

ORDINANCE NO 1039

AN ORDINANCE ADOPTING ARTICLE V OF CHAPTER SEVEN (7), STORM DRAINAGE, OF THE CODE OF ORDINANCES TO CREATE STORMWATER FEES.

WHEREAS, the City of Castle Hills intends to establish and implement a stormwater development fee and a monthly stormwater fee to protect the health, safety and welfare of the community and in response to the requirements of the Federal Water Quality Act of 1987; and

WHEREAS, Section 402.045 of the Texas Local Government Code requires notice by publication, in a newspaper of general circulation in Castle Hills, of the entire ordinance and order the time and place of a public hearing to consider the ordinance; and

WHEREAS, after conducting a public hearing on this day and after due consideration, City Council finds it necessary to establish and implement a stormwater development fee and a monthly stormwater fee to protect the health, safety and welfare of the community.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE HILLS, TEXAS that TEXAS that Article V of Chapter Seven (7), Storm Drainage, of the Code of Ordinances, is hereby adopted as follows:

ARTICLE V. STORMWATER FEES

Sec. 7-400.	Stormwater development fee.
Sec. 7-401.	Monthly stormwater fee.
Secs. 7-402—7-499	Reserved.

ARTICLE V. STORMWATER FEES

Sec. 7-400. Stormwater development fee.

(a) The stormwater development fee is deemed a nondiscriminatory, reasonable and equitable methodology to provide and fund regional detention, watershed protection, land purchase, waterway enlargement, channelization, improved conveyance structures and administration of the drainage utility.

(b) To be effective on January 1, 2010, the City Council hereby establishes a stormwater development fee to be paid by users of benefited property in the service area of the drainage utility. The stormwater development fee is a one-time drainage charge assessed to developers whose properties are served by the drainage utility pursuant to the Code. The fee shall be assessed for any construction that increases the total impervious surface area (excluding public sidewalks) of real property.

(c) The stormwater development fee shall be equivalent to the net additional square footage of total impervious surface area (excluding public sidewalks) of the property multiplied by \$.40.

(d) Exemptions. The following real property, only, shall be exempt from the provisions of this section:

- (1) Property owned by the City of Castle Hills and/or dedicated to right-of-way for public streets and/or to provide drainage service; and
- (2) Property with proper construction and maintenance of a privately owned drainage or stormwater system wholly sufficient to provide all the drainage or stormwater service for that property;

Sec. 7-401. Monthly stormwater fee.

(a) The city finds that it would be excessively and unnecessarily expensive to determine precisely the square footage of the impervious surface area of all existing developed properties.

(b) To be effective with billings on or about January 1, 2010, and except as provided by Section 7-401(d) herein below, each of the following utility accounts shall be charged a monthly stormwater fee as follows:

Multifamily Storm Water Rate Schedule

<i>Tier</i>	<i>Billing Unit (SF)</i>	<i>Billing Unit Per Month Charge</i>
1	0-21,999	\$ 7.19
2	22,000-43,999	\$ 22.39
3	44,000-131,999	\$ 67.90
4	132,000 or more	\$323.09

Commercial/General Storm Water Rate Schedule

<i>Tier</i>	<i>Billing Unit (SF)</i>	<i>Billing Unit Per Month Charge</i>
1	0-21,999	\$ 18.32
2	22,000-43,999	\$ 50.12
3	44,000-86,999	\$ 89.82
4	87,000-131,999	\$154.81
5	132,000 or more	\$342.03

Public Storm Water Rate Schedule

<i>Tier</i>	<i>Billing Unit (SF)</i>	<i>Billing Unit Per Month Charge</i>
1	0-21,999	\$ 18.15
2	22,000-43,999	\$ 49.64
3	44,000-86,999	\$ 89.66
4	87,000 or more	\$151.57

Such rates are based on the following information: for private benefited property, the imprint of improvements as depicted in the records of the Bexar Appraisal District; for public benefited property, the imprint of improvements as depicted on forms supplied by a public entity to the City of Castle Hills; in the event the City of Castle Hills should request such forms from a public entity, and no forms are forthcoming, the tier four (4) charge shall be assessed.

(c) The public works department shall be the primary agency responsible for billing, collection, and management of other stormwater service matters relating to stormwater rates.

(d) *Exemptions.* The following real property, only, shall be exempt from the provisions of this section:

(1) Property owned by the City of Castle Hills and/or dedicated to right-of-way for public streets and/or to provide drainage service;

(2) Property with proper construction and maintenance of a privately owned drainage or stormwater system wholly sufficient to provide all the drainage or stormwater service for that property;

(3) Property held and maintained in its natural state on which no improvements currently exist and until such time that the property is developed and all of the public infrastructure has been accepted by the City of Castle Hills for maintenance; and

(4) Property before a structure has been built on the property or before the City of Castle Hills has finally approved the use of the property in accordance with the Code of Ordinances.

PASSED AND APPROVED this 8th day of December 2009.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY