

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING ORDINANCE NO., OR-1799-11, TO REVISE THE SCHEDULE OF DRAINAGE CHARGES FOR THE MANSFIELD MUNICIPAL DRAINAGE UTILITY SYSTEM AGAINST ALL REAL PROPERTIES WITHIN THE CITY PURSUANT TO THE CITY'S AUTHORITY UNDER SUBCHAPTER C OF CHAPTER 552 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Mansfield, Texas ("City") is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, on November 11, 1995 the City Council of the City adopted Ordinance No. 1103 establishing the Mansfield Municipal Drainage Utility System, and most recently revised the utility fees on February 28, 2011 with the adoption of Ordinance No. OR-1799-11 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 desires to amend Ordinance No. OR-1799-11 to revise the fees established therein; and

WHEREAS, in compliance with Section 552.045 of the Texas Local Government Code, public hearings were held on September 28, 2015, October 14, 2015 and October 26, 2015 with notice for the public hearings published in accordance with the law; and

WHEREAS, the City Council finds that the basis for the drainage charges set forth herein is related to drainage and the classification of benefited properties set forth herein below is nondiscriminatory, equitable and reasonable; 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.

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

SECTION 1.

Section 1 of Ordinance No. OR-1799-11 is hereby amended to read as follows:

“The following schedule of drainage charges is hereby levied beginning January 1, 2016, against all real properties within the City of Mansfield, Texas, subject to drainage charges under Subchapter C of Chapter 552 of the Texas Local Government Code, subject to the exceptions set forth in Section 3 of Ordinance OR-1799-11:

Land Use Description	Monthly Charge
Single family home	\$6.50 per dwelling unit per month
Duplex	\$6.50 per dwelling unit per month
Manufactured home, mobile home, camper and recreation vehicle	\$5.00 per dwelling unit per month
School/Church	\$6.50 per acre per month
All other benefitted properties	\$53.70 per acre per month”

SECTION 2.

SECTION 2.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 3.

The fees imposed by this ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the 28th day of September, 2015

Second reading approved on the 14th day of October, 2015

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this the ____ day of October, 2015

David Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney