

ARTICLE VII. MUNICIPAL SURFACE WATER DRAINAGE UTILITY SYSTEM

Division 1. Generally.

Sec. 110-394. Definitions

The definitions of Texas Local Government Code § 552.044 are hereby adopted, except as modified here:

Drainage charge means:

- (1) The levy imposed to recover the cost of service of the city in furnishing drainage for any benefited property; and
- (2) An amount made in contribution to funding of future drainage system construction by the city.

Impervious surface means the area of a structure or other improvement upon land that causes an impervious coverage of the soil under the structure or improvement, as shown on the land area data maintained by the county appraisal district or as calculated from site plans submitted for the purpose of obtaining a building permit. When information from both sources is available, the city engineer shall determine which source more accurately establishes the impervious area and shall utilize that source.

Property area means the property area of each lot or tract as shown on the land area data maintained by the county appraisal district.

Service area means the geographic areas within the municipal boundaries of the city.

Single-family living unit equivalent (SFLUE) means a unit of measurement of impervious surface area determined as the average residential house structure or a garage, driveway and other impervious area within the city, to wit: 3,000 square feet. .

Structure means any change or improvement upon land that causes an impervious coverage of the soil.

Surface water drainage utility system (SDUS) fee means the total drainage charge for a property, including system-wide and applicable lake drainage basin fee components based on the number of SFLUEs determined for the property.

Division 2. Rates and Charges.

Sec. 110-395. Schedule of charges.

Every property owner and city service customer shall be responsible for paying the SDUS fee for the benefited property. Such benefitted properties are charged monthly based on the amount

of impervious area on a parcel of property. The SDUS fee has two components: the system-wide component and the lake drainage basin component. The SDUS fee for all properties is computed using the same formula, which calculates all properties in relation to a single-family living unit equivalent (SFLUE) based on the impervious surface area on the improved lot or tract save and except as set forth otherwise herein-below multiplied by the amount of the drainage charges as determined from time to time by the city council.

(1) Determination of SFLUE.

- a. For single-family residential and townhome parcels, one SFLUE per month per parcel.
- b. For duplex and quadplex properties, one SFLUE per month per dwelling unit.
 - i. The SDUS fee shall be calculated for the entire property and shall be paid by the property owner. The city shall place the SDUS fee on a master meter account billed to the owner or his agent.
 - ii. At its sole discretion, the city may pro rate the SDUS fee among the separate meters in relation to the number of dwelling units served by the meters; provided the customer provides adequate assurance for payment and documentation of the number of dwelling units served by each meter.
- c. For mobile home parks, one SFLUE per month per each mobile home pad or trailer pad.
 - i. The SDUS fee for the entire complex shall be placed on a master meter within the property, or, at the city's sole discretion, may be billed separately to the property owner.
 - ii. For individually metered trailer pads, the city may, at its sole discretion, bill the SDUS fee on the individually metered accounts.
- d. For multifamily properties, the number of SFLUE applicable to the property will be individually calculated by dividing the impervious surface area of the property by 3,000 square feet.
 - i. In the case of multiple meters on a single parcel, the SDUS fee shall be calculated for the entire property and shall be paid by the property owner. The city shall place the SDUS fee on a master meter account billed to the owner or the owner's agent.
 - ii. At its sole discretion, the city may pro rate the SDUS fee among the separate meters in relation to the area served by the meters provided the customer provides adequate assurance for payment, complete documentation of impervious area pro rata calculations, and documentation of concurrence by all owners and/or tenants.

- e. For nonresidential, commercial and/or industrial properties, the number of SFLUE applicable to the property will be individually calculated by dividing the impervious surface area of the property by 3,000 square feet.
 - i. In the case of multiple meters on a single parcel, the SDUS fee shall be calculated for the entire property and shall be paid by the property owner. The city shall place the SDUS fee on a master meter account billed to the owner or the owner's agent.
 - ii. At its sole discretion, the city may pro rate the SDUS fee among the separate meters in relation to the area served by the meters provided the customer provides adequate assurance for payment, complete documentation of impervious area pro rata calculations, and documentation of concurrence by all owners and/tenants.
- (2) The minimum SDUS fee for any multi-family, nonresidential, commercial and/or industrial property shall be based on one SFLUE per month.
- (3) The system-wide component. The monthly system-wide fee for all property within the city shall be as determined from time to time by city council.
- (4) The lake drainage basin component.
 - a. The NRCS lake drainage basins are hereby established as shown on exhibit B, attached to Ord. No. 2002-03-017, which exhibit is not set out herein, but is on file and available for inspection in the office of the city secretary. The city engineer shall determine whether an improved lot or tract is within a lake drainage basin. In the event of a dispute, the property owner may be requested to provide topographical data to assist in such determination. If an improved lot or tract is located partially within a lake drainage basin, or within more than one lake drainage basin, the improved lot or tract shall be deemed to be completely located within the basin that contains the largest percentage of its impervious area.
 - b. Every property owner and city service customer within a lake drainage basin shall be responsible for paying the lake drainage basin fee associated with that drainage basin, as shown on exhibit A, attached to Ord. No. 2002-03-017, which exhibit is not set out herein, but is on file and available for inspection in the office of the city secretary.
 - c. The monthly lake drainage basin component is determined by multiplying the fee shown on exhibit A, attached to Ord. No. 2002-03-017, which is not set out herein, by the SFLUE calculated for the property.

