

**TOWN OF TROPHY CLUB, TEXAS  
ORDINANCE NO. 2016-01**

**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 ADDING A SUBSECTION ENTITLED "ANNUAL CAPITAL IMPROVEMENTS AND MAINTENANCE CHARGE" TO SECTION 8.16, "PUBLIC WORKS FOR PUBLIC IMPROVEMENT DISTRICT NO. 1" TO ADOPT A MONTHLY SURCHARGE APPLICABLE TO CONNECTIONS IN THE TROPHY CLUB PUBLIC IMPROVEMENT DISTRICT NO. 1 IN ORDER TO PAY THE PID PORTION OF MUD1 OPERATIONS AND MAINTENANCE BUDGET AND DEBT FOR CALENDAR YEAR 2016; 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 of Article VII of the Contract requires the Town to a charge a fee to the residents of the PID for the "Annual Capital Improvements and Maintenance Charge" due to MUD1; and

**WHEREAS**, MUD1 has issued debt; therefore, pursuant to the Contract, the Town has determined it appropriate to adopt the fee set forth below in accordance with the provision of the Contract providing for an Annual Capital Improvements and Maintenance Charge in order to impose the fee required to fund the PID's percentage share of the MUD1 Operations and Maintenance budget and debt for calendar year 2016; and

**WHEREAS**, the Town Council hereby finds that the amendment of Section 8.16 of Article VIII, Chapter 1, of the Code of Ordinances amending the Town's Schedule of Fees to adopt the Annual Capital Improvements and Maintenance Charge in the form of a flat monthly fee as further specified herein meets the Town's 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 amended to add a new fee to Section 8.16 "Public Works for Town of Trophy Club Public Improvement District No. 1", entitled "Annual Capital Improvements and Maintenance Charge" which shall be and read as follows and which shall be added to all other charges imposed under Section 8.16, and all such other fees and provisions of Section 8.16 not specifically amended hereby shall remain in full force and effect:

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

<u>Annual Capital Improvements and Maintenance Charge</u>	\$0.63 (monthly fee per connection)
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**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. ENGROSSMENT 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.

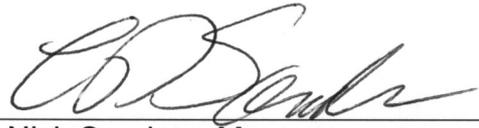
#### **SECTION 6. PENALTY**

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.

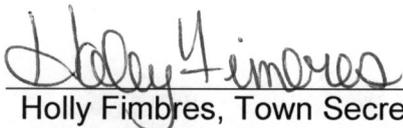
**PASSED AND APPROVED** by the Town Council of the Town of Trophy Club, Texas, this the 12th day of January, 2016.



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

[SEAL]

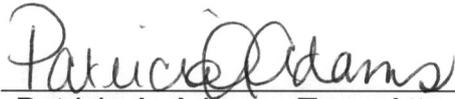
ATTEST:



Holly Fimbres, Town Secretary  
Town of Trophy Club, Texas



APPROVED TO AS FORM:



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