

ORDINANCE NO. 2011- 027

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, PROHIBITING THE ISSUANCE OF BUILDING PERMITS FOR ALL NEW CONSTRUCTION OF IN-GROUND OR ABOVE GROUND SWIMMING POOLS WITHIN THE CITY LIMITS; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Texas is experiencing extreme and historic drought conditions; and,

WHEREAS, the Texas Drought Preparedness Council prepared a report in July 2011, finding the month was the third-driest July in Texas history; and,

WHEREAS, further, the water levels of areas rivers and creeks, including the Blanco River, continue to recede; and,

WHEREAS, the U.S. Drought Monitor finds that the majority of the State of Texas, including Hays County, is experiencing exceptional drought conditions; and,

WHEREAS, it is critical for the continued public health, safety and welfare of the community that all citizens in the City of Wimberley conserve water and reduce consumption for non-essential life functions; and,

WHEREAS, due to the severe drought conditions, the City Council has deemed it necessary to further reduce the potential effect of a water shortage on those who live, work and visit Wimberley, Texas; and,

WHEREAS, individual area water purveyors have instituted various stages of water conservation requirements on their specific customers; and,

WHEREAS, City Council of the City of Wimberley finds there is a need to adopt provisions that will apply to all users within the City limits regardless of their source of water supply to address the severe drought impact facing all citizens of the City; and,

WHEREAS, the City Council has adopted provisions that provide for the conservation of water; however, due to the severity of the drought and no foreseeable relief in sight, the Council finds the amendments to the regulations are the minimal needed to protect the public and are the least intrusive given the extreme environmental circumstances; and,

WHEREAS, the City is authorized to regulate the public health, safety and welfare of its citizens, and are a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to Texas Local Government Code chapters 51 and 52.

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

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendment.

THAT § 51.06 (Swimming Pools) of the City of Wimberley Code of Ordinances shall be amended to read as follows:

“§ 51.06 Swimming Pools

Draining water from a swimming pool onto an impervious surface shall be prohibited. Further, as of the effective date of this ordinance, the City shall not accept applications for building permits for in-ground or above ground swimming pools, and that construction or placement of a swimming pool of any type is prohibited within the City limits.”

Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED this 6th day of Oct., 2011, by a vote of 3 (Ayes) to 1 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Bob Flocke

Bob Flocke, Mayor

ATTEST:

Cara McPartland

Cara McPartland, City Secretary

APPROVED AS TO FORM:

C. Crosby

C. Crosby, City Attorney

