

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE XVII "ENVIRONMENTAL REGULATIONS," TO ADD A NEW CHAPTER 177 TO ESTABLISH A MUNICIPAL DRAINAGE UTILITY SYSTEM; PROVIDING FOR DRAINAGE SERVICE, BILLING, EXEMPTIONS, DRAINAGE CHARGES, AND APPEALS; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY, SAVINGS, PENALTY, AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, the City of Carrollton, Texas ("City") is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council of the City of Carrollton, Texas, ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City to promote the public health, safety and welfare of the citizens to adopt a Municipal Drainage Utility System; and

WHEREAS, the City Council further investigated and determined that it would be in the best interest of the citizens to adopt the Municipal Drainage Utility Systems Act as set forth in Chapter 552, Subchapter C, Texas Local Government Code, as amended ("Act"); and

WHEREAS, the City Council hereby adopts the Act and incorporates it herein in its entirety for all purposes; and

WHEREAS, the City Council finds that the drainage of the City is a public utility within the meaning of the Act; and

WHEREAS, the City Council further finds that the City will establish a schedule of drainage charges against all benefitted property in the proposed service area(s) which included the entire City subject to charges under this Ordinance; and

WHEREAS, the City Council further finds that the City will provide drainage for all benefitted property in the proposed service area(s) on payment of drainage charges, except benefitted property exempted under the Act or pursuant to this Ordinance; and

WHEREAS, the City Council further finds that it is necessary and proper for the good government, health, and safety of the City to adopt regulations related to a Municipal Drainage Utility System;

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

SECTION 1.

All of the above premises are found to be true and correct legislative findings and factual findings of the City Council, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

Title XVII “ENVIRONMENTAL REGULATIONS” of The Code of Ordinances of the City of Carrollton, Texas, is hereby amended by adding Chapter 177 “Municipal Drainage Utility System” to read as follows:

“Chapter 177. Municipal Drainage Utility System

Subchapter I. Creation and Administration

Sec. 177.01. 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 of the City is hereby found to be a public utility within the meaning of the Act.

Sec. 177.02. Definitions

Except as otherwise defined below, the definitions in the Act shall apply.

“City Engineer” means the Director of Engineering or designee.

“Equivalent Residential Unit (ERU)” means the typical amount of impervious area for a residential property in Carrollton.

“Impervious area” means surfaces that do not provide stormwater significant opportunity for infiltration into the soil and result in increased stormwater runoff to the municipal storm sewer system.

Sec. 177-03. Drainage Service Provided.

The City will provide storm water drainage for all benefitted property within its boundaries upon payment of the determined drainage charges, as defined in the Act, and excluding property exempt under the Act and certain benefitted property exempted pursuant to this Article, and that the fees, assessments, and charges will be based on nondiscriminatory, reasonable and equitable terms. The drainage charges established herein shall be for all non-exempt benefitted property as defined in the Act within the City drainage system.

Sec. 177.04. Billing for Drainage Service.

The City is hereby authorized to bill the drainage charges incurred as a result of the adoption of the Act and through the establishment of the municipal drainage utility system. The drainage charge shall be separately identified from other public utility billings. Drainage charges may only be expended for the costs of service as defined by the Act.

Sec. 177.05. Authority to Levy Drainage Charges; Findings.

The City may levy a schedule of drainage charges upon satisfaction of the procedural requirements provided in the Act and this Article. Prior to the levy of any drainage charges, the City Council shall conduct a public hearing on the drainage charges pursuant to the Act. Prior to adoption of this Article, the City Council found and determined:

(1) The City will establish a schedule of drainage charges against all benefitted property in the proposed area which includes the entire City subject to the charges under the Act;

(2) The City will provide drainage for all benefitted property in the proposed service area on payment of the drainage charges, except benefitted property exempt under the Act; and

(3) The City will offer drainage service on nondiscriminatory, reasonable, and equitable terms.

Sec. 177.06. Exemptions Authorized.

The City is authorized to exempt certain property from drainage charges in accordance with the Act and the establishment of its municipal drainage utility system. Any exemptions to the drainage charges established herein other than the exemptions required by the Act shall be set forth in the drainage charge schedule.

Sec. 177.07. Charges.

(A) The City Council shall, following the adoption of this Article, from time to time establish by ordinance a drainage charge schedule for charges which shall be collected through the City's bill for public utilities pursuant to the Act and other applicable law. There shall be a drainage charge on each monthly public utility statement for the City drainage system as set forth in the drainage charge schedule. The City Manager, or designee, is authorized to collect such charges in a manner consistent with the City Charter, the Act and this Article. The drainage charges shall be a separate line item on the public utility statement, and shall be clearly identified as a separate charge. Except, as otherwise provided herein, the billing, charges and collection procedures shall be consistent with City collection procedures for water and sewer services provided by the City.

(B) The drainage charges established pursuant to this Article will apply to the accounts maintained by the City for public utility services.

(C) All billings, credits, exemptions and other procedures relating to drainage charges established pursuant to this Article shall be subject to the provisions of the Act and other applicable law.

(D) A deposit for the drainage services as a precondition to accepting surface flow from benefitted property into the City drainage utility system shall not be required. All benefitted property of the City will be provided with drainage utility system service on timely payment of drainage charges established herein.

Sec. 177-08. Appeals.

(A) Billing and payment disputes for administrative issues relating to the drainage charges shall be subject to appeals procedures used by the City for other public utility billing disputes. A person or entity that owns or occupies a benefitted property may appeal the drainage charges established herein pursuant to this procedure set forth in this section.

(B) Appeals shall be directed to the City Engineer for evaluation and determination. An appeal shall be in writing and submitted to the City Engineer within thirty (30) days after the public utility billing statement containing the matter to be disputed. During all periods of appeal the person or entity that owns or occupies the benefitted property and/or the account holder shall be responsible for payment of the charges in full.

(D) The City Engineer shall render a written decision on such appeals within thirty (30) days after receiving a timely written notice of appeal from the person or entity that owns or occupies the benefitted property and/or the account holder. The City Engineer shall deliver a copy of the appeal decision to the person or entity that owns or occupies the benefitted property and/or the account holder by U.S. mail to the address of the landowner/account holder according to the most recent records in the possession of the City.

(E) Any person or entity who owns or occupies the benefitted property and/or the account holder who disagrees with the decision of the City Engineer may appeal such decision to the City Manager or designee in writing within ten (10) days after receipt of the decision of the City Engineer. The City Manager or designee shall render a written decision within thirty (30) days after receipt of a timely appeal. The decision of the City Manager or designee shall be final.

Sec. 177-09. Penalties; Enforcement.

Failure to pay the drainage charges promptly when due shall subject such user to discontinuance of any public utility services provided by the City, in accordance with the

procedures adopted by the city for discontinuance of any City public utility service including water and/or sewer service and other applicable laws.”

SECTION 3.

Any person, firm, or corporation violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

SECTION 4.

The provisions of this Ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 5.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Carrollton, Texas, except where the provisions of this Ordinance are in direct conflict with provisions of such ordinances and such codes, in which event the conflicting provisions of such ordinances and such codes are hereby repealed.

SECTION 7.

All other provisions of the Carrollton Code of Ordinances not expressly amended as stated herein shall remain in full force and effect

SECTION 8

This Ordinance shall become effective on and after its adoption and publication.

PASSED AND APPROVED THIS 4th DAY OF NOVEMBER, 2025.

City Of Carrollton, Texas

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd, City Attorney

APPROVED AS TO CONTENT:

Diana Vaughn, Chief Financial Officer