

ORDINANCE NO. 2641

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING SECTION 17-1; ADOPTION OF ACT; OF ORDINANCE NO. 2478 OF THE CITY OF TERRELL CODE OF ORDINANCES AMENDING THE SECTION NUMBER OF THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT TO SECTION 552.041, SUBCHAPTER C OF THE TEXAS LOCAL GOVERNMENT CODE

WHEREAS, the City Council of the City of Terrell, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Terrell, Texas (“City”) to promote the public health, safety and welfare of the citizens to adopt a Municipal Storm Water Utility System; and

WHEREAS, the City Council has previously adopted the Municipal Drainage Utility Systems Act, formerly set forth in Chapter 402, Subchapter C, Texas Local Government Code, as amended, (“Act”); and

WHEREAS, the Municipal Drainage Utility Systems Act is now set forth in Section 552.041, Subsection C, Municipal Drainage Utility Systems, Texas Local Government Code; and

WHEREAS, the City Council hereby adopts the Act as amended and incorporates it herein in its entirety for all purposes;

WHEREAS, the City Council further finds that it would be in the best interest of its citizens to amend Section 17-1 of Ordinance No. 2478 of the City of Terrell Code of Ordinances to reflect the amended section of the Municipal Drainage Utility Systems Act as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, 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

That Section 17-1; Adoption of Act; of Ordinance No. 2478 of the City of Terrell Code of Ordinances shall be amended as follows:

Sec. 17-1 Adoption of Act.

The Municipal Drainage Utility Systems Act, Section 552.041, Subchapter C, Texas Local Government Code, as amended, ("Act") is hereby adopted and shall be fully implemented as provided by the Act and by the City Council; and the drainage of the City is hereby found to be a public utility within the meaning of the Act.

SECTION 3

Savings/Repealing Clause. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance.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 4

Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional 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. The City hereby declares that it would have passed this Ordinance, and each section, paragraph, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5

Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

PASSED AND APPROVED this the 4th day of August, 2015.

PASSED AND ADOPTED this the 18th day of August, 2015.

HAL RICHARDS, MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY