

ORDINANCE 2021-02

AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH TEMPORARILY AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES CHAPTER 13 "UTILITIES"; ARTICLE 13.03 "WATER AND SEWER SYSTEM" SECTION 13.03.007 "WATER CHARGES GENERALLY"; RATIFYING THE TEMPORARY WAIVER OF PERMIT FEES FOR THE REPAIR OF PLUMBING FIXTURES; PROVIDING FOR A SEVERABILITY CLAUSE; AND AN IMMEDIATE EFFECTIVE DATE AND TERMINATION DATE OF APRIL 30, 2021.

WHEREAS, starting February 13, 2021 a winter freeze occurred throughout the City of Fair Oaks Ranch until February 18, 2021; and,

WHEREAS, Fair Oaks Ranch Utilities customers experienced water loss due to landscape irrigation and other type of plumbing fixtures; and,

WHEREAS, customers called inquiring what relief, if any, would be afforded to them in regards to necessary repairs of plumbing fixtures; and,

WHEREAS, between February 19 through March 31, 2021, as a public health and safety measure the City Manager waived permit fees for necessary repair of plumbing fixtures caused by the storm; and,

WHEREAS, Chapter 13 Section 13.03.007 of the City's code of ordinances does not allow for leak appeal adjustments relative to landscape irrigation breaks; and,

WHEREAS, the City Council hereby finds it to be beneficial to Fair Oaks Ranch Utilities' customers to amend Chapter 13 Section 13.03.007 of the City's code of ordinances for the period beginning on the effective date of this ordinance and ending April 30, 2021 and to ratify the waiver of permit fees between February 19 through March 31, 2021 relative to repair of plumbing fixtures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FAIR OAKS RANCH, TEXAS:

- PART 1.** Chapter 13 "Utilities"; Article 13.03 "Water and Sewer System" Section 13.03.007 "Water Charges Generally" of the City's Code of Ordinances is hereby temporarily amended as set forth in the attached Exhibit A.
- PART 2.** Waiver of plumbing permit fees from February 18 through March 31, 2021 is hereby ratified for plumbing repairs needed due to the 2021 winter freeze.
- PART 3.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- PART 4.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.
- PART 5.** That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this

ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

PART 6. This ordinance shall take effect immediately from and after its second reading and passage and shall terminate on April 30, 2021. Upon termination, Section 13.03.007 of Article 13.03 will automatically revert back as set forth in the attached Exhibit A.

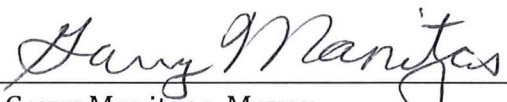
PART 7. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Fair Oaks Ranch under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

PART 8. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.


NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

PASSED and APPROVED on First Reading this 1st day of April, 2021.

PASSED, APPROVED, and ADOPTED on Second Reading this 15th day of April, 2021.


Garry Manitzas, Mayor

ATTEST:


Christina Picioccio, City Secretary

APPROVED AS TO FORM:


Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

Exhibit A

[Deletions shown as strike through]

From the effective date of this ordinance through April 30, 2021, Chapter 13 "Utilities"; Article 13.03 "Water and Sewer System" Section 13.03.007 "Water Charges Generally" of the City's Code of Ordinances is hereby temporarily amended as follows:

ARTICLE A13.03 WATER AND SEWER SYSTEM

Sec. 13.03.007 Water charges generally

Customers shall pay for all water that passes through that customer's meter at the applicable water rates as shown in the fee schedule in appendix A to this code. However, excessive consumption, beyond the control of the utility customer, resulting from pipe failure may be adjusted per the water loss appeal adjustment procedure set forth in section 13.03.014. Pipe failure shall not include ~~any landscape irrigation or component of said~~, valves, faucets, hoses and any mechanical equipment malfunction, such as water softeners, washing machines or other similar equipment.