

NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS

The City Council of the City of Rowlett, Texas will hold a Public Hearing during a Regular Meeting on December 13, 2022, at 7:30 p.m. in the Council Chambers located at the City of Rowlett City Hall, 4000 Main Street, Rowlett, Texas, to hear public opinion regarding the adoption of an Ordinance to modify the fee structure of the current Drainage Utility.

This notice is being published in accordance with the public notice requirements set forth in Subchapter C of Chapter 552, Local Government Code, V.T.C.A. for public hearings. As required by the aforementioned statute, this public notice is being published in a newspaper of general circulation to the residents of the City of Rowlett thirty (30) days or more prior to the date of the public hearing and will be published twice more before the scheduled hearing.

All interested persons are encouraged to attend the public hearing and express their opinions on the proposed Ordinance. Council will vote on the proposed Ordinance immediately following the public hearing. State law provides that approval of the proposed Ordinance shall require an affirmative vote of a majority of the members of the City Council.

The entire proposed Ordinance to modify the existing Drainage Utility in the City of Rowlett is provided herewith, in accordance with requirements set forth in Subchapter C, Chapter 552, Local Government Code, V.T.C.A.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING CHAPTER 70 “UTILITIES”, ARTICLE IV “DRAINAGE UTILITY”, OF THE CODE OF ORDINANCES OF THE CITY OF ROWLETT, TEXAS, BY ESTABLISHING A “DRAINAGE FEE SCHEDULE” BASED ON IMPERVIOUS AREA; AND PROVIDING FOR EXEMPTIONS AND CREDITS.

WHEREAS, the City Council of the City of Rowlett, Texas has previously investigated and determined that it would be advantageous and beneficial to the citizens of the City of Rowlett, 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. 3-19-02E, which is to be codified as Chapter 70, Article IV, of the Code of Ordinances; and

WHEREAS, pursuant the Act, the City Council has investigated and determined that a schedule of drainage fees shall be applied against all real property in the proposed service area(s); 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 operation of the City’s drainage utility system:

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

SECTION 1. Chapter 70, Article IV, “Drainage Utility” of the Code of Ordinances of the City of Rowlett, Texas, is amended by updating Sections 70-285, and 70-286, and adding Section 70-290 to read as follows:

Sec. 70-285. Schedule of charges may be levied.

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

(b) The drainage utility fee, payable monthly, shall be established with respect to all property according to the following schedule:

Property Type	Monthly Drainage Utility Fee
Single-Family Residential	\$5.50
All Other Non-Exempt Property	\$5.50 per ERU *

* ERU (Equivalent Residential Unit) = 4,000 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.

Sec. 70-286. Exemptions.

The city is authorized to exempt certain entities or persons from all ordinances, resolutions, and rules which the city may adopt from time to time in connection with the adoption of the act and the establishment of its municipal utility drainage system.

As required by applicable State Law, the following property shall not be assessed a drainage utility fee:

(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 in which the property is located;

(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 property.

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Sec. 70-290. Fee Credits.

(a) A property owner or occupant of a benefitted property may petition the City to reduce the drainage utility fee for their individual property to account for on-site stormwater management controls that reduce the property's impact to the drainage utility system.

(b) The petition shall be evaluated and the fee adjustment decision determined by the Public Works Director or the Director's designated representative. The evaluation and determination performed by the Public Works Director shall be based on nondiscriminatory, reasonable and equitable terms in accordance with the Act and this Article."

SECTION 2. All provisions of the ordinances of the City of Rowlett in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. 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.

SECTION 4. This ordinance shall become effective January 1, 2023 after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

AT A MEETING OF THE CITY COUNCIL ON DECEMBER 6, 2022 THIS ORDINANCE BE ADOPTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: _____

NAYS: _____

Approved by: _____ Date _____
Mayor

Approved to form by: _____ Date _____
City Attorney

Certified by: _____ Date _____
City Secretary