

**ORDINANCE No. 24-0108-6**

**AN ORDINANCE OF THE CITY OF LEXINGTON, TEXAS, AMENDING CHAPTER 110 – UTILITIES, ARTICLE III – SEWAGE DIVISION, DIVISION 2 - SEWER CHARGES, SECTION 110.73 – MONTHLY SEWER CHARGES AND SCHEDULES, SUBSECTION (A) – LEVY AND COLLECTION OF CHARGES FOR USE OF SYSTEM; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, PROPER NOTICE & MEETING.**

**WHEREAS**, the City Council of the City of Lexington (“City Council”) seeks to promote the effective, efficient, and orderly conduct of business within the City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City of Lexington (“City”) has general authority to adopt an ordinance or police regulation that is for the good government and order of the City, and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council has previously adopted regulations concerning the provision of sewer services to residents and other customers; and

**WHEREAS**, City staff has studied the City’s previously-adopted regulations concerning the provision of sewer services to residents and other customers; and

**WHEREAS**, City staff has observed that under the City’s current regulations, implementation of new annual sewer service rates necessarily happens later and later within each year due to certain calculation requirements in current regulations; and

**WHEREAS**, City Council finds that delayed implementation of new sewer service rates is inefficient; and

**WHEREAS**, City Council finds that earlier implementation of new sewer service rates following annual calculations would provide for more efficient and effective delivery of sewer services for residents and customers; and

**WHEREAS**, the City Council desires to amend its regulations regarding the calculation and implementation of sewer service rates; and

**WHEREAS**, the City Council finds that the amendments imposed by this Ordinance are reasonable, necessary, and proper for the good government of the City;

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

**Section 1. Findings of Fact**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2. Amendments**

Chapter 110 – Utilities, Article III – Sewage Division, Division 2 - Sewer Charges, Section 110.73 – Monthly Sewer Charges and Schedules, Subsection (a) – *Levy and collection of charges for use of System*, is hereby amended in its entirety to read as follows:

(a) *Levy and collection of charges for use of System*. It is hereby determined and declared to be necessary for the City to levy and collect charges from all persons, firms and corporations that are using the sanitary sewer system and the lines of the City. These charges shall be in accordance with the user charge system developed under EPA Grant project C-48-1638-03. The charges shall be based upon actual sewer use as measured by the average monthly water usage during the winter months of December, January and February. Sewer charges shall be calculated at least once each year, and implemented within ninety (90) days after such calculation(s).

**Section 3. Severability**

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**Section 4. Repealer**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

**Section 5. Effective Date**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

### **Section 6. Proper Notice & Meeting**

It is hereby officially found and determined that the meeting at which this Ordinance was passed 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED THIS THE 8<sup>th</sup> DAY OF JANUARY, 2024.**



Hon. Allen Retzlaff, Mayor  
City of Lexington, Texas

ATTEST:



Tina Biehle, City Secretary

