

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS**

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

**AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, AMENDING THE CODE OF ORDINANCES, AS HERETOFORE AMENDING CHAPTER 9 ‘GENERAL REGULATIONS’, ARTICLE 9-22 ‘MUNICIPAL DRAINAGE UTILITY SYSTEMS’, SECTIONS 9-22-1 THROUGH 9-22-7, REPEALING IT IN ITS ENTIRETY AND REPLACING BY A NEW ARTICLE 9-22, ‘MUNICIPAL DRAINAGE UTILITY SYSTEMS’; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS:**

**SECTION 1.** That Chapter 9 ‘General Regulations’, Article 9-22 ‘Municipal Drainage Utility Systems’ of the Code of Ordinances be, and the same is hereby, amended to read as follows:

**“Chapter 9 – GENERAL REGULATIONS**

**ARTICLE 9-22. – MUNICIPAL DRAINAGE UTILITY SYSTEMS**

**Sec. 9-22-1. Established.**

- A. A municipal drainage utility system is hereby established and declared to be a public utility. The city shall have full authority to operate said municipal drainage utility system pursuant to authority contained in Section 552.041, et seq. of the Texas Local Government Code, the City Charter, and its home-rule authority as provided under Article XI, Section 5, of the Texas Constitution.
- B. The Coppel City Council will, by ordinance, adopt rules for the operation and conduct of the Coppel municipal drainage utility system, consistent with its authority and state law.
- C. Prior to the levy of any drainage charges for the financing and funding of the Coppel Municipal Drainage Utility System, the Coppel City Council shall hold a public hearing on such charges pursuant to state law.

**Sec. 9-22-2. Definitions.**

The City hereby adopts those definitions provided in Section 552.044, Texas Local Government Code, as amended.

**Sec. 9-22-3. Charges and exemptions authorized.**

- A. The city will establish a schedule of drainage charges against all real property in the city subject to charges under Sections 552.041, et seq. of Subchapter C of Chapter 552 of the Texas Local Government Code.
1. The city will provide drainage for all real property within the city on payment of drainage charges, except such real property which may be exempted therefrom as authorized by law; and
  2. The city will offer such drainage service on nondiscriminatory, reasonable and equitable terms.

**Sec. 9-22-4. Service area.**

As a result of the topography, hydraulics, watershed and drainage of the land of the entire boundaries of the city, the entire boundaries shall hereby constitute a single service area for the purpose of this article.

**Sec. 9-22-5. Drainage Charges**

The city council shall, by resolution, establish a drainage charge based on the following schedule of use as provided. The following schedule of drainage charges is hereby levied against all real property lying with the City of Coppell, Texas, subject to drainage charges herein:

(1) *Residential property.*

- a. Single-family zoned property. The charge for property zoned and developed for residential use in the following zoning districts shall be a flat rate charge per unit per month as established by resolution of the City Council.
  - Single-family estates (SF-ED)
  - Single-family 18 (SF-18)
  - Single-family 12 (SF 12)
  - Single-family 9 (SF 9)
  - Single-family 7 (SF 7)
  - Planned development single-family residential
  - Two-family (2F-9)
  - Townhouse (TH-1 & TH-2)
  - Manufactured home park (MH)
- b. Multi-family zoned property. The charge for property zoned and developed for multi-family use in the following residential zoning districts shall be a flat rate charge per impervious square feet per month, as established by resolution of the city council.

- Multi-family (MF-1 & MF-2)
- Planned development multi-family

(2) *Commercial/industrial property.* The charge for property zoned and developed for commercial or industrial uses in the following non-residential districts shall be as stated in a, b & c:

• Office (O)	• Light Industrial (LI)	• Commercial (C)
• Retail (R)	• Heavy Industrial (HI)	• Highway Commercial (HC)
• Special Use Permit Non-Residential (SUP)	• Planned Development Non-Residential	• Town Center (TC)

- Flat rate charge per impervious square feet per month as established by resolution of the city council.
  - Flat rate charge per impervious square feet per month as established by resolution of the city council. Impervious area measured in square feet shall be submitted on a site plan to the city engineer, and said plan shall be sealed by a registered professional engineer or registered professional land surveyor. Existing development impervious area will be determined using geospatial data.
  - A flat rate charge per property per month shall be established by resolution of the city council.
- (3) *Day care centers/churches.* The charge for day care centers/churches, regardless of zoning, shall be charged as follows:
- Flat rate charge per impervious square feet per month as established by resolution of the city council. Impervious area measured in square feet shall be submitted on a site plan showing the impervious area to the city engineer, and said plan to be sealed by a registered professional engineer or registered professional land surveyor. Existing development impervious area will be determined using geospatial data.
  - A flat rate charge per property per month shall be established by resolution of the city council.

#### **Sec. 9-22-6. - Exemptions from charges.**

Exemptions are those permitted under state law from such provisions in this section, as follows:

- Property owned by a public governmental entity, to wit:
  - The State of Texas;
  - The County of Dallas and Denton;
  - The City of Coppell;
  - The Coppell, Carrollton-Farmers Branch & Lewisville Independent School Districts;

- (2) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
- (3) 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 for maintenance;
- (4) A subdivided lot until a structure has been built on the lot and a certificate of occupancy has been issued by the city.

**Sec. 9-22-7. - Billing; collection of charges.**

All billings, credits, rules and other procedures relating to this charge shall be subject to the provisions of Section 552.041, et seq. of the Texas Local Government Code, and shall specifically include the following:

- (1) There shall be a charge on each monthly utility statement for the municipal drainage utility system pursuant to this article and as authorized herein. The city manager or his designee is authorized to collect such charges in a manner consistent with the City Charter and state law. The drainage fee will be a separate line item on the utility statement and shall be clearly identified as a separate charge.
- (2) Except as otherwise provided herein, billing, charges and collection procedures shall be consistent with that of the water and sewer services.
- (3) Drainage charges shall be identified separately on the utility billing.
- (4) Delinquent charges shall be collected in a manner consistent with state law.
- (5) The city manager or his designee(s) may, from time to time, adopt rules for the administration of the drainage charge.”

**SECTION 2.** That all provisions of the Code of Ordinances of the City of Coppel, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, amended, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppel, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**APPROVED:**

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KAREN SELBO HUNT, MAYOR

**ATTEST:**

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CHRISTEL PETTINOS, CITY SECRETARY

**APPROVED AS TO FORM:**

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ROBERT E. HAGER, CITY ATTORNEY