

ORDINANCE NO. 2012-002

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE V (PUBLIC WORKS), CHAPTER 51 (WATER CONSERVATION) OF THE CODE OF ORDINANCES IN ORDER TO ALLOW WATERING FOR SPECIFIED USES TO INCLUDE FRUIT AND VEGETABLE GARDENS, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City passed Ordinance No. 2011-030 adopting water conservation regulations; and,

WHEREAS, Council continues to review matters related to water use within the City limits; and,

WHEREAS, allowing watering for fruit and vegetable gardens will allow citizens to continue to grow and harvest food for personal consumption; 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.

A. THAT the City of Wimberley Code of Ordinances, Title V (Public Works), section 51.25 (Implementation of additional water use reduction measures, ("aquifer risk")) is hereby amended to add the following language to the end of subsection (C)(1) as follows:

"§ 51.25 Implementation of additional water use reduction measures

(C)(1) The definition of landscaped areas shall not include fruit or vegetable gardens. Subject to any water conservation regulations imposed by a water supplier, fruit and vegetable gardens may be watered by hand or drip irrigation at any time on any day so long as the owner monitors the watering to ensure run-off does not occur.”

Section 3. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 4. 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 5. 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 6. 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 7. 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 19th day of January, 2012, by a vote of 4 (Ayes) to 0 (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

