

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 32-09

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND BY AMENDING APPENDIX A "FEE SCHEDULE" BY DELETING AND REPLACING SECTIONS 14-1(G), 18-252, 30-92 AND 34-423(B)(1) RELATIVE TO THE CHARGES FOR DRAINAGE INSPECTION, SOLICITATION PERMITS, AMBULANCE SERVICE AND AMENDED OIL AND GAS WELL PERMITS, RESPECTIVELY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND 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 drainage inspection, solicitation permits, ambulance service and amended oil and gas well permits to collect additional revenue that will defray the cost of program administration and the expense of Town-provided services and that such new fee amounts ensure that Flower Mound remains competitive in its fee prices with neighboring communities.

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

SECTION 1

All of 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 copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Appendix A, "Fee Schedule," Section 14-1(g) "Drainage Inspection Fees" is hereby deleted and replaced with the following:

“(g) Drainage Inspection Fees

Fees for drainage inspection shall be assessed as follows:

<u>Type of Structure</u>	<u>Drainage Inspection Fee</u>
New Single-Family Residence (incl. Duplexes)	\$250.00
New Multi-Family Fees (3 attached units or more)	\$250.00 + \$12.50 per unit
New Commercial Buildings	\$250.00 + \$0.0625/ sq. ft.
Additions, Alterations, and Repairs requiring site grading	\$250.00
Swimming Pools	\$250.00”

SECTION 3

From and after the effective date of this Ordinance, Appendix A, “Fee Schedule,” Section 18-252 “Solicitation permit fee:”, is hereby deleted and replaced with the following:

Code Section Number	Description
18-252	Solicitation permit fee:

A nonrefundable fee for investigation and administration of the application shall be charged. Such fee shall not be prorated and shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is issued. All fees are subject to change upon resolution of the Town Council of the Town of Flower Mound, Texas.

(1) A fee of \$75.00 shall be charged for a master permit. A master permit shall be valid for six months from the date of issuance.

(2) A fee of \$20.00 shall be charged for individual permits obtained by a master permit holder for individuals operating under a master permit. Individual permits shall be valid only for so long as the master permit holder's permit is valid and shall not exceed six months.

SECTION 4

From and after the effective date of this Ordinance, Appendix A, "Fee Schedule," Section 30-92 "Emergency ambulance service fees.", is hereby deleted and replaced with the following:

Code Section Number	Description
30-92	Emergency ambulance service fees.

(a) A fee of \$400 for residents of the town and \$500 for nonresidents shall be charged per trip, per person for basic life support (BLS) treatment and transportation by emergency ambulance to a full service hospital facility in response to a request received by the fire department for emergency medical services.

(b) A fee of \$500 for residents of the town and \$600 for nonresidents shall be charged per trip, per person for advanced life support I (ALS I) treatment and transportation by emergency ambulance to a full service hospital facility in response to a request received by the fire department for emergency medical services.

(c) A fee of \$600 for residents of the town and \$700 for nonresidents shall be charged per trip, per person for advanced life support II (ALS II) treatment and transportation by emergency ambulance to a full service hospital facility in response to a request received by the fire department for emergency medical services.

(d) A fee of \$100 shall be charged per response for emergency treatment with no transport in response to a request received by the fire department for emergency medical services.

(e) An additional fee of \$10 shall be charged per loaded mile.

(f) The foregoing fees have been established based, in part at least, on the Centers for Medicare and Medicaid Services (CMS) rates, which rates are the reimbursement rates for ambulance fees set by Medicare. When the CMS rate for Advanced Life Support, Level 2 ambulance service ("ALS 2") is increased the Town's fee for providing advanced life support II ("ALSII") treatment and transportation ambulance service shall be increased from the then current fee amount by a similar amount and rounded up to the next higher ten dollar increment. All other fee amounts for ambulance services shall be similarly increased from the then current fee in an amount proportionate to the ALSII increase and rounded up to the next higher ten dollar increment. Any such increase shall become effective on the first day of the next fiscal year(October 1) of the Town of Flower Mound, and the foregoing fee schedule revised accordingly.

SECTION 5

From and after the effective date of this Ordinance, Appendix A, "Fee Schedule," Section 34-423(b)(1) Amended well permit fees, is hereby deleted and replaced with the following:

Code Section Number	Description
34-423(b)(1)	Amended well permit fees
Every application for an amended oil, gas, or combined well permit shall be accompanied by a permit fee of \$10,000.00 per well.	

SECTION 6

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 7

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 8

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 9

This Ordinance shall take effect and be in full force on and after October 1, 2009, 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, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 8th DAY OF SEPTEMBER, 2009.



Jody A. Smith, MAYOR

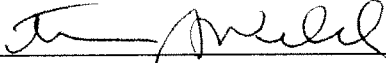
ATTEST:



Paula J. Paschal, TOWN SECRETARY

Town of Flower Mound
TOWN SECRETARY'S OFFICE
OFFICIAL FILE COPY

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, TOWN ATTORNEY