Sec. 110-396. Levy of fees.

The drainage charges, SFLUE calculations, and resulting SDUS fees adopted by and through this Ordinance amending Ord. No. 2002-03-017 shall be levied commencing with the _____ utility billing cycle.

Sec. 110-397. Exemptions.

(a) The city exempts the following governmental entities and all lots or tracts in which it holds a freehold interest and that are being used by the governmental entity exclusively for public purposes from the levy of drainage charge:

- (1) All independent school districts; and
- (2) The city.

(b) The city exempts the following categories of utility customers from the levy of drainage charge:

- (1) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
- (2) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the city; and
- (3) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the city.

Sec. 110-398. Billing, deposits and expenditures.

- (a) The city will bill for drainage services on the monthly utility bill along with water, sewer and solid waste services, as may be applicable. In the event the property has no associated utility bill, the city may place the charge on an adjacent property under the same ownership, or may establish a separate utility account.
- (b) There will be no separate deposit required for initial service. A deposit will be required following any discontinuance for delinquent payment.
- (c) In the case of a delinquent payment of the monthly utility bill, which includes the drainage charge, pursuant to Texas Local Government Code § 552.050, the city manager is hereby authorized to discontinue service of all city utilities for nonpayment, even if the amount in dispute is the drainage charge component of the monthly utility bill. The city manager is also authorized to employ other remedies at law to recover any charge not paid when due.
- (d) The income of the SDUS fee shall be segregated and completely identifiable in the city accounts. The moneys received from utility drainage charges shall be used only for purposes that are directly or indirectly related to the surface water drainage utility system. These uses may include, by way of example and not limitation, any of the following items that are necessary or incident to the provision and operation of draining the benefitted property:
 - (1) study of entire watersheds, subwatersheds or individual projects;

- (2) design, engineering, construction and maintenance of watershed improvements in existing or potentially high or rapid growth areas including NRCS dams;
 - (3) design, engineering, construction and maintenance of watershed improvements in areas where the costs of such improvements deprive an area of economic benefit;
 - (4) study and resolution of erosion issues now existing, anticipated or appearing in the future;
 - (5) design, engineering, construction and maintenance of watershed improvements in areas that will open up new drainage basins for development;
 - (6) acquisition of staff, equipment, software and hardware, etc., necessary to implement the above; and
 - (7) payment of any expenditure attributable to unfunded or partially funded state or federal mandates related to storm water.
- (e) Moneys received from the lake drainage basin component of the charge shall be used only for purposes that are directly related to the surface water drainage utility system of the applicable drainage basin.
- (f) All billings, credits, exemptions and other procedures relating to these fees shall be subject to the provisions of the Act and other applicable law.

110-399—110-424. Reserved.

APPENDIX A - SCHEDULE OF FEES

Chapter 110. Utilities.

Sec. 110-395. Schedule of charges.

[Surface water drainage utility system (SDUS) fee]

(1) *Determination of SFLUE.*

- a. Single-family residential and townhomes: One (1) SFLUE per parcel;
- b. Duplexes and quadplexes: One (1) SFLUE per dwelling unit.
- c. Mobile home parks: One (1) SFLUE per each mobile home pad or trailer pad.
- d. Multifamily properties: Number of SFLUE for property = $\frac{\text{Square footage of impervious surface on property}}{3,000 \text{ square feet}}$, rounded up to the nearest whole SFLUE, with a minimum of One (1) SFLUE;
- e. Nonresidential, commercial and/or industrial properties: Number of SFLUE for property = $\frac{\text{Square footage of impervious surface on property}}{3,000 \text{ square feet}}$, rounded up to the nearest whole SFLUE, with a minimum of One (1) SFLUE;

(2) *The system-wide component.* The monthly system-wide fee, per SFLUE for all property within the city4.00

(3) *The lake drainage basin component.* The monthly system-wide fee, per SFLUE for all property within the city0.00