

**ORDINANCE NO. 2023 - 23**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 90-66 AND 90-67, OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS TO PROVIDE FOR AN AMENDED SCHEDULE OF TAP FEES AS REQUIRED BY CHAPTER 90 ARTICLE II 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 Sections 90-66 and 90-67 authorize the City Council by ordinance to establish charges for residential water and sewer tap fees serving residential customers; and

**WHEREAS**, the City Council, having previously considered advice and input from the City Engineer and City Staff, has determined appropriate rates and tap fee schedules for certain residential water and sewer utility services, based on historical data and other factors related to the costs of providing such services to the customers; and

**WHEREAS**, the City Secretary caused to be posted a notice of public bearing on this matter; and

**WHEREAS**, the City Council, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the proposed residential water and sewer tap charges, on the 27th day of October 2023;

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

**SECTION 1.**

**RESIDENTIAL WATER AND SEWER TAP FEES**

The following schedule of water and sewer tap charges required by Chapter 90 of the Code of Ordinances of the City of Montgomery is hereby adopted and shall read as follows:

Residential water tap charge (Section 90-66):

\$1,900.00 for ¾ inch plus the cost of the meter  
\$2,100.00 for 1 inch plus the cost of the meter

Residential irrigation tap charge Section (90-66):

\$1,700.00 for ¾ inch irrigation plus the cost of the meter  
\$1,900.00 for 1 inch irrigation plus the cost of the meter

Residential sewer tap charge (Section 90-67)

\$1,900.00 for 4 inch sewer

\*\*\*Any connection that is required to pay impact fees to the City will only be responsible for actual costs incurred for the tap and/or meter\*\*\*

**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 12th day of December, 2023.

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Byron Sanford, Mayor

ATTEST:

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Nici Browe TRMC, City Secretary

APPROVED AS TO FORM:

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Alan Petrov, City Attorney

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