

ORDINANCE NO. 2847

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 11, "PLANNING AND DEVELOPMENT" OF THE CODE OF THE CITY OF MESQUITE BY ADDING ARTICLE III RELATING TO AND DECLARING THE ADOPTION OF SUBCHAPTER C, CHAPTER 402 OF THE TEXAS LOCAL GOVERNMENT CODE, DECLARING THE DRAINAGE OF THE CITY OF MESQUITE, TEXAS, TO BE A PUBLIC UTILITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 11, "PLANNING AND DEVELOPMENT" of the Code of the City of Mesquite, Texas, is hereby amended by adding Article III and Section 11.41 to read as follows:

ARTICLE III. MUNICIPAL DRAINAGE UTILITY SYSTEMS

Sec. 11.41. Findings and Establishment of Municipal Drainage Utility System.


- (A) The City Council has found and hereby finds that:
- (1) The City will establish a schedule of drainage charges against all real property in the City subject to charges under Subchapter C, Chapter 402 of the Texas Local Government Code;
 - (2) The City will provide drainage for all real property in the City on payment of drainage charges, except real property exempted under Subchapter C, Chapter 402 of the Texas Local Government Code;
 - (3) The City will offer drainage service on nondiscriminatory, reasonable and equitable terms; and
 - (4) That, prior to the adoption of this ordinance, the City Council caused to be published in a newspaper of general circulation in the City a notice stating the time and place of a public hearing to consider this ordinance; the notice contained this ordinance published in full and the notice was published three times before the date of the hearing, the first publication occurring on or before the 30th day before the date of the hearing.
- (B) The provisions of Subchapter C, Chapter 402 of the Texas Local Government Code are hereby declared to be adopted and a municipal drainage utility system is hereby established by the authority of that

Subchapter and the home-rule powers of the City under Article XI, Section 5 of the Texas Constitution. The drainage of the City is declared to be a public utility. The program hereby created shall be reviewed annually as a separate budget issue.

SECTION 2. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part or provision so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of Chapter 11 or any other provision of the Code of the City of Mesquite.

SECTION 3. That this Ordinance shall be and become effective immediately upon and after its passage and approval.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of November, 1992.



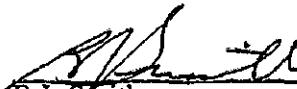
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynd Prugel
City Secretary



B.J. Smith
City Attorney