

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, AMENDING THE MUNICIPAL UTILITY SYSTEM SCHEDULE OF CHARGES; AMENDING THE MASTER SCHEDULE OF FEES ESTABLISHED BY ORDINANCE NO. 2010-14, AS AMENDED, BY ESTABLISHING REVISED CHARGES FOR MUNICIPAL DRAINAGE UTILITY SYSTEM SERVICES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Ordinance No. 2005-01, the City Council previously adopted the Municipal Drainage Utility System Act, pursuant to Subchapter C of Chapter 402 of the Texas Local Government Code, recodified as Subchapter C of Chapter 552 of the Texas Local Government Code (the “Act”); and

WHEREAS, Chapter 98, Article VI of the Saginaw City Code authorizes the City Council to adopt a schedule of charges for municipal drainage utility services; and

WHEREAS, the City Council previously adopted Resolution No. 2005-01, establishing the City’s drainage utility system schedule of charges; and

WHEREAS, the City Council deems it necessary and desires to amend the drainage utility system schedule of charges to implement fees that fully recover the cost of the City’s storm water drainage service in order to make the utility self-supporting; and

WHEREAS, the City Council has conducted a public hearing on the revision of the drainage utility system schedule of charges, after providing notice as required by the Act.

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

SECTION 1.

That the City Council hereby finds that the revised drainage utility system schedule of charges is directly related to the drainage and the terms of the levy, and any classification of the benefitted properties in the City is nondiscriminatory, equitable and reasonable, the revised schedule of charges is based on an inventory of the lots and tracts within the proposed service area, which is the entire City; the schedule of revised charges gives consideration to the land use made of the benefitted properties, the size, in area, the number of water meters, and topography of a parcel of benefitted property in assessing the revised drainage charges to property.

SECTION 2.

That the City Council hereby amends and replaces Resolution No. 2005-01 by adopting the revised drainage utility system schedule of charges attached ad Exhibit “A” hereto, which shall be incorporated into the City’s Master Schedule of Fees, established by Ordinance No. 2010-14, as amended.

SECTION 3.

This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City and other applicable City ordinances, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the applicability of the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5.

This Ordinance shall be in full force and effect from and after its passage and it is so ordained; provided, however, that the drainage charges established herein shall take effect on October 18, 2022.

PASSED AND APPROVED THIS ____ DAY OF _____, 2022.

Todd Flippo, Mayor

ATTEST:

Janice England, City Secretary

APPROVED AS TO FORM:

Bryn Meredith, City Attorney

Exhibit “A”
Drainage Charge Schedule

The following charges shall apply to all benefitted property as defined by the Municipal Drainage Utility System Act, as amended, (the “Act”) according to property type within the City, unless exempt from such charges pursuant to the Act or as set forth herein and the Saginaw City Code.

- (1) The base monthly fee for “Single Family Residential” units is six dollars (\$6.00) per unit.
- (2) The base monthly fee for “Multifamily Residential” units is six dollars (\$6.00) per unit.
- (3) The base monthly fee for “Commercial/Industrial” units is three dollars and ninety-seven cents (\$3.97) per unit.