

ORDINANCE NO. 2017-20

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING CHAPTER 1, ARTICLE 1.02, SECTION 1.02.008 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Ovilla, Texas, approved contracts with certain Home Owner's Associations for the City to collect annual home owners' fees for the organizations; and

WHEREAS, the City Council of Ovilla requested legal opinions from the City Attorney, Texas Municipal League, and the Texas State Attorney General regarding the legality of collecting home owners' association fees; and

WHEREAS, it was the opinion of all legal reviewers that a City cannot collect fees for a home owners' association; and

WHEREAS, the City Council finds and determines it is in the best interest of the citizens of the City of Ovilla to end the practice of collecting fees for home owners' associations.

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

SECTION 1. AMENDMENT OF CHAPTER 1, ARTICLE 1.02, SECTION 1.02.008 OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS

Chapter 1, Article 1.02, Section 1.02.008 of the Code of Ordinances of the City of Ovilla, Texas, is hereby repealed in its entirety.

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered, if necessary, to conform to the uniform numbering system of the Code.

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SECTION 5. EFFECTIVE DATE

Because of the nature of the interests and safeguards sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED and APPROVED by the City Council of Ovilla, Texas, on this the 11th day of December 2017.


Richard Dormier, Mayor

ATTEST:


Pamela Woodall, City Secretary



APPROVED AS TO FORM:


Ron G. MacFarlane, Jr., City Attorney