

NOTICE TO THE PUBLIC

A Public Hearing is scheduled before the **River Oaks City Council on Tuesday, February 28, 2012 at 7:00 P.M.** in the City Council Chambers located at 4900 River Oaks Blvd., River Oaks, Texas in order to receive citizen comments on the City's adoption of the Municipal Drainage Utility Systems Act, the same being Subchapter C of Chapter 552 of the Texas Local Government Code by amending the River Oaks Code of Ordinances under Chapter 13 "Utilities" by incorporating Article 13.12 "Storm Water Utility System" that if adopted will establish the River Oaks Municipal Storm Water Utility System establishing storm water charges and monthly stormwater Utility System Fees for Residential and Non-Residential customers.

Pursuant to Chapter 552.045 (c) of the Texas Local Government Code, the City of River Oaks is required to publish Notice of the Public Hearing three times before the date of the hearing and the first publication must occur on or before the 30th day before the date of the hearing. The proposed Ordinance must be published in full as herein follows:

ORDINANCE NO. 914-2012

AN ORDINANCE OF THE CITY OF RIVER OAKS AMENDING CHAPTER 13 "UTILITIES" OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED BY ADDING A NEW SECTION 13.12.012, "STORMWATER UTILITY FEE"; ESTABLISHING MONTHLY STORMWATER UTILITY FEES FOR THE PURPOSE OF FUNDING THE STORMWATER UTILITY SYSTEM AS AUTHORIZED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has adopted Ordinance No. ____, the Stormwater Utility Ordinance that codified into the River Oaks Code of Ordinances as Article 3.12 "Storm Water Utility System" creating a stormwater (drainage) utility system for the purpose of providing stormwater service for real property in the proposed service area upon payment of stormwater charges (except real property that is exempt from such charges), and offering stormwater service on nondiscriminatory, reasonable and equitable terms; and

WHEREAS, the City Council, after holding a public hearing, now desires to levy a schedule of stormwater charges for stormwater services, which the City Council finds is nondiscriminatory, reasonable and equitable; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION I. APPLICABILITY OF STORMWATER UTILITY FEES

Stormwater utility fees will be levied against all benefitted properties in the established service areas except real property that is exempted in Article 3.12. "Stormwater Utility System" shall be imposed and issued with utility billing statements issued commencing with the April 2012 monthly billing cycle. The City Council hereby with the adoption of this ordinance

establishes the stormwater utility fees as set forth in Chapter 13 “Utilities” of the River Oaks Code of Ordinances (2006) as amended, specifically in Section 13.12.012 “Storm Water Utility Fees” to read as follows:

“Section 13.12.012 Stormwater Utility Fee. Stormwater utility fees shall become part of Chapter 13 “Utilities”, Article 13.12 “Stormwater Utility System” of the City of River Oaks Code of Ordinances (2006) as amended and shall be calculated based on the total stormwater runoff potential for improved parcels for each customer class within the City measured as impervious area in square feet (SF). The total stormwater runoff potential shall be divided into the two (2) customer classes of residential and non-residential based on the relative amount of impervious area in each class.

(a) Residential Property Fees. Stormwater utility fees for residential property, as defined in Article 13.12, shall be calculated for each dwelling unit at the following flat rate per dwelling unit:

(1) Residential Property: Fee = \$ 4.00 per dwelling unit per month

(2) Non-residential Property Fees. Stormwater utility fees for non-residential property, shall be calculated for each improved parcel based upon the stormwater runoff potential on each parcel measured as impervious area in square feet (SF) at the following rate:

(i) Non-Residential Property: Fee = Allocated Impervious Area on the Parcel(s) in square feet (SF) X \$0.00177/SF/month.”

SECTION II. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

Herman Earwood, Mayor

ATTEST:

Marvin C. Gregory III, City Secretary