

TOWN OF ADDISON, TEXAS

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

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES, SECTION 82-281 – FEE CALCULATION TO REDUCE THE ESTABLISHED ANNUAL STORMWATER FEE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in the 2013-2014 fiscal year, the Addison City Council voted to hold the storm water fee at its 2012-2013 fiscal year rate; and

**WHEREAS**, since that action, the staff has been collecting storm water fees at the rate shown in the published ordinance for the prior fiscal year; and

**WHEREAS**, the staff had requested that the City Council formally adopt an ordinance reflecting its intent regarding the collection of storm water fees.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:**

**Section 1.** The Code of Ordinances (the “Code”) of the Town of Addison, Texas, Chapter 82 – Utilities, Section 82-281 (Fee calculation), subsection (c) *Schedule of monthly fees and rates*, is hereby amended to read in its entirety as follows:

**Sec. 82-281. - Fee calculation.**

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(c) *Schedule of monthly fees and rates.* The monthly Stormwater (Drainage) Utility fee shall be as follows:

- (1) *Tier 1 residential fees.* The monthly Stormwater (Drainage) Utility fee for each residential dwelling unit in Tier 1 shall be as follows for each fiscal year (FY) that begins October 1 and continues through and ends the following September 30:

FY2016 shall be \$ 5.40, FY2017 shall be \$ 5.70, FY2018 shall be \$ 6.00, FY2019 shall be \$ 6.30, FY2020 shall be \$ 6.60, FY2021 shall be \$ 6.90, FY2022 shall be \$ 7.20.

- (2) *Tier 2 residential fees.* The monthly Stormwater (Drainage) Utility fee for each residential dwelling unit in Tier 2 shall be as follows for each fiscal year (FY) that begins October 1 and continues through and ends the following September 30:  
FY2016 shall be \$ 9.00, FY2017 shall be \$ 9.50, FY2018 shall be \$ 10.00, FY2019 shall be \$ 10.50, FY2020 shall be \$ 11.00, FY2021 shall be \$ 11.50, FY2022 shall be \$ 12.00.
- (3) *Tier 3 residential fees.* The monthly Stormwater (Drainage) Utility fee for each residential dwelling unit in Tier 3 shall be as follows for each fiscal year (FY) that begins October 1 and continues through and ends the following September 30:  
FY2016 shall be \$ 13.50, FY2017 shall be \$ 14.25, FY2018 shall be \$ 15.00, FY2019 shall be \$ 15.75, FY2020 shall be \$ 16.50, FY2021 shall be \$ 17.25, FY2022 shall be \$ 18.00.
- (4) *Tier 4 residential fees.* The monthly Stormwater (Drainage) Utility fee for each residential dwelling unit in Tier 4 shall be as follows for each fiscal year (FY) that begins October 1 and continues through and ends the following September 30:  
FY2016 shall be \$ 22.50, FY2017 shall be \$ 23.75, FY2018 shall be \$ 25.00, FY2019 shall be \$ 26.25, FY2020 shall be \$ 27.50, FY2021 shall be \$ 28.75, FY2022 shall be \$ 30.00.
- (5) *Nonresidential fees.* The monthly Stormwater (Drainage) Utility fee per 1,000 square feet (SF) of impervious area on each nonresidential property or allocated portion of a nonresidential property shall be as follows for each fiscal (FY) that begins October 1 and continues through and ends the following September 30:  
FY2016 shall be \$ 2.91 per 1,000 SF, FY2017 shall be \$ 3.07 per 1,000 SF, FY2018 shall be \$ 3.23 per 1,000 SF, FY2019 shall be \$ 3.39 per 1,000 SF, FY2020 shall be \$ 3.55 per 1,000 SF, FY2021 shall be \$ 3.71 per 1,000 SF, FY2022 shall be \$ 3.88 per 1,000 SF.

**Section 2.** **Recitals.** The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 3.** **Savings; Repealer.** This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

**Section 4.** Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5.** Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense and each and every such day such offense shall continue shall be deemed to constitute a separate offense.

**Section 6.** Effective Date. This Ordinance shall take from and after its adoption and publication as required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 8th day of December, 2015.

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Todd Meier, Mayor  
Town of Addison, Texas

ATTEST:

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Laura Bell, City Secretary

APPROVED AS TO FORM:

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Brenda N. McDonald, City Attorney

Date of Publication: \_\_\_\_\_