

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 12.5-336 “DEFINITIONS” OF CHAPTER 12.5 “ENVIRONMENTAL PROTECTION AND COMPLIANCE” OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, TO REVISE THE DEFINITIONS OF NONRESIDENTIAL PROPERTY AND RESIDENTIAL PROPERTY AND TO DELETE THE DEFINITION OF MULTIFAMILY RESIDENTIAL PROPERTY; AND AMENDING SECTION 12.5-340 “CATEGORIES OF DRAINAGE UTILITY RATES” BY REVISING SUBSECTION (A) TO ESTABLISH AN EQUIVILANT RESIDENTIAL UNIT (“ERU”) RATE OF \$5.75 AND REVISING SUBSECTION (B) TO ESTABLISH A NEW SCHEDULE OF CHARGES FOR RESIDENTIAL TIERS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on January 24, 2006 the City Council of the City of Fort Worth adopted Ordinance No. 16781-01-2006 to establish a municipal Drainage Utility System (M&C G-15066); and

**WHEREAS**, on January 24, 2006 the City Council of the City of Fort Worth also adopted Ordinance No. 16782-01-2006 to amend the City Code by adding Division IV, Section 12.5-336 through 12.5-347, entitled “Municipal Drainage Utility System” to Article III of Chapter 12.5, by which the rules and regulations of the Drainage Utility System would be governed (M&C G-15067); and

**WHEREAS**, the Municipal Drainage Utility Systems Act (the “Act”), Texas Local Government Code §§ 552.042 *et seq.*, as amended, authorizes the City to prescribe a basis upon which to fund the municipal Drainage Utility System and to assess the fees and charges to support the municipal Drainage Utility System; and

**WHEREAS**, Section 552.045 of the Act authorizes the City to establish a schedule of drainage charges and to revise those drainage charges after three published notices and a public hearing; and

**WHEREAS**, on March 7, 2006, the City Council revised the rates and charges for the Municipal Drainage Utility System (Ordinance 16843-03-2006; M&C G-15107); and

**WHEREAS**, on September 4, 2007, the City Council revised the rates and charges for the Municipal Drainage Utility System (Ordinance 17742-09-2007; M&C G-15858); and

**WHEREAS**, on December 2, 2008, the City Council further revised the rates and charges for the Municipal Drainage Utility System (Ordinance 18381-12-2008; M&C G-

16374); and

**WHEREAS**, on September 15, 2009 the City Council further revised the rates and charges for the Municipal Drainage Utility System (Ordinance 18819-09-2009; M&C G-16701); and

**WHEREAS**, on September 20, 2011 the City Council further revised the rates and charges for the Municipal Drainage Utility System (Ordinance 19908-09-2011; M&C G-17384); and

**WHEREAS**, the City Council finds that an increase in the rates is now warranted to continue to provide funds for the necessary stormwater infrastructure; and

**WHEREAS**, the first public notice of a public hearing for this ordinance to establish a new Equivalent Residential Unit (ERU) charge and schedule of residential drainage charges was published on September 13, 2019 in the *Fort Worth Star-Telegram* in accordance with the requirements of the Act on or before the 30<sup>th</sup> day before the date of the hearing; and

**WHEREAS**, in setting the schedule of charges for drainage utility service, the calculations are based on an inventory of the parcels within the City and the actual or, in the case of single family residential, estimated impervious area on the benefitted properties; and

**WHEREAS**, it is the intent of the City to fund the Municipal Drainage Utility System to fairly and equitably allocate the cost of storm water control to properties in proportion to storm water runoff potential for each type of property.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

#### **SECTION 1.**

That Section 12.5-336 “Definitions” of the City Code of the City of Fort Worth (2015), as amended, is hereby amended as follows:

The term ***MULTIFAMILY RESIDENTIAL PROPERTY*** and its definition shall be deleted in its entirety.

The term ***NONRESIDENTIAL PROPERTY*** shall be amended to be ***NON-SINGLE FAMILY RESIDENTIAL PROPERTY***.

The term ***RESIDENTIAL PROPERTY*** shall be amended to be ***SINGLE FAMILY RESIDENTIAL PROPERTY***.

## SECTION 2.

That Section 12.5-340 “Categories Of Drainage Utility Rates,” of the City Code of the City of Fort Worth (2015), as amended, is hereby amended to revise subsections (a) and (b) to read as follows:

### SECTION 12.5-340 CATEGORIES OF DRAINAGE UTILITY RATES.

- (a) The City Council finds that impervious cover increases runoff and associated pollutants. For the purposes of calculating the Drainage Utility Fee, an ERU shall be the established standard billing unit. One ERU shall be billed at five dollars and seventy-five cents (\$5.75) per month. Each Benefitted Property shall be categorized as one of the following:
  - (1) **Single Family Residential Property.** Single Family Residential Property shall be placed in one of four billing tiers based on residential square footage, with building permits or the most recent Appraisal District data used as a means of estimating the total amount of impervious area on the property. The median single family residential parcel in Fort Worth has been determined to have approximately 2,600 square feet of impervious area or surface or one (1) ERU.
  - (2) **Non-Single Family Residential Property.** Fees for Non-Single Family Residential Properties shall be based on the total estimated impervious area on each parcel, with building permit information, aerial photography, or actual measurement used as a means of estimating the total amount of impervious area on the property, divided by 2,600 square feet to determine the number of ERUs or billing units.
- (b) The City Council finds that it is equitable to assess the Drainage Utility Fee to each Single Family Residential user on the basis of four (4) Single Family Residential billing tiers and such rates are hereby established.

| <b>Billing Tier</b>                       | <b>Billing Unit – Equivalent Residential Units (ERU)</b> | <b>Billing Basis</b>              | <b>Proposed Monthly Rate, Effective January 1, 2020</b> |
|---|--|-----------------------------------|---|
| <b>Single Family Residential - Tier 1</b> | <b>0.5 ERU</b>   | <b>Up to 1,300 square feet</b>    | <b>\$2.88</b>   |
| <b>Single Family Residential - Tier 2</b> | <b>1.0 ERU</b>   | <b>1,300 to 2,475 square feet</b> | <b>\$5.75</b>   |
| <b>Single Family Residential - Tier 3</b> | <b>1.5 ERU</b>   | <b>2,476 to 3,394 square feet</b> | <b>\$8.63</b>   |
| <b>Single Family Residential - Tier 4</b> | <b>2.0 ERU</b>   | <b>3,394+ square feet</b>         | <b>\$11.50</b>  |

### **SECTION 3.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 4.**

It 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 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 this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.**

This ordinance shall take effect on January 1, 2020.

APPROVED AS TO FORM AND LEGALITY:

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Christa R. Lopez-Reynolds  
Sr. Assistant City Attorney

ADOPTED: \_\_\_\_\_