ORDINANCE NO. 20090827-052

AN ORDINANCE AMENDING CITY CODE SECTIONS 15-2-1, 15-2-6, 15-2-7, AND 15-2-9 RELATING TO THE DRAINAGE UTILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 15-2-1 (*Definitions*) subsection (B) of the City Code is amended to read:

(B) In this chapter:

(1) DIRECTOR means the director of the Watershed Protection and Development Review Department.

(2) DWELLING UNIT means a residential unit providing independent living facilities.

(3) EQUIVALENT RESIDENTIAL UNIT or ERU means 1,763 square feet of impervious cover.

(4) NON-RESIDENTIAL USER means all or a portion of a benefitted property that is not a dwelling unit.

(5) RESIDENTIAL USER means all or a portion of a benefitted property that is a single dwelling unit.

(6) USER means the person or entity who owns or occupies a benefitted property.

(7) VERTICAL CONSTRUCTION means a structure with seven or more stories of residential development.

PART 2. Section 15-2-6 of the City Code is amended to read as follows:

§ 15-2-6 FINDINGS RELATED TO CALCULATION OF THE DRAINAGE CHARGE.

(A) The Council finds that:

(1) impervious cover increases runoff and associated pollutants; and

(2) it is equitable to assess the drainage charge to each non-residential [~~commercial~~] user based on impervious cover.

(B) The Council finds that:

(1) the drainage attributable to a residential user [~~residence, whether single-family or multi-family,~~] is relatively uniform; [~~and~~]

(2) it is equitable to assess the drainage charge to each residential user [~~residence~~]assuming impervious cover of 1,763 square feet per residence, or one ERU[~~.~~]; and

(3) it is equitable to assess a reduced drainage charge to residential users in vertical construction or other residential users in unique circumstances leading to a significantly lower impact on the drainage system.

~~(C) The Council finds that it is reasonable and equitable to assume that each utility meter in the service area serves a user of a benefitted property.~~

PART 3. Section 15-2-7 (*Monthly Drainage Charge for Residential Properties*) of the City Code is amended to read as follows:

§ 15-2-7 MONTHLY DRAINAGE CHARGE FOR RESIDENTIAL PROPERTIES.

(A) The monthly residential drainage charge per ERU shall be set by ordinance and shall be known as the residential ERU charge.

(B) Each month each residential user [~~the user of each residential benefitted property~~] shall pay to the City an amount equal to one residential ERU charge.

(C) Each month each small residential user in vertical construction shall pay to the City an amount equal to one half of one residential ERU charge.

PART 4. Section 15-2-9 of the City Code is amended to read as follows:

§ 15-2-9 UTILITY METERS.

(A) The director shall assume that each utility meter in the service area serves [~~a user~~] one or more users of a benefitted property, and shall assess the drainage charges to the person responsible for payment of the utility account for the meter.

(B) The director shall calculate the drainage charges for all users and shall assess the drainage charges to the person responsible for payment of the utility account for the utility meter.

[~~(B)~~](C) If more than one utility meter serves a benefitted property, the director may determine the allocation of the drainage charges among the users using any reasonable method considering the relative contribution of each to drainage.

[~~(C)~~](D) In the absence of better information, the director may allocate the drainage charges equally among the users of a benefitted property.

PART 5. Drainage charges shall be calculated using the methods in this ordinance only after the vertical construction charge is established by separate ordinance.

PART 6. This ordinance takes effect on September 7, 2009.

PASSED AND APPROVED

August 27, 2009 §
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Lee Leffingwell
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk