

ORDINANCE NO. 2283

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW DIVISION 12 (MUNICIPAL DRAINAGE UTILITY SYSTEM) TO ARTICLE VIII (WATER AND WASTEWATER) OF CHAPTER 5 (PUBLIC PROPERTY AND SERVICES); ESTABLISHING A MUNICIPAL DRAINAGE UTILITY SYSTEM; A STORMWATER COMPLIANCE FEE, EXEMPTIONS AND CREDITS; PROVIDING FOR AN EFFECTIVE DATE; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City of Sugar Land has a drainage system comprised of over 478 miles of drainage lines as well as a number of other facilities and structures used to protect the public health and safety of residents and commercial businesses from loss of life and property damage caused by surface water overflows, surface water stagnation, and pollution arising from nonpoint source runoff; and

WHEREAS, the City Council desires to use the drainage system to provide drainage for all real property located within the City's established drainage service area on nondiscriminatory, reasonable and equitable terms; and

WHEREAS, the City Council finds that it is in the best interest of the residents and commercial businesses to declare the drainage system a public utility under the Municipal Drainage Utility Systems Act (Texas Local Government Code chapter 552); and

WHEREAS, pursuant to the authority granted in the Municipal Drainage Utility Systems Act the City Council desires to establish a Stormwater Compliance Fee to support the drainage system; and

WHEREAS, the Stormwater Compliance Fee will be levied against all benefitted properties subject to charges under the Municipal Drainage Utility Systems Act; and

WHEREAS, the Stormwater Compliance Fee will provide a sustainable, dedicated revenue source for operating the City's Stormwater Management Program, including the cost for compliance with the Texas Commission on Environmental Quality Municipal Separate Storm Sewer System permit; and

WHEREAS, the City Council held a public hearing on _____ 2022, allowing all interested persons to speak regarding the designation of the drainage system a public utility and the proposed drainage charge/compliance fee; NOW, THEREFORE:

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

Section 1. That the City Council adopts the findings and recitals set forth in the preamble of this Ordinance.

Section 2. That the City Council declares the drainage system a public utility to be known as the Municipal Drainage Utility System.

Section 3. That the City Council incorporates all existing drainage facilities, materials, and supplies into the Municipal Drainage Utility System.

Section 4. That Chapter 5, Article VIII, Water and Wastewater, is amended to add a new Division 12, to read as follows:

DIVISION 12. MUNICIPAL DRAINAGE UTILITY SYSTEM

Sec. 5-410. Municipal Drainage Utility System Established.

The Municipal Drainage Utility Systems Act, Chapter 552, Subchapter C, Texas Local Government Code, as amended (the “Act”), is hereby adopted and shall be fully implemented as provided by the Act and by the City Council; and the drainage system of the City is hereby found to be a public utility within the meaning of the Act.

Sec. 5-411. Drainage Service Area.

The drainage utility service area is the land located within the city limits of the City of Sugar Land, as those boundaries are altered from time to time in accordance with state law and the charter and ordinances of the City.

Sec. 5-412. Drainage Charges - Stormwater Compliance Fee.

- (a) A drainage charge, known as the Stormwater Compliance Fee, will be charged to each benefited property located within the drainage service area.
- (b) The Stormwater Compliance Fee is calculated by the measured amount of impervious area or surface (IA) on the benefited property.
- (c) Benefited properties owned by the City, County, State, School District, or Levee Improvement District are statutorily exempt from paying the Stormwater Compliance Fee.

5-413. Stormwater Compliance Fee Rates.

- (a) The owner or occupant of any single-family residential lot will be charged a monthly Stormwater Compliance Fee as follows:

Tier	Minimum IA SF	Maximum IA SF	Monthly Fee
1	0	3,500	\$1.98
2	3,501	4,800	\$2.96
3	4,801		\$4.44

- (b) The owner or occupant of any place of worship, multi-family or commercial lot will be charged a monthly Stormwater Compliance Fee as follows:

Total SF of IA / 4200 X \$2.96

5-414. Appeal.

(a) A property owner or occupant may appeal the calculation of the Compliance Fee by submitting a written request to the Director of Environmental and Neighborhood Services, or their designee, within thirty (30) days after receiving the utility billing statement containing the charge. During all periods of appeal the property owner is responsible for payment of the charges in full.

(b) The Director of Environmental and Neighborhood Services, or their designee, shall render a written decision on the appeal within thirty (30) days after receiving the notice of appeal. A copy of the appeal decision will be mailed to the property owner or occupant at the address of the account holder according to the most recent records in the possession of the City.

(c) If the property owner or occupant disagrees with the decision of the Director of Environmental and Neighborhood Services, or their designee, they may appeal such decision to the City Manager in writing within ten (10) days after receipt of the decision. The City Manager shall render a written decision within thirty (30) days after receipt of the appeal. The decision of the City Manager shall be final.

Section 5. That the provisions of this ordinance are effective on January 1, 2023.

Section 6. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of this ordinance.

APPROVED on first consideration on _____, 2022.

ADOPTED on first consideration on _____, 2022.

Joe R. Zimmerman, Mayor

ATTEST:

Thomas Harris, III, City Secretary

APPROVED AS TO FORM:

Meredith Riedel