

**ORDINANCE NO. 2024 - \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 90-71, OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS TO PROVIDE FOR AN AMENDED TRAP INSPECTION FEE AS REQUIRED BY CHAPTER 90-71 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AFTER PUBLICATION.**

**WHEREAS**, Chapter 90 of the Code of Ordinances ("City Code") of the City of Montgomery, Texas (the "City"), at Section 90-71 authorizes the City Council by ordinance to establish fee for monthly trap inspections; and

**WHEREAS**, the City Council, having previously considered advice and input from City Staff, has determined it appropriate to amend the fee for monthly trap inspections, based on historical data and other factors related to the costs of providing such inspections; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, THAT:**

**SECTION 1.** Trap inspections as required by Chapter 90-71 of the Code of Ordinances of the City of Montgomery is hereby amended and adopted in its entirety and shall read as follows:

"The City shall perform monthly trap inspections for all persons responsible for discharges requiring a trap. A charge of \$65.00 per inspection will be required for all trap inspections and reinspections conducted by the City."

**SECTION 2. Construction.** This Ordinance shall not be construed so as to conflict with any state or federal statute.

**SECTION 3. Repeal of Conflicting Ordinances.** All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4. Severability Clause.** If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

**SECTION 5. Texas Open Meetings Clause.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 6. Effective Date.** This Ordinance shall become effective and be in full force from after publication as required by law.

**PASSED AND APPROVED** on the \_\_\_\_\_ day of March, 2024.

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, Mayor

**ATTEST:**

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Nici Browe, City Secretary

**APPROVED ASTO FORM:**

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Alan Petrov, City Attorney