

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 012-032**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE MAKING OF CERTAIN FINDINGS BY THE CITY COUNCIL OF THE TOWN PERTAINING TO THE ANTICIPATED ADOPTION BY THE TOWN OF THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT (SUBCHAPTER C OF CHAPTER 552, TEX. LOC. GOV. CODE) AND A DECLARATION OF STORMWATER (DRAINAGE) OF THE TOWN TO BE A PUBLIC UTILITY PURSUANT TO SUBCHAPTER C OF CHAPTER 552, TEX. LOC. GOV. CODE, INCLUDING THAT THE TOWN WILL ESTABLISH A SCHEDULE OF CHARGES AGAINST ALL REAL PROPERTY IN THE PROPOSED SERVICE AREA OF THE CITY, THAT THE TOWN WILL PROVIDE STORMWATER (DRAINAGE) SERVICE FOR ALL REAL PROPERTY IN THE SERVICE AREA ON THE PAYMENT OF STORMWATER (DRAINAGE) CHARGES, EXCEPT REAL PROPERTY EXEMPTED UNDER THE SAID MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT, AND THAT THE TOWN WILL OFFER STORMWATER (DRAINAGE) SERVICE ON NONDISCRIMINATORY, REASONABLE, AND EQUITABLE TERMS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison, Texas (the “City”) is a home rule municipality having the full power of local self government pursuant to Article 11, Section 5 of the Texas Constitution, Chapter 9, Tex. Loc. Gov. Code, and its Home Rule Charter; and

**WHEREAS**, Subchapter C of Chapter 552, Texas Local Government Code (the “Code”) is the “Municipal Drainage Utility Systems Act” (the “Act”) and among other things allows municipalities to establish a municipal Stormwater (drainage) Utility System within an established service area and provide rules for the use, operation, and financing of the system; and

**WHEREAS**, Section 552.045(a), Tex. Loc. Gov. Code (part of the Act) authorizes the City Council of the Town, being the governing body of the Town, by a majority vote of its entire membership to adopt the Act by an ordinance that declares its adoption and that declares the stormwater (drainage) infrastructure and services of the Town to be a public utility (the “Adopting Ordinance”); and

**WHEREAS**, Section 552.045(b) provides that, before adopting the Adopting Ordinance the City Council must find that:

- the Town will establish a schedule of stormwater (drainage) charges against all real property in the proposed service area subject to charges under the Act;
- the Town will provide stormwater (drainage) for all real property in the proposed service area on payment of stormwater (drainage) charges, except real property exempted under the Act; and
- the Town will offer stormwater (drainage) service on nondiscriminatory, reasonable, and equitable terms; and

**WHEREAS**, following the adoption of this Ordinance the City Council desires to proceed with the process set forth in the Act to adopt the Act, to declare the stormwater (drainage) of the Town to be a public utility, to establish a service area, to levy a schedule of stormwater (drainage) charges, to establish rules regarding stormwater (drainage), and to provide for such other matters as are included in the Act.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals to this Ordinance are true and correct and are incorporated into this Ordinance and made a part hereof for all purposes.

Section 2. Findings. The City Council desires to proceed with the process set forth in the Municipal Drainage Utility Systems Act to adopt the Act, to declare the stormwater (drainage) infrastructure and services of the Town to be a public utility, to establish a service area, to levy a schedule of stormwater (drainage) charges, to establish rules regarding stormwater (drainage), and to provide for such other matters as are included in the Act. Accordingly, the City Council does hereby find that:

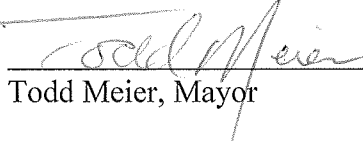
- (a) the Town will establish a schedule of stormwater (drainage) charges against all real property in the proposed service area subject to charges under the Act;
- (b) the Town will provide stormwater (drainage) for all real property in the proposed service area on payment of stormwater (drainage) charges, except real property exempted under the Act; and
- (c) the Town will offer stormwater (drainage) service on nondiscriminatory, reasonable, and equitable terms.

Section 3. Notice. All notices required by the Act in order to proceed with the process set forth in the Act to adopt the Act, to declare the stormwater (drainage) infrastructure and services of the Town to be a public utility, to establish a service area, to levy a schedule of stormwater (drainage) charges, to establish rules regarding stormwater (drainage), and to provide for such other matters as are included in the Act, that have previously been published and provided are hereby approved.

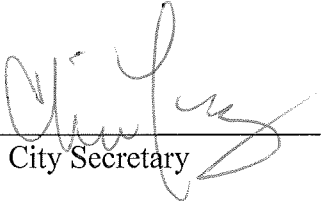
Section 4. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective from and after its passage and approval.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 23rd day of, October 2012.

  
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Todd Meier, Mayor

**ATTEST:**

By:   
\_\_\_\_\_  
Chris Terry, City Secretary

**APPROVED AS TO FORM:**

By:   
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John Hill, City Attorney