

ORDINANCE NO. 107

SEWAGE FEES

AN ORDINANCE REQUIRING SEWAGE FEES TO BE USED FOR CAPITAL IMPROVEMENTS AND ADDITIONAL SEWAGE FACILITIES; PROVIDING FOR A SPECIAL FUND FOR THIS PURPOSE; PROVIDING THAT PAYMENT IS IRREVOCABLE; AND CONTAINING A SEVERABILITY PROVISION.

WHEREAS, due to anticipated growth and increase in population of the City, additional sewage treatment facilities will have to be provided; and

WHEREAS, the City has in effect a program to provide sewage treatment capacity in order to assure sanitary sewer service for future development; and

WHEREAS, property owners and developers are interested in assuring sanitary sewer service is available for the development of their property; and

WHEREAS, the City of Magnolia is interested in promoting orderly growth within its boundaries, and is willing to expand its treatment plant facilities to provide sewage treatment capacity to the owners and developers of property under certain terms and conditions; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. The following charges shall be collected by the City of Magnolia for sewage treatment capacity to serve projected future development of property in the City:

For apartments = 250 GPD (gallons per day)  
at \$1.75 PG (per gallon) = \$437.50 per unit.

For condominiums = 300 GPD at \$1.75 PG =  
\$525.00 per unit.

For residential homes = 350 GPD at \$1.75 PG =  
\$612.50 per unit.

For commercial buildings the sum of \$75.00  
per plumbing fixture.

For high volume users such as hospitals,  
car washes, restaurants, industrial plants,  
etc., will be treated on an estimated per  
gallon per day basis at the rate of \$1.75  
per gallon.

Section 2. All property owners or developers submitting plats for individual construction or subdivisions shall remit to the City the sum appropriate per lot or building at the time a final plat is presented for approval, and upon such payment the City will reserve sewage treatment capacity in its treatment plants to serve such subdivision or individual construction.

Section 3. In the event a developer or property owner informs the City Council that the requirements of the plat cannot be met or complied with, or comply with the City codes or ordinances and requests the City Council to abandon such plat, and such request is granted, then the City will refund to the payor the original fee, and sewage service will not be available until such time such property is replatted and funds remitted for treatment capacity in the amount required in Section 2, above.

Section 4. All payments collected by the City shall be deposited into a special fund for the purpose of expanding its treatment plant facilities and shall be expended only for payments due on construction contracts, engineering fees and other expenses incurred in the design and construction of sewage treatment facilities.

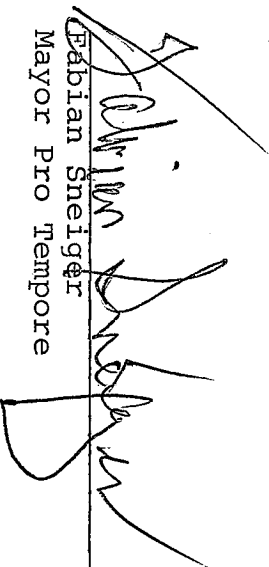
Section 5. All payments remitted to the City of Magnolia for sewage treatment capacity as set forth herein shall be irrevocable and the payor shall have no interest subject to garnishment, attachment, or other legal claims by creditors or by the trustee in bankruptcy.

Section 6. Upon the effective date of this ordinance, the City of Magnolia Resolution No. 59 is replaced by this ordinance.

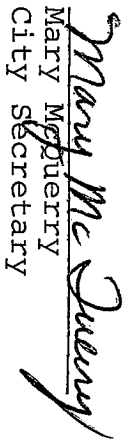
Section 7. If any clause, phrase, portion, section or part of this ordinance shall be found unconstitutional or unenforceable by a court of competent jurisdiction, then all of the other and remaining portions of this ordinance shall continue in full force and effect.

1984.

PASSED and APPROVED on this 9<sup>th</sup> day of Oct,

  
Fabian Snelger  
Mayor Pro Tempore

Attest:

  
Mary McQuerry  
City Secretary

Approved as to form:

  
Burke Martin  
City Attorney