

**TOWN OF TROPHY CLUB, TEXAS
ORDINANCE NO. 2015-24**

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED “ADMINISTRATION”, ARTICLE VIII, ENTITLED “SCHEDULE OF FEES”, BY REPEALING SECTION 8.16, “PUBLIC WORKS FOR PUBLIC IMPROVEMENT DISTRICT NO. 1” AND ADOPTING A NEW SECTION 8.16, “PUBLIC WORKS FOR PUBLIC IMPROVEMENT DISTRICT NO. 1”; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fees imposed by the Town are adopted via Ordinance and are codified in the Administration Chapter of the Code of Ordinances of the Town: and

WHEREAS, Chapter 1, Article VIII, Section 8.16 of Code of Ordinances contains fees for public works for the Trophy Club Public Improvement District No. 1 (hereinafter “PID”), including fees for meters utilized within the PID; and

WHEREAS, the Town of Trophy Club (the “Town”) is the owner and/or operator of a water and sewer system designed to serve present and future inhabitants of the Trophy Club Public Improvement District No. 1 (the “Town System”); and

WHEREAS, under the Amended and Restated Contract for Wholesale Water Supply and Wastewater Treatment Services and Water And Wastewater Operational Services between the Town and Trophy Club Municipal Utility District No. 1 dated April 15, 2014 (the “Contract”), the Trophy Club Municipal Utility District No. 1 (the “MUD”) has agreed to provide the Town with wholesale water and wastewater services and with operations services related to the Town System within the boundaries of the PID Property, as that term is defined in the Contract;

WHEREAS, Section 7.1(a) of the Contract requires the Town to adopt a Town Rate Order identical to an amended or revised Rate Order adopted by the MUD within sixty (60) days of Town’s receipt of an amended or revised MUD Rate Order; and

WHEREAS, Sections 3.9 and 4.10 of the Contract require the Town to adopt retail water and wastewater service rules, regulations and policies at least as stringent as the provisions of amended or revised MUD service rules, regulations or policies (the “MUD Service Rules and Policies”) within sixty (60) days of Town’s receipt of the amended or revised MUD Service Rules and Policies; and

WHEREAS, the Town received a revised MUD Rate Order, with revised MUD Service Rules and Policies, on August 21, 2015 with an effective date of September 1, 2015; and

WHEREAS, the Town Council hereby finds that the amendment of Section 8.16 of Article VIII, Chapter 1, of the Code of Ordinances as further specified herein meets its contractual obligations pursuant to the Contract and serves the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:

**SECTION 1.
INCORPORATION OF PREMISES**

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
AMENDMENT**

2.01 Article VIII entitled “Schedule of Fees” of Chapter 1, entitled “Administration” of the Code of Ordinances of the Town is hereby repealed and a new Section 8.16, entitled “Public Works for Public Improvement District No. 1” is hereby adopted and shall be and read in its entirety as follows:

“Section 8.16 – Public Works for Town of Trophy Club Public Improvement District No. 1

Connection Fee:
1”

\$2,300.00

Impact Fee:
1” meter

\$1,173.00

Impact Fees for Meter Sizes less than or greater than 1” shall be based upon the fee charged by the Trophy Club Municipal Utility District No. 1 (“MUD1”) in accordance with its duly adopted Rate Order.

Meter Fee:

Domestic 1" meter

\$ 343.00

Meter Fees for Meter Sizes less than or greater than 1" shall be based upon the fee charged by the Trophy Club Municipal Utility District No. 1 ("MUD1") in accordance with its duly adopted Rate Order.

Monthly Residential (Single-Family Homes) & Commercial Water Fees:

Base Rates

METER SIZE	MONTHLY BASE RATE
5/8" & 3/4"	\$12.99
1"	\$20.39
1.5"	\$32.23
2"	\$46.43
3"	\$79.58
4"	\$126.93
6"	\$245.29

Volumetric Rates

Gallons Used	Rate per 1000 gallons
0 to 6,000	\$3.03
6,001 to 17,000	\$3.53
17,001 to 25,000	\$4.09
25,001 to 50,000	\$4.75
50,001 +	\$5.52

Multi-Unit Buildings:

Each multi-unit building (apartments, business complex, etc.) served by a single meter shall be billed the base rate for the meter size servicing the building multiplied by the number of units in the building or complex.

Monthly Residential (Single-Family Homes) Wastewater Fees:

Base Rate	\$ 15.35
0-18,000 gallons per month	\$ 2.63/1,000 gallon

Residential sewer usage shall be capped at 18,000 gallons per month.

Monthly Commercial Wastewater Fees:

Base Rate	\$ 15.35
Volumetric Rate	\$ 2.63/1,000 gallon

Commercial sewer usage shall be billed based upon actual water usage per month.

Multi-Unit Buildings:

Each multi-unit building (apartments, townhomes, business complex, etc.) shall be billed the base rate for each meter servicing the building and sewer usage will be billed based on actual water usage per month.

Surcharge: \$ 8.90 per month

Returned Checks: \$ 25.00

Security Deposits:

Builders	\$ 75.00
Residential Owners	\$ 75.00
Residential Lessees	\$ 150.00

Service Line Inspection and Lead Test: \$ 150.00

Water and wastewater rates and fees are the same for all properties within the corporate boundaries of the Town whether service is received directly from MUD1 or service is received from Town as a wholesale customer of MUD1.

Town fees as set forth above are applicable to the boundaries of the Trophy Club Public Improvement District No. 1 and are based upon a Rate Order adopted by Trophy Club Municipal Utility District No 1 ("MUD1"). Customers of the Town receiving service to property located within the boundaries of the PID shall be subject to the duly adopted MUD1 Service Rules and Policies, including all fees imposed thereby, as amended from time to time.

Rates and fees for water and wastewater service applicable to the boundaries of MUD1 are imposed pursuant to a rate order duly adopted by MUD1.

**SECTION 3.
SAVINGS AND REPEALER**

That this Ordinance shall be cumulative of all other Ordinances of the Town affecting fees and shall not repeal any of the provisions of such Ordinances except in those instances where provisions of those Ordinances are in direct conflict with the provisions of this Ordinance; whether such Ordinances are codified or uncodified, and all other provisions of the Ordinances of the Town of Trophy Club, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Notwithstanding the foregoing, any complaint, action, cause of action or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such repealed Ordinance(s) shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall be deemed to remain and continue in full force and effect.

**SECTION 4.
SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the Town Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5.
ENROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance in accordance with the Town Charter.

**SECTION 6.
PENALTY**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas, this the 25th day of August, 2015.

C. Nick Sanders, Mayor
Town of Trophy Club, Texas

ATTEST:

Holly Fimbres, Town Secretary
Town of Trophy Club, Texas

Patricia A. Adams, Town Attorney
Town of Trophy Club, Texas