

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NO. 14-12-75 (MUNICIPAL STORM WATER UTILITY SYSTEM FEE SCHEDULE) BY REVISING SECTION 2 TO MODIFY CERTAIN STORM WATER UTILITY FEES; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas (“Frisco” or “City”) to modify certain storm water utility fees and charges to be assessed and collected by Frisco by amending Section 2 of Ordinance No. 14-12-17 (Amendment to Municipal Storm Water Utility System Fee Schedule); and

WHEREAS, Frisco has complied with all procedural and legal requirements to amend Ordinance No. 14-12-75; and

WHEREAS, the City Council finds that it would be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Ordinance No. 14-12-75 as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Ordinance No. 14-12-75, Section 2 (Amendment to Ordinance No. 09-01-04, Section 2 (Establishing Various Fees)). Section 2 (Amendment to Ordinance No. 09-01-04, Section 2 (Establishing Various Fees) of Ordinance No. 14-12-75 is hereby amended as follows:

“Municipal Storm Water Utility System Fee Schedule.

...

(b) Impervious Area.

...

(2) The monthly storm water utility fee shall be established according to the following schedule. Parcel sizes are to be based on the City’s parcel data:

Property Type	Parcel Size (sq ft)	Rate
Single-Family Residential		
Tier 1	<5,000	\$2.46
Tier 2	5,000 to <20,000	\$4.14
Tier 3	≥20,000	\$7.92
All Other Non-Exempt Property		\$0.118 per 100 sq ft of impervious area”

SECTION 3: Penalty. Any person, firm, corporation or business entity violating this Ordinance and/or Ordinance No. 14-12-75, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00), unless the violation relates to fire safety, zoning or public health and sanitation, including dumping and refuse, in which the fine shall not exceed TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day’s violation under this Ordinance and/or Ordinance No. 14-12-75, as they exist or may be amended, shall constitute a separate offense. The penal provisions imposed under this Ordinance and/or Ordinance No. 14-12-75, as they exist or may be amended, shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing. Ordinance No. 14-12-75 shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective on January 1, 2017.

[Signature page follows.]

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this ____ day of _____, 20__.

Maher Maso, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*