

CITY OF FOREST HILL

ORDINANCE NO. 2013-04-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOREST HILL, TEXAS, AMENDING ARTICLE VI, STORM WATER (DRAINAGE) UTILITY SYSTEM, TO CHAPTER 130, UTILITIES, ESTABLISHING MONTHLY STORMWATER UTILITY FEES FOR THE PURPOSE OF FUNDING STORMWATER (DRAINAGE) PROJECTS AS AUTHORIZED BY THE MUNICIPAL DRAINAGE UTILITY SYSTEM ACT, SUBCHAPTER C OF CHAPTER 552 OF THE TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, within the City of Forest Hill there is an existing drainage system which has been developed over a number of years for the purpose of collecting and disposing of stormwater runoff; and

WHEREAS, the present system is inadequate to control and manage stormwater runoff within the City limits; and

WHEREAS, the City Council has adopted Ordinance No 2013-01-001 creating a stormwater (drainage) utility system for the purpose of providing stormwater service for real property in the proposed service areas upon payment of stormwater charges (except real property that is exempt from such charges), and offering stormwater service on non-discriminatory, reasonable and equitable terms; and

WHEREAS, the City Council now desires to levy a schedule of stormwater charges for stormwater services to provide stormwater infrastructure, which the City Council finds is nondiscriminatory, reasonable and equitable; and

WHEREAS, in setting the schedule of charges for stormwater service, the City reviewed an inventory of the lots and tracts within the City and the area and development of the benefitted properties; and

WHEREAS, it is the intent of the City to fund a stormwater utility system that fairly and equitably allocates the cost of stormwater control to properties in proportion to stormwater runoff potential for each type of property;

WHEREAS, all provisions for notice of a public hearing pursuant to Section 552.045 (c) of the Texas Local Government Code have been met;

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

SECTION 1: LEGISLATIVE FINDINGS: 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: Chapter 130, "Utilities" of the City of Forest Hill City Code of Ordinances is hereby amended to hereinafter read as follows:

CITY OF FOREST HILL
CHAPTER 130: UTILITIES

"ARTICLE VI: MUNICIPAL STORM WATER (DRAINAGE) UTILITY SYSTEM

Sec. 130-196: Fees.

- A. The City Council hereby establishes the stormwater utility fees as set forth herein. Stormwater utility fees will be levied against all real property in the established service areas except real property that is exempted by Section 552.053(b)(3) and (C) of the Texas Local Government Code.
- B. Stormwater utility fees shall be calculated as follows for residential and nonresidential properties.
 - 1. Stormwater utility fees for residential property, defined as an improved parcel which not more than four (4) dwelling units are constructed, shall be calculated for each dwelling unit at the following flat rate per dwelling unit:

Fee = \$4.00 per dwelling unit per month

- 2. Stormwater utility fees for non-residential property shall be calculated for each improved parcel based upon the parcel's total land area in square feet (SF) as identified on Tarrant Appraisal District (TAD) maps per the following rate table.

Tier	Parcel Area in SF	Monthly Fee
1	Less than 20,000	\$6.62
2	20,000 to 49,999	\$14.81
3	50,000 to 99,999	\$36.51
4	100,000 to 199,999	\$60.33
5	200,000 or more	\$153.63

- C. Billing of stormwater fees shall be provided as identified below.
 - 1. The stormwater utility fee for a parcel will be billed to the owner or customer who receives the water, sewer or solid waste billing for the parcel, as recorded in the City's utility billing system.
 - 2. The fee for a non-residential parcel which has multiple or shared utility billing accounts may be allocated to each utility billing account in proportion to the percentage of the land area that is allocated for use by each owner or customer compared to the total area on the parcel.
 - 3. Where an improved parcel is not occupied by a customer that may use water, wastewater, solid waste or other utility service and considered by the City to be vacant, either on a temporary or permanent basis, the City may bill the owner of the parcel for the stormwater utility fee.

4. Where the City does not bill water, wastewater or solid waste service to an owner or customer, the City is hereby authorized to establish a "stormwater only account" and to bill the stormwater utility fee to either the owner or customer, as the director determines is appropriate.

D. All stormwater utility fees shall be deposited in the stormwater utility fund created under Section 130-195.

E. The stormwater utility fee will be utilized to fund stormwater projects, equipment, personnel and other costs of service as authorized in Section 552.044(2) of the Texas Local Government Code and the stormwater ordinance.

SECTION 3: SEVERABILITY. If any section, subsection, article, paragraph, sentence, clause, phrase, or word in the Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City 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.

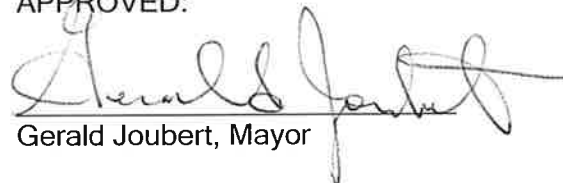
SECTION 4: REPEAL OF CONFLICTING ORDINANCES. All ordinances, orders, and resolutions heretofore passed and adopted by the City Council of the City of Forest Hill, Texas are hereby repealed to the extent said ordinances, orders, or resolutions or part thereof are in conflict herewith, except for the City's Zoning Ordinance unless repealed or amended consistent with state law and city ordinance.

SECTION 5: PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately upon and after its passage and publication as may be required by governing law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Forest Hill, Texas on this 2nd day of April, 2013.

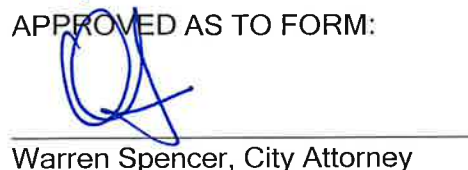
APPROVED:


Gerald Joubert, Mayor

ATTEST:


Henrietta Roberts, City Secretary

APPROVED AS TO FORM:


Warren Spencer, City Attorney