fee due, any discontinued utility services may be reinstated while the appeal is pending.
- (5) At the hearing, the city council shall allow testimony from the owner or customer, city personnel and other interested persons relevant to the appeal. The hearing may be continued from time to time.
- (6) Following the hearing, the city council shall consider all evidence and determine whether the appeal should be granted (in whole or in part) or denied.
- (7) The city council shall complete its review and make a decision about the appeal within thirty (30) days of the hearing. The city council shall apply the standards and review criteria contained in this section.
- (8) The city council's decision shall be final.
- (e) *Appeal of lien.* Before imposing a lien for delinquent stormwater charges, the city shall send notice to the owner of the amount of the charges owed and any penalties or interest accrued, and of the owner's right to appeal the placement of the lien. Within ten (10)

working days of the postmark of the notice sent to the owner, the owner may appeal the decision to impose the lien on the property to the director. Within five (5) working days of receiving the notice of appeal, the director shall direct that the lien not be filed if the owner shows that no bill for the above mentioned services is owed by the owner or customer of the stormwater utility and shall give the owner or customer written notice of the director's decision. The director may modify the lien to reflect the true amount of delinquency in payment for services to the property if the owner or customer demonstrates that a lesser bill is owed. When a person pays all principal, interest and all other charges allowed by law that are secured by a lien filed pursuant to this article, the director shall execute a release of that lien and surrender it to the paying party. The paying party shall be responsible for the filing of that release.

**Sec. 46-316. – Termination of district.**

If, after at least five (5) years of substantially continuous operation of the stormwater utility system, the city council determines that the stormwater utility system should be discontinued, the powers under the Act should be revoked, and the provision for financing municipal stormwater costs should be made by using other revenues, the city council may adopt an ordinance that in effect, after providing notice and a public hearing as required by the Act, discontinues the stormwater utility system.

**Sec. 46-317. – Stormwater utility fund.**

- (a) *Stormwater fund.* The city shall establish a stormwater utility fund which may consist of one or more accounts. All stormwater utility fees shall be deposited as collected and received into this fund, and shall be used exclusively for stormwater services as stated in Section 552.044(2) of the Act, which includes, but is not limited to the following:
- (1) The prorated cost of the acquisition of land, rights-of-way, options to purchase land, easements, and interests in land relating to structures, equipment, and facilities used in providing drainage for the benefitted parcel;
  - (2) The prorated cost of the acquisition, construction, repair, and maintenance of structures, equipment, and facilities used in draining the benefitted parcel;
  - (3) The prorated cost of architectural, engineering, legal, and related services, plans and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, designing, providing, or determining the feasibility and capability of structures, equipment, and facilities used in draining the benefitted parcel;
  - (4) The prorated cost of all machinery, equipment, materials, appurtenances, and facilities necessary or incident to the provision and operation of draining the benefitted parcel;
  - (5) The prorated cost of funding and financing charges and interest arising from

construction projects and the start-up cost of a stormwater facility used in providing drainage for the benefitted parcel;

- (6) The prorated cost of debt service and reserve requirements for revenue bonds, certificates of obligation, general obligation bonds and other financial instruments authorized by law and used to finance stormwater infrastructure, equipment, and facilities which are pledged against securities or obligations issued by the city;
  - (7) The prorated cost of constructing, sampling, monitoring, building, inspecting and maintaining structures needed for the state's regulation and permitting requirements imposed on the city for providing stormwater quality improvements for the benefitted parcel; and
  - (8) The administrative costs of a stormwater utility system.
- (b) *Stormwater fund accounting.*
- (1) The city shall clearly account for revenues and expenditures authorized for operation of the stormwater utility system.
  - (2) The revenues collected from stormwater utility fees must be segregated and completely identifiable from other city funds and accounts.
  - (3) Funds and revenues in the stormwater utility fund may be paid over and transferred to the city's general fund as allowed by law.
- (c) *Stormwater service deposit.* Under the Act, a deposit cannot be charged for initiation or continuation of stormwater utility service.

**Sec. 46-318. – Exemptions.**

The following entities or persons shall be exempt from payment of the fees established in this article:

- (1) Any Parcel to which a mandatory exemption under Section 552.053(c) of the Act applies, including without limitation:
  - a. Parcels with proper construction and maintenance of a wholly sufficient and privately owned stormwater system that does not discharge under any storm frequency event or conditions to waterways controlled or maintained by the city;
  - b. Parcels held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the city for maintenance; and
  - c. A subdivided parcel or lot, until a structure has been built on the lot and a certificate of occupancy has been issued, or the city has taken another official action to release the property for occupancy.

- (2) The following parcels to which exemptions other may be granted under Section 552.053(b) of the Act applies, including without limitation:
  - a. state of Texas; and
  - b. the city.
- (3) *Proof of exemption.* If the owner or customer of a parcel asserts that such parcel is exempt pursuant to this section or any other applicable law, such parcel owner or customer has the burden to assert such exemption by filing notice of eligibility for such exemption and sufficient evidence of entitlement to such exemption with the director. If the exemption is not granted, the owner or customer may appeal using the procedures for appeal provided in section 46-315.

**SECTION 3.  
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of White Settlement, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

**SECTION 4.  
SEVERABILITY CLAUSE**

It is hereby declared to be the action of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity 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 or invalid phrase, clause, sentence, paragraph or section.

**SECTION 5.  
SAVINGS CLAUSE**

All rights and remedies of the City of White Settlement are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of White Settlement, Texas, as amended, or any other ordinances regarding stormwater services and stormwater utility systems that 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 6.  
PENALTY FOR VIOLATION**

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 no more than Two Thousand Dollars and no cents (\$2,000.00) for each violation. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

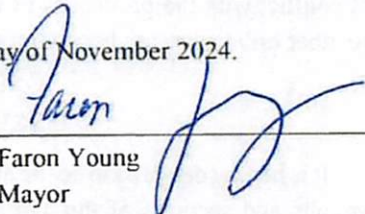
**SECTION 7.  
PUBLICATION CLAUSE**

The City Secretary is hereby directed to publish this Ordinance in the official newspaper of the City as required by law.

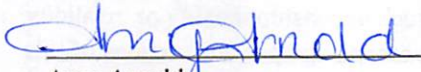
**SECTION 8.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.


**PASSED AND APPROVED** upon reading on this 5th day of November 2024.

  
\_\_\_\_\_  
Faron Young  
Mayor

ATTEST:

  
\_\_\_\_\_  
Amy Arnold  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
James Donovan  
City Attorney

