

ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE VII “MUNICIPAL DRAINAGE UTILITY SYSTEM” OF CHAPTER 82 “UTILITIES” TO ADD DIVISION 2 “MUNICIPAL DRAINAGE UTILITY SCHEDULE OF DRAINAGE CHARGES” ESTABLISHING A MUNICIPAL DRAINAGE UTILITY SYSTEM FEE; PROVIDING A SCHEDULE OF DRAINAGE CHARGES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas (the “City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Burleson, Texas has previously investigated and determined that it would be advantageous and beneficial to the citizens of the City of Burleson, Texas to promote the public health, safety and welfare of the citizens to adopt a Municipal Drainage Utility System; and

WHEREAS, the City Council has created a Municipal Drainage Utility System as authorized by Chapter 552, Subchapter C, Texas Local Government Code, as amended, (“the Act”) pursuant to Ordinance No. _____, which is to be codified as Chapter 82, Article VII, Division 1 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council finds that it held a public hearing on a proposed ordinance establishing a municipal drainage utility system fee and providing for exemptions and credits prior to the adoption of this Ordinance; and

WHEREAS, prior to the public hearing, the City Council finds that the City published notice of the time and place of the public hearing on this Ordinance three separate times in the *Fort Worth Star-Telegram*, a newspaper of general circulation in the corporate boundaries of the City, with the first published notice occurring on or before the thirtieth day before the date of the public hearing, and such published notice included the terms of the proposed ordinance establishing a municipal drainage utility system fee and providing for exemptions and credits in full as well as the proposed schedule of drainage charges; and

WHEREAS, pursuant the Act, the City Council has investigated and determined that a schedule of drainage charges shall be applied against all eligible benefitted properties in the service area; and

WHEREAS, the City Council further finds that the City, using approved tax plats and assessment rolls, conducted a comprehensive inventory of the lots and tracts in the service area of the Municipal Drainage Utility System, locating over eighteen thousand different parcels; and

WHEREAS, the City Council further finds that the City used this inventory to establish an Equivalent Residential Unit (“ERU”) as set forth in this Ordinance and Ordinance No. _____ based on the median impervious area of residential properties, thereby creating a consistent and nondiscriminatory unit of measurement for comparing residential and non-residential properties, and is set at \$8.00 per ERU; and

WHEREAS, the City Council further finds that the City further analyzed the distribution of impervious area across residential and non-residential parcels, reviewed land-use characteristics, and prepared classifications and tiers as set forth in this Ordinance and Ordinance No. _____ that treat similar properties in a nondiscriminatory, equitable, and reasonable manner; and

WHEREAS, in setting the schedule of drainage charges, the City Council further finds and determines that the drainage charges set forth are not based on the value of the benefitted property, but on a basis directly related to drainage through the ERU for the charge; and

WHEREAS, in setting the schedule of drainage charges, the City Council further finds that the City completed a cost-of-service analysis to determine the appropriate level of funding by identifying existing stormwater system operations and maintenance needs, future service level demands, capital improvement needs, and regulatory compliance obligations; and

WHEREAS, the City Council further finds that it would be in the best interest of its citizens to amend the Code of Ordinances to adopt the drainage utility system charges to be collected in support of the service, operation, construction, repair, and maintenance of the municipal drainage utility system;

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

SECTION 1. Article VII, “Municipal Drainage Utility System,” of Chapter 82, “Utilities,” of the Code of Ordinances of the City of Burleson, Texas, is amended by adding Division 2 “Municipal Drainage Utility Schedule of Drainage Charges” to read as follows:

Division 2. Municipal Drainage Utility Schedule of Drainage Charges

Sec. 82-420. Establishment of Drainage Utility System Fee.

The drainage utility system fee set forth in this Division 2 is adopted as a drainage charge pursuant to Sec. 82-405 and shall be collected through the City’s bill for other public utilities pursuant to the Act, Division 1 of this Article, and other applicable law.

Sec. 82-421. Impervious Area; Fee Assessed.

(a) Drainage utility system fees shall be charged based on a property's contribution to the municipal drainage utility system. The contribution shall be based on the impervious area for the benefitted property.

(b) The drainage utility system fee, payable monthly, is hereby established with respect to all benefitted property according to the following schedule:

Property Type	Impervious Area (sq. ft.)	Monthly Drainage Utility System Fee
Single-Family Residential, Duplex, Triplex, and Quadplex		
Tier 1	<2,401	\$4.94 (0.62 ERU*)
Tier 2	Between 2,401-5,300	\$8.00 (1 ERU*)
Tier 3	>5,300	\$15.00 (1.88 ERU*)
All Other Non-Exempt Property		Varies, but no less than \$8.00 (1 ERU*)

*ERU (Equivalent Residential Unit) = 3,500 square feet impervious area

(c) A minimum charge of one (1) ERU shall be applied to each non-exempt non-single family residential developed property, regardless of classification, in whole ERU increments.

Sec. 82-422. Exemptions.

(a) State Mandated Exemptions: The following property shall not be assessed a drainage utility system fee, as required by Section 552.053, Subchapter C of the Texas Local Government Code, and Section 580.003 of the Texas Local Government Code:

(1) 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 in which the property is located for maintenance;

(2) A subdivided lot, until a structure has been built on the lot and a Certificate of Occupancy has been issued by the City;

(3) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;

(4) State property; and

(5) public or private institutions of higher education.

(b) Additional Exemptions: As permitted by Section 552.053, Subchapter C of Texas Local Government Code, and Section 580.003 of the Texas Local Government Code: the City has determined the following property shall be exempt from the drainage utility system fee as set forth below:

(1) Property owned by a religious organization that is exempt from taxation pursuant to Section 11.20 of the Texas Tax Code shall receive a partial exemption of seventy-five percent (75%) of the drainage utility system fee assessed by Sec. 82-421.

(c) A person or entity that owns or occupies a benefitted property and/or the account holder has the burden of proof when claiming an exemption under this Article and must provide the Director of Public Works with information reasonably required by the Director of Public Works to make a determination. Failure to timely provide information requested by the Director of Public Works is a sufficient reason to deny a requested exemption.”

SECTION 2. The findings and recitals set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 3. This Ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable and if any phrase, clauses, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in its ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. The City Secretary shall provide for the publication of this ordinance after its passage and as provided by law.

SECTION 7. This Ordinance shall become effective October 1, 2026, after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

AND IS SO ORDAINED.

First Reading: the _____ day of _____, 20____.

Final Reading: the _____ day of _____, 20____.

PASSED AND APPROVED this the _____ day of _____, 20____.

Chris Fletcher, Mayor

(Seal)

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney