



AN ORDINANCE OF THE CITY OF WESTWORTH VILLAGE, TEXAS, REPEALING ORDINANCE NO. 322; ADOPTING A SCHEDULE OF DRAINAGE CHARGES FOR THE WESTWORTH VILLAGE MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Westworth Village (the “City”) is a Type A General Law city located in Tarrant County Texas; and

WHEREAS, The City Council has adopted subchapter C of Chapter 552, Texas Local Government Code and desires to establish a schedule of drainage charges; and

WHEREAS, on August 9, 2011 the City Council of the City adopted Ordinance No. 321 establishing the Westworth Village Municipal Drainage Utility System, and adopted the utility fees on August 9, 2011 with the adoption of Ordinance No. 322 and has established fees, together with the assessment, levy and collection thereof, to finance and fund said Municipal Drainage Utility System; and

WHEREAS, the City Council finds it necessary to update the schedule of drainage charges established in Ordinance No. 322; and

WHEREAS, the City Council, in setting the schedule of charges for drainage services set forth herein below, has based its calculations upon an inventory of the lots and tracts within city boundaries, and has considered the uses made of the benefited properties, using official zoning maps of the City for that purpose, and has also considered the size and topography of the parcels of benefited property in assessing the drainage charges set forth herein below; and

WHEREAS, the City Council finds that the schedule of charges set forth herein below, and the rates upon which such schedule of charges was calculated, are equitable for similar services in all areas of the City, and are necessary to fund the costs of the service of the City in furnishing drainage for any benefitted property; and

WHEREAS, notice of a public hearing containing the proposed drainage charges has been published as required by Section 552.045, Texas Local Government Code; and

WHEREAS, such public hearing has been duly held.

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

Section 1: Ordinance No. 322, adopted on August 9, 2011, is hereby repealed in its entirety.

MUNICIPAL STORM WATER UTILITY SYSTEM FEE SCHEDULE

Section 2: The following rates are hereby established and shall be collected through the City’s bill for public utilities pursuant to Subchapter C of Chapter 552, Local Government Code, V.T.C.A., including,

without limitation, Section 580.003 and other applicable law:

Section 3: Equivalent Residential Unit

- (1) Rates shall be charged based on a property's contribution of the public storm water utility system. The contribution shall be based on the impervious area for the property.
- (2) One equivalent residential unit (ERU) is defined as 4,100 square feet of impervious area. ERUs shall be calculated in whole increments, with no fee maximum.

Section 4: The rate per ERU is \$8.00 per month per water meter in all zoning districts.

Section 5: The drainage charges per ERU is hereby levied against all real properties within the City of Westworth Village, Texas, subject to drainage charges under Subchapter C of Chapter 552 of the Texas Local Government Code

Section 6: A minimum charge of one (1) ERU shall be applied to each property, regardless of classification, except for properties required by Local Government Codes 552 and 580 to be exempted.

Section 7: The rates established above apply to the accounts maintained by the City for public utility services.

Section 8: All billings, credits, exemptions, and other procedures relating to this charge shall be subject to the provisions of Subchapter C of Chapter 552, Local Government Code, V.T.C.A., including without limitation, Section 580.003.

Section 9: **SEVERABILITY.** It is hereby declared to be the intention of the City Council of the City of Westworth Village, Texas, that the terms and conditions of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance.

Section 10: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage.

AND IT IS SO ORDAINED.



L. Kelly Jones, Mayor

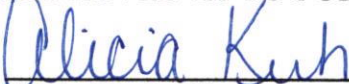
ATTEST:



Brandy G. Barrett, TRMC
City Secretary



APPROVED AS TO FORM:



Alicia Kreh, City Attorney