

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 33-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 70, ENTITLED "UTILITIES," OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND THROUGH THE AMENDMENT OF ARTICLE XI ENTITLED "MUNICIPAL STORMWATER UTILITY SYSTEM" BY REPLACING CURRENT SECTION 70-777 ENTITLED "SCHEDULE OF CHARGES" WITH A NEW SECTION 70-777 THAT IS ALSO ENTITLED "SCHEDULE OF CHARGES" TO INCREASE SAID FEES AND RELOCATE SAID FEE SCHEDULE BY AMENDING APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO THE FEES PREVIOUSLY SET OUT IN SECTION 70-777; 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, Texas, has identified a need to address drainage improvements and 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; and

**WHEREAS**, Subchapter C of Chapter 402 of the Texas Local Government Code authorizes the Town of Flower Mound to establish a Stormwater Utility System ("SWUS") and sets forth the requirements to approve and implement the SWUS; and

**WHEREAS**, the Town Council by Ordinance No. 01-03 established a Municipal Storm Water Utility System for the Town of Flower Mound, Texas, which Ordinance is codified in Subpart A, Chapter 70, Article XI, Sections 70-775 through 70-779 of the Code of Ordinances of the Town of Flower Mound, Texas; and

**WHEREAS**, the Town desires to modify the rate structure related to the cost of service of the Town in furnishing and maintaining the drainage system while also recognizing the savings attributable to the creation and maintenance of stormwater detention facilities in those developments or subdivisions for which detention facilities were constructed; and

**WHEREAS**, the Town desires to gradually consolidate its fees in one location, Appendix A "Fee Schedule" of the Code of Ordinances of the Town of Flower Mound; and

**WHEREAS**, the Town Council of the Town of Flower Mound, Texas, finds that all necessary prerequisites to the adoption of this ordinance have been met,

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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, Section 70-777 entitled "Schedule of Charges" of the Code of Ordinances of the Town of Flower Mound, Texas, is hereby amended and replaced in its entirety as follows:

**Sec. 70-777. Schedule of Charges**

Every property owner and Town service customer shall be responsible for paying the SWUS fee for the benefited property. The fee for residential property is based on the size of a residential lot including less than one acre, one to five acres, or above five acres. The multi-family, commercial and industrial rates are based on the size of a commercial/industrial building including less than 25,000 square feet, 25,000 to 50,000 square feet, and above 50,000 square feet.

Those parcels and lots on which there is situated stormwater detention facilities or which parcels and lots are part of a larger unified development or subdivision that provided stormwater detention facilities as a component of the development of such project ("Qualified Parcel") may be entitled to receive a seventeen percent (17%) discount from and against the SWUS fee (the "Discount"). It shall be the obligation of the owner of any Qualified Parcel to request the Discount. The Town shall have no liability for failing to apply this Discount on any Qualified Parcel. Neither shall the Town have any liability for, responsibility or obligation to refund, credit, or reimburse any Discount created by this provision which is collected by the Town on a Qualified Parcel.

The amount of the SWUS fee to be paid is broken down by land use type and size of property both with and without the discounts as discussed herein-above. The provisions

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reflecting such information are contained in Appendix A "Fee Schedule" of this Code of Ordinances.

**SECTION 3**

From and after the effective date of this Ordinance, Appendix A, "Fee Schedule," shall be amended by adding 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 Three and Ninety/One Hundredths Dollars (\$3.90) per month;

(2) For property that is between one (1) acre and five (5) acres in size is Three and Thirty-Six/One Hundredths Dollars (\$3.36) per month; and

(3) For property greater than five (5) acres in size is Two and Eighty-Three/One Hundredths Dollars (\$2.83) 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 Twenty-Nine and Thirty-Seven/One Hundredths Dollars (\$29.37) 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 and Five/One Hundredths Dollars (\$40.05) per month; and

(3) For property that is over fifty thousand (50,000) square feet in size is Fifty and Seventy-Three/One Hundredths Dollars (\$50.73) 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 Twenty-Four/One Hundredths Dollars (\$3.24) per month;

(2) For property that is between one (1) acre and five (5) acres in size is Two and Seventy-Nine/One Hundredths Dollars (\$2.79) per month; and

(3) For property greater than five (5) acres in size is Two and Thirty-Five/One Hundredths Dollars (\$2.35) 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-Four and Thirty-Eight/One Hundredths Dollars (\$24.38) 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-Three and Twenty-Four/One Hundredths Dollars (\$33.24) per month; and

(3) For property that is over fifty thousand (50,000) square feet in size is Forty-Two and Eleven/One Hundredths Dollars (\$42.11) per month.

**SECTION 4**

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 5**

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 6**

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 7**

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 AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 8<sup>th</sup> DAY OF SEPTEMBER, 2009.**

**APPROVED:**

  
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Jody A. Smith, MAYOR

**ATTEST:**

  
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Paula J. Paschal, TOWN SECRETARY

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Terrence S. Welch, TOWN ATTORNEY

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