

**TOWN OF LITTLE ELM, TEXAS
ORDINANCE NO. 1743**

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING ARTICLE IV, "SENIOR CENTER AND COMMUNITY RECREATION CENTER," OF CHAPTER 74, "PARKS AND RECREATION," OF THE CODE OF ORDINANCES OF THE TOWN OF LITTLE ELM, BY AMENDING SECTION 74-62, "COMMUNITY RECREATION CENTER FEES" AND SECTION 74-63, "FACILITY AND COMMUNITY ROOM RESERVATION RATES"; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 74, Article IV, of the Town's Code of Ordinances ("Code") addresses the Town's Senior Center and Community Recreation Center; and

WHEREAS, Code Section 74-62, "Community recreation center fees," and Code Section 74-63, (Facility and community room reservation rates," sets forth, among other matters, various fees; and

WHEREAS, the Town Council has determined that such fees should be periodically revised to address the various factors that Town staff utilizes in setting such fees, which fees are intended to recover, at least in part, the costs to the Town of providing the services and facilities for which the various memberships and fees are assessed; and

WHEREAS, the Town Council has determined that the Town's Community Services Director is best qualified to determine if any of the fees currently set forth in Code Sections 74-62 and 74-63 should be revised from time to time to achieve the Town's objectives in setting such fees; and

WHEREAS, the Town Council has determined that the fees currently set forth in Code Sections 74-62 and 74-63 should be repealed, and that the Town's Community Services Director be expressly delegated the power and responsibility to set such fees as are reasonable and consistent with the Town's objectives in setting such fees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LITTLE ELM, TEXAS:

SECTION 1

INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2

AMENDMENT

A. That the Town of Little Elm Code of Ordinances, Chapter 74, “Parks and Recreation”, Article IV, “Senior Center and Community Recreation Center,” Section 74-62, “Community recreation center fees,” is hereby amended by deleting Section 74-62 (c) – (i), and replacing those section with the following new Section 74-62 (c):

- (c) The Town’s Community Services Director shall be empowered to set reasonable membership and user fees for community center recreation fees and related fees.

B. That the Town of Little Elm Code of Ordinances, Chapter 74, “Parks and Recreation”, Article IV, “Senior Center and Community Recreation Center,” Section 74-63, “Facility and community room reservation rates,” is hereby amended by deleting Section 74-63 (a) – (c), and replacing those section with the following new Section 74-63 (a):

- (a) The Town’s Community Services Director shall be empowered to set reasonable facility and community room reservation rates and related fees.

SECTION 3

CUMULATIVE REPEALER

That this ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this ordinance. Ordinances or parts thereof in force at the time this ordinance shall take effect and that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such ordinance on the date of adoption of this ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the ordinance shall remain in full force and effect.

SECTION 4

SEVERABILITY CLAUSE

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole. Town Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5

EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS, on this the 19th day of December, 2023.

Curtis J. Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary