

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 15-2-7 RELATING TO THE AUTHORIZATION OF A CREDIT TO THE DRAINAGE CHARGE FOR CERTAIN STORMWATER CONTROL MEASURES; AMENDING CITY CODE SECTION 15-2-8 RELATING TO THE BILLING OF CERTAIN SECONDARY RESIDENCES; AND AMENDING CITY CODE SECTION 15-2-13 RELATING TO EXEMPTIONS FROM THE DRAINAGE CHARGE FOR CERTAIN GOVERNMENT ENTITIES.

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

PART 1. City Code Section 15-2-7 (*Monthly Drainage Charge*) is amended to read:

§ 15-2-7 - MONTHLY DRAINAGE CHARGE.

(A) The monthly drainage charge for each benefitted property shall be calculated by applying the base rate to the total impervious cover on the benefitted property and applying an adjustment factor to account for the percentage of impervious cover on the benefitted property.

(B) The formula for computing the monthly drainage charge is:

$$\text{MDC} = \text{BR} \times \text{IC} \times \text{AF} \div 12$$

MDC = monthly drainage charge

BR = base rate

IC = square feet of impervious cover on benefitted property

AF = adjustment factor

(C) The director may credit the monthly drainage charge based on voluntary installation of on-site stormwater control measures that exceed the applicable requirements of City Code, state law, or a development agreement with the City. A credit under this subsection:

(i) may not exceed an amount equivalent to a 50% reduction in the square feet of impervious cover under the formula established in Subsection (B) of this section; and

(ii) must be based on criteria, established by administrative rule, that tie the amount of the credit to the overall value of voluntary stormwater control measures in reducing runoff from the benefitted property.

~~(D)~~~~(C)~~ After computing the monthly drainage charge as described in subsections (A) and (B), the monthly drainage charge for single family residential properties may be modified by limiting any increase in the charge to be assessed October 1, 2015—October 1, 2016 as compared to the charge assessed October 1, 2014—October 1, 2015 by a percentage, if established by separate ordinance.

PART 2. City Code Section 15-2-8 (*Billing*) is amended to read:

§ 15-2-8 BILLING.

- (A) The drainage charge shall be shown as a separate listing on the monthly utility bill from the City. Bills become due in accordance with Chapter 15-9 (*Utility Service Regulations*).
- (B) If no utility meter serves the benefitted property, the City may establish a non-metered utility account using the utility billing system and shall bill the drainage charge to the utility customer for the non-metered utility account.
- (C) If more than one utility customer is associated with a benefitted property, the City shall bill the drainage charge to the owner of the benefitted property unless:
 - (1) the benefitted property is a single family, duplex, triplex, or fourplex residence, in which case the City shall divide the drainage charge equally among the utility and bill the utility customers accordingly; ~~or~~
 - (2) the benefitted property includes a utility customer at a secondary residence, in which case the City shall bill the utility customer associated with the primary residence;
 - ~~(3)~~~~(2)~~ the owner of the benefitted property cannot reasonably be determined or located, in which case the City shall determine an equitable method to allocate the drainage charges among the utility customers based upon information available and bill the utility customers accordingly; or ~~;~~
 - (4) the owner of the benefitted property is exempt under this chapter or state law, in which case the City shall determine an equitable method to allocate the drainage charges among the other utility customers based upon information available and bill the utility customers accordingly.

PART 3. City Code Section 15-2-13 (*Exemptions*) is amended to read:

§ 15-2-13 EXEMPTIONS.

- (A) A benefitted property described in Section 552.053(c) (*Exemptions*) of the Texas Local Government Code is exempt from the drainage charge established by this chapter.
- (B) The following entities are exempt from the drainage charge established by this chapter: ~~[A benefitted property is exempt from the drainage charge established by this chapter if the property is owned and occupied by:]~~
- (1) the State of Texas;
 - (2) a county;
 - (3) the City, for ~~[if the]~~property that is publicly maintained right-of-way;
 - (4) an independent school district; or
 - (5) a public or private institution of higher education.
- (C) A benefitted property is exempt from the drainage charge established by this chapter if the property is owned and occupied by an organization that is exempt from taxation under Section 11.20 (*Religious Organizations*) of the Texas Tax Code, and the organization submits to the director:
- (1) a request for an exemption from the drainage charge;
 - (2) a copy of the organization's tax exemption certificate; and
 - (3) an affidavit executed by a person authorized to contract for the organization stating that the organization participates in a program that provides housing for the homeless, at a monetary amount at least equal to the drainage charge.
- (D) The city manager shall review the effectiveness of the exemption under Subsection (C) and report the manager's findings and recommendations to council annually.

PART 4. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

_____, 2016 § _____
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§ _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk