

ORDINANCE NO. 1741

AN ORDINANCE LEVYING A SCHEDULE OF DRAINAGE CHARGES FOR THE NORTH RICHLAND HILLS MUNICIPAL DRAINAGE UTILITY SYSTEM AGAINST ALL REAL PROPERTY WITHIN THE CITY OF NORTH RICHLAND HILLS, TEXAS, SUBJECT TO SUCH CHARGES UNDER SECTIONS 402.041, ET. SEQ., SUBCHAPTER C OF CHAPTER 402 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of North Richland Hills, Texas to protect the health and safety from loss of life and property caused by surface water overflows and surface water stagnation, has heretofore, pursuant to legislative authority established a Municipal Drainage Utility System within the municipal boundaries of the City of North Richland Hills, Texas, and desires, also pursuant to legislative authority, to provide rules for the use and operation of such system and prescribe and establish fees, together with the assessment, levy and collection thereof, to finance and fund such Municipal Drainage Utility System; and

WHEREAS, the City Council of the City of North Richland Hills, Texas finds that the basis for the drainage charges set forth herein is directly related to drainage; and

WHEREAS, the City Council of the City of North Richland Hills, Texas, finds that the classification of benefitted properties set forth herein is nondiscriminatory, equitable and reasonable; and

WHEREAS, the City Council of the City of North Richland Hills, Texas, in setting the schedule of charges for drainage services set forth hereinbelow, has based its calculations upon an inventory of the lots and tracts within the municipal boundaries of the City of North Richland Hills, Texas; and

WHEREAS, in setting such schedule of charges for drainage service, the City Council of the City of North Richland Hills, Texas, has considered the uses made of the benefitted properties, using official zoning maps of the City of North Richland Hills, Texas, for that purpose, and has also considered the size and topography of the parcels of benefitted property in assessing the drainage charges set forth hereinbelow; and

WHEREAS, the City Council of the City of North Richland Hills, Texas, finds that the schedule of charges set forth hereinbelow, and the rates upon which such schedule of charges was calculated, are equitable for similar services in all areas of the City of North Richland Hills, Texas; and

WHEREAS, the City Council of the City of North Richland Hills, Texas, has held a public hearing on the charges levied and imposed herein, after publishing notice of such public hearing, all in the manner prescribed by Subchapter C of Chapter 402 of the Texas Local Government Code, as amended by Senate Bill No. 1409 during the 72nd Legislative session.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS;

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I.

The following schedule of drainage charges is hereby levied against all real property lying within the City of North Richland Hills, Texas, subject to drainage charges under Subchapter C of Chapter 402 of the Texas Local Government Code:

- A. Basic Drainage Charge. The rates set forth herein are calculated on basis of a drainage charge of **\$3.00 per ERU** (Equivalent Residential Unit) per month which is equal to \$19.26 per impervious acre of land per month. Runoff coefficients and corresponding rates per acre for various land uses may be modified by the City Council from time to time by a modification of said Basic Drainage Charge.
- B. Single-Family Residential (R1, R2, R3, R-4-SD, R-5-D, R-6-T & R-8). The City Council finds that the single-family residential lots within the City of North Richland Hills, Texas will be charged at a monthly rate per platted lot based on their zoning when a building exists on the platted lot. The charge per lot is based on the Basic Drainage Charge.

<u>Zoning</u>	<u>Runoff Coefficient</u>	<u>Rate per Lot</u>
R1	0.51	\$3.42
R2	0.54	\$2.58
R3	0.55	\$2.22
R-4-SD	0.59	\$1.14
R-5-D	0.59	\$1.14
R-6-T	0.63	\$0.96
R-8	0.62	\$1.44

- C. All unplatted tracts, platted lots with other than residential zoning, or parcels of land which have solely a residential use are to be charged a drainage fee the same as a platted lot zoned R1 with a house on it. The rate per R1 use shall apply for each residential house which exists on the tract or parcel of land. If in the opinion of the City the tract or parcel contains an above average amount of impervious cover, an analysis of the tract can be conducted to determine the accurate runoff coefficient for the property. The rate for each such case will be adjusted in accordance with the analysis.
- D. All other lots, tracts and parcels of land within the City of North Richland Hills, Texas, shall be charged monthly on the basis of the acreage contained in said lot, tract or parcel of land, and the use made of such property, in accordance with the following schedule of drainage charges which are hereby levied against all such remaining lots, tracts and parcels of land within City of North Richland Hills, Texas.

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<u>Land Use</u>	<u>Runoff Coefficient</u>	<u>Rate per Acre</u>
School, Church, & Institutional	0.62	\$11.94
Multifamily	0.66	\$12.71
Offices	0.78	\$15.03
Commercial	0.80	\$15.41
Industrial	0.81	\$15.60

Properties exempted from paying a drainage charge as described in this ordinance are the following.

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.
3. Subdivided lots, until a structure has been built on the lot and a certificate of occupancy has been issued by the City.
4. Property owned by the City of North Richland Hills.

II.

The City Council of City of North Richland Hills, Texas, may change, adjust, and readjust the rates and charges established herein for drainage services from time to time by ordinance.

III.

By the passage of Ordinance No. 1727 and the passage of this Ordinance the City makes no representation that all of the City drainage problems will be immediately solved and the City Council is given full discretion in establishing time and quantitative priorities in expending funds as they become available to meet the drainage needs of the City on a reasonable basis. Nor shall the passage of Ordinance No. 1727 and this Ordinance be construed to relieve private land owners, developers and others from providing drainage improvements pursuant to the Subdivision Rules and Regulations of the City as well as any other ordinance of the City and the laws of this State which relate to drainage or drainage improvements.

IV.

The City Council of the City of North Richland Hills, Texas, may, by subsequent ordinance, adopt rules for the operation and conduct of the North Richland Hills Municipal Drainage Utility System, including exemptions, if any, from the drainage charges levied therein, consistent with its authority and State law.

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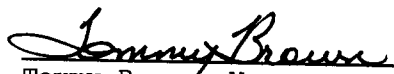
V.

Severability Clause. That is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or 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 this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

Effective Date. This ordinance shall be in full force and effect from and after its passage; provided, however, that the Municipal Drainage Utility System charges levied hereby shall take effect on January 1, 1992.

PASSED AND APPROVED this 23 day of September, 1991.

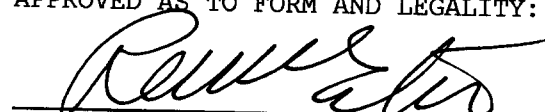
APPROVED:


Tommy Brown, Mayor

ATTEST:


Jeanette Lewis, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Rex McEntire, Attorney for City