

ORDINANCE NUMBER 20-04-1155

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS, BY REPEALING ARTICLE 22.07, “WATER AND SEWER CAPITAL COST AND RECOVERY CHARGE” OF CHAPTER 22, “UTILITIES” OF TITLE I, “GENERAL ORDINANCES” AND SECTION A8.008 “WATER AND SEWER CAPITAL COST AND RECOVERY CHARGE”, OF ARTICLE A8.000, “UTILITY RATES AND CHARGES” OF APPENDIX A, “FEE SCHEDULE” OF THE CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/ REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 395 of the Texas Local Government Code authorizes the imposition and collection of water and sanitary sewer impact fees for eligible capital improvements; and

WHEREAS, the City Council of the City of Murphy (the “City Council”) has previously adopted impact fees pursuant to the provisions of the Texas Local Government Code Chapter 395 and codified as part of Chapter 23, “Administration and General Provisions” of Title II, “Buildings and Development” of the Code of Ordinances of the City (“Impact Fee Ordinance”); and

WHEREAS, the City of Murphy previously established water and sanitary sewer capital cost and recover charges for certain land uses and associated charges related to water and sanitary sewer system supply and capacity to serve such uses; and

WHEREAS, since the adoption of the Impact Fee Ordinance, those regulations codified as part of Chapter 22, “Utilities” of the Code of Ordinances, have become obsolete and the City Council has determined it necessary, advantageous, beneficial, and in the public interest to amend the Code of Ordinances to repeal Article 22.07, “Water and Sewer Capital Cost and Recovery Charge” in its entirety in order to eliminate any confusion over impact fees due from development projects and facility expansions necessary to serve new development within the City; and

WHEREAS, the City also adopted Section A8.008, “Water and Sewer Capital Cost Recovery Charge” of Article A8.000, “Utility Rates and Charges” of Appendix “A”, “Fee Schedule” of the Code of Ordinances setting forth various charges imposed by Chapter 22 as part of the City’s Fee Schedule, and such fees were superseded by the fee structure imposed pursuant to the Impact Fee Ordinance; therefore, the City Council has determined it necessary and appropriate to repeal Section A8.008 in its entirety; and

WHEREAS, the City Council has investigated and finds that these amendments are necessary to provide reasonable regulation and fees over the capital costs of the water and sanitary sewer system.

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

SECTION 1. Incorporation of Premises.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendments.

2.01. Article 22.07, “Water and Sewer Capital Cost and Recovery Charge” of Chapter 22, “Utilities” of Title I, “General Ordinances” the Code of Ordinances of the City of Murphy, Texas is hereby repealed in its entirety, Article 22.07 shall be designated as “Reserved” until further amended, and all other provisions of Chapter 22 not expressly amended hereby shall remain the same.

2.02. Section A8.008 entitled “Water and Sewer Capital Cost and Recovery Charge”, of Article A8.000, “Utility Rates and Charges” of Appendix A, “Fee Schedule” of the Code of Ordinances of the City of Murphy, Texas is hereby repealed in its entirety, Section A8.008 shall be designated as “Reserved” until further amended, and all other provisions of Article A8.000, “Utility Rates and Charges” of Appendix “A”, “Fee Schedule” not expressly amended hereby shall remain in full force and effect.

SECTION 3. Severability Clause.

It is the intention of City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any phrase, clause, sentence or section of this ordinance shall be deemed unconstitutional or invalid by any judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining section, paragraph, sentence, clause or portion of this ordinance or any other provision of the Code of Ordinances of the City of Murphy.

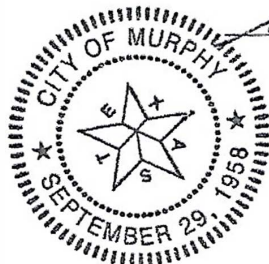
SECTION 4. Savings/Repealing Clause.


The City of Murphy’s Code of Ordinances 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 or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Effective Date.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law provides.


PASSED, APPROVED, AND ADOPTED by the City Council of the City of Murphy, Texas, on the 7th day of April, 2020.





Scott Bradley, Mayor Pro Tem
City of Murphy

ATTEST:



Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM AND LEGALITY:



for Wm. Andrew Messer, City Attorney