

CHAPTER 56: - MUNICIPAL STORM WATER UTILITY SYSTEM

Section

§ 56.01 - PURPOSE AND ADOPTION OF ACT.

- (A) The City of Corinth finds it to be in the public interest to protect the public health and safety from loss of life and property caused by surface water overflows and surface water stagnation within the boundaries of the city, and further finds that to protect such public interests:
- (1) The city will establish a schedule of drainage charges against all real property in the city subject to charges under Subchapter C of Chapter 402, Local Government Code;
 - (2) The city will provide drainage for all real property in the city on payment of drainage charges, except such real property which may be exempted therefrom as authorized by law; and
 - (3) The city will offer such drainage service on non-discriminatory, reasonable and equitable terms.
- (B) The Municipal Drainage Utility Systems (Act) [Subchapter C of Chapter 402, Local Government Code, V.T.C.A.] is hereby adopted and shall be fully implemented as provided by the Act and by the City Council; and the drainage of the city is hereby found to be a public utility within the meaning of the Act.

(Ord. 04-09-02-15, passed 9-2-04)

§ 56.02 - DRAINAGE SERVICE PROVIDED.

The city will provide storm water drainage for all real property within its boundaries upon payment of the determined drainage charges, as defined in the Act, and excluding certain exempted real property, and that the fees, assessments, and charges will be based on nondiscriminatory, reasonable, and equitable terms.

(Ord. 04-09-02-15, passed 9-2-04)

§ 56.03 - BILLING FOR SERVICE.

The city is hereby authorized to bill the drainage charges incurred as a result of the adoption of the Act and through the establishment of the municipal storm water utility system. The storm water utility fee shall be separately identified from the other public utility billings.

(Ord. 04-09-02-15, passed 9-2-04)

§ 56.04 - AUTHORITY TO LEVY CHARGES.

The city may levy a schedule of drainage charges upon satisfaction of the procedural requirements provided in the Act, including public hearings and adoption of the requisite ordinances.

(Ord. 04-09-02-15, passed 9-2-04)

§ 56.05 - EXEMPTION AUTHORIZED.

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 storm water utility system.

(Ord. 04-09-02-15, passed 9-2-04)

§ 56.06 - RATES.

- (A) The rates as provided for in § 56.09, the municipal storm water utility system fee schedule, are hereby established and shall be collected through the city's bill for public utilities pursuant to Subchapter C of Chapter 402, Local Government Code, V.T.C.A., including, without limitation, Section 402.048, and other applicable law.
- (B) The rates established in this chapter apply to the accounts maintained by the city for water and sewer services. Multiple water accounts for the same property shall be charged only one charge for the municipal storm water utility system.
- (C) All billings, credits, exemptions and other procedures relating to this charge shall be subject to the provisions of Subchapter C of Chapter 402, Local Government Code, V.T.C.A., including, without limitation, Section 402.041.

(Ord. 04-09-02-16, passed 9-2-04)

§ 56.07 - APPEALS.

- (A) Billing and payment disputes for administrative issues shall be subject to appeals procedures used by the city for other utility billing disputes.
- (B) Appeals for the following reasons shall be directed to the Public Works Director for evaluation and determination:
 - (1) Exempt property has been assessed a storm water utility fee;
 - (2) The storm water utility fee for an individual property is based on an incorrect determination of the property's contribution to the storm water system, as established in § 56.09;
 - (3) The storm water utility fee for an individual property is assessed on more than one utility account; or
 - (4) The storm water utility fee is assessed to individual property outside the city's jurisdictional area.
- (C) The Public Works Director shall render a written decision on such appeals within 30 days after receiving a written notice of appeal from the landowner.
- (D) Any landowner who disagrees with the decision of the Public Works Director or his designee may appeal such decision to the City Council. The decision of the City Council shall be final.

(Ord. 04-09-02-16, passed 9-2-04)

§ 56.08 - PENALTIES.

- (A) Failure to pay the storm water utility fee promptly when due shall subject such user to discontinuance of any utility services provided by the city, in accordance with § 50.02 of this code.
- (B) The city shall not require a deposit for drainage charges as a precondition to accepting surface flow from benefited property into the city's drainage utility system. All real property of the city will be provided with drainage service on payment of drainage charges.

(Ord. 04-09-02-16, passed 9-2-04)

§ 56.09 - MUNICIPAL STORM WATER UTILITY SYSTEM FEE SCHEDULE.

(A) The following rates are hereby established and shall be collected through the city's bill for public utilities pursuant to Subchapter C of Chapter 402, Local Government Code, V.T.C.A., including, without limitation, Section 402.048, and other applicable law.

(B) Equivalent residential unit:

- (1) Rates shall be charged based on a property's contribution to the public storm water utility system. The contribution shall be based on the impervious area of the property.
- (2) One equivalent residential unit (ERU) is defined as 3,900 square feet of impervious area. ERUs shall be calculated in whole increments, with no fee maximum, as shown below:

Impervious Area (square feet)	ERUs
1—3,900	1
3,901—7,800	2
7,801—11,700	3
11,701—15,600	4
15,601—19,500	5
Etc.	Etc.

(3) The storm water utility fee shall be established according to the following schedule:

Property Type	Rate
Single family residential	\$6 per month
All other non-exempt property	\$6 per ERU per month

- (4) A minimum charge of one ERU shall be applied to each non-exempt developed property, regardless of classification.
- (5) A property shall be charged a storm water utility fee on a maximum of one utility account, regardless of the number of utility accounts established for the property.

(C) Exemptions.

- (1) Undeveloped property or property under initial development shall not be assessed a storm water utility fee. A property is subject to the storm water utility fee once a certificate of occupancy has been issued by the Building Official.
 - (2) Property that does not contribute storm water to the public storm water utility system shall not be charged a storm water utility fee.
 - (3) Other property specifically exempted by Section 402.053, Local Government Code, V.T.C.A. shall not be assessed a storm water utility fee.
 - (4) Property owned by an independent school district shall not be assessed a storm water utility fee.
 - (5) Property owned by the Lake Cities Fire Department shall not be assessed a storm water utility fee.
- (D) Fee credits.
- (1) A property owner may petition to the city to reduce the storm water utility fee for an individual property to account for on-site storm water management controls that reduce the property's impact to the storm water utility system.
 - (2) The petition shall be evaluated and the fee adjustment decision determined by the Public Works Director. The Public Works Director's evaluation and determination shall be based on nondiscriminatory, reasonable, and equitable terms and shall be based solely on storm water-related factors.
- (E) The rates established above apply to the accounts maintained by the city for public utility services.
- (F) All billings, credits, exemptions and other procedures relating to this change shall be subject to the provisions of Subchapter C of Chapter 402, Local Government Code, V.T.C.A., including, without limitation, Section 402.041."

(Ord. 04-09-02-16, passed 9-2-04; Am. Ord. 11-09-15-21, passed 9-15-11)