ORDINANCE NO. 2010-014

AN ORDINANCE AMENDING CHAPTER 50 (SEWERS AND WATER), SECTION 50.63 (CONNECTION TO THE SEWER SYSTEM REQUIRED), OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS, IN ORDER TO ESTABLISH THE REQUIREMENTS FOR MANDATORY CONNECTION TO A PUBLIC WASTEWATER SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.

WHEREAS, the City Council of the City of Wimberley seeks to promote the health, safety and general welfare of the citizens of the City, and the best interests of the City; and

WHEREAS, pursuant to Texas Local Government Code ordinance 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code ordinance 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, the City Council seeks to ensure that water and sewer utility service is adequate and efficient for the citizens of the City; and

WHEREAS, currently the majority of the City operates on-site sanitary sewer systems; and

WHEREAS, the Council is in the process of securing funding and devising plans for a public wastewater sewer system; and

WHEREAS, the Council finds that it is in the best interest of the public health, safety and welfare of the citizens to require connections to the City sewer system once operational as provided by this ordinance; and

WHEREAS, pursuant to chapter 552 of the Texas Local Government Code and other laws, the City is authorized to operate its water and sewer utility systems inside or outside its municipal boundaries, to regulate the systems in a manner that protects the interests of the municipality, and to extend the lines of its utility systems inside and outside the municipal boundaries.

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

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
II. AMENDMENT

1. THAT chapter 50 (Sewers and Water, section 50.63 (Connection to the Sewer System Required) of the Wimberley Code of Ordinances shall be amended in its entirety to read as follows:

"§ 50.63 CONNECTION TO THE SEWER SYSTEM REQUIRED.

(A) This section applies to all properties within the city limits and extraterritorial jurisdiction of the City.

(B) Connection is required. All property owners are required to connect their buildings or structures located on the property to the City’s Sewer System in accordance with the following provisions:

(1) Existing On-Site Sanitary Sewer Systems. Within forty-five (45) days of notice from the City of the availability of the City’s Sewer System to the public, all property owners that own buildings or properties connected to an on-site sanitary sewer system shall connect to the City’s Sewer System and shall immediately cease using the on-site sanitary sewer system upon such connection. Such connections shall be made subject to the applicable charges provided by current City requirements.

If the building or property is not connected to the City’s Sewer System within the time prescribed or operation of the on-site sanitary sewer system is not discontinued, it shall be a violation of this chapter and subject the property owner to the penalties under section 50.99 of this Code. In addition to the penalties under section 50.99, the city administrator may provide written notice to the person owning or having possession or control of the property required to be connected to the City’s Sewer System. Such notice shall also state that, upon failure of the property owner or occupant to connect to the City’s Sewer System within thirty (30) days from the date of the notice, the City will connect the property to the City’s Sewer System, and will charge the cost and expense incurred by the City to connect the property to the City’s Sewer System to the owner of such property, and that the City may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the City, or may undertake other measures within the City’s authority to recover the costs. The notice provided for in this section shall be in writing and either served personally or sent by letter addressed to the owner of such property at the address of the property, or at the address as identified by the appraisal district.

(2) New Connections. The owner of every new building intended for human habitation or occupancy applying for a certificate of occupancy after the date an operational City Sewer System is operational and available, on property within one-hundred fifty (150) feet of the City’s sewer system or facilities, shall be connected to the sewer system by the owner or agent of the premises in accordance with the City’s sewer service and extension ordinances. A separate connection for each house or building on the property requiring service shall be required unless the City Administrator approves the connection of more than one (1) building located on the single property to a single connection. All new subdivisions platted after the date of an operational City Sewer System within one-hundred fifty (150) feet of a public wastewater system
must be connected to the City’s Sewer System. In the extraterritorial jurisdiction, the City Administrator may waive this requirement. If a building or property is to be served by the City’s Sewer System, wastewater lines to serve each building or property must be installed before the certificate of occupancy may be issued and the building and property occupied.”

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

III. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section 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 phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

IV. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was 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 Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED ON FIRST READING this 15th day of April, 2010, by a 3 (Ayes) 0 (Nays) 1 (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED ON SECOND READING this 6th day of May, 2010, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: [Signature]
Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary
State of Texas
County of Hays

Before me, the undersigned authority, on this day personally appeared Mary V. Saunders, who being by me here and now duly sworn, upon oath says:

My name is Mary Saunders, and I am the Publisher of the Wimberley View, Kyle-Buda Eagle, & Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of one week on the following dates:

May 19, 2010

May 20, 2010

May 21, 2010

May 22, 2010

The said Publisher, Mary V. Saunders further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

Mary V. Saunders
Signature of Affiant

Subscribed and Sworn to me, by the said Publisher, Mary V. Saunders, this 19 day of May, 2010 to certify which witness my hand and seal of office.

SHARON LEA JOHNSON
My Commission Expires December 08, 2013
NOTARY PUBLIC in and for
Hays County, Texas
PUBLIC NOTICES

PUBLIC NOTICE
NOTICE OF ENACTMENT OF ORDINANCE NO. 2010-014

An ordinance amending Chapter 50 (Sewers and Water), Section 50.63 (Connection to the Sewer System Required), of the Code of Ordinances of the City of Wimberly, Texas, in order to establish the requirements for mandatory connection to a public wastewater system; and providing for an effective date; proper notice and meeting, severability and repeal.

(12/28/14) A

THE STATE OF TEXAS NOTICE OF SEIZURE/SALE OF REAL PROPERTY COUNTY OF HAYS

A Second Order of Sale was issued the 10th day of March, 2010 by the Clerk of the District Courts, Hays County, Texas on the 22nd day of September, 2009 in favor of Wood Creek Property Owners Association of Hays County, Inc. against Jimmie Lee Barta. Cause: #08-2225 reflects a judgement amount of $1,156.63 with interest thereon from the date of judgement at the rate of 5.00% per annum until paid and $262.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the Second Order of Sale, it did on the 12th day of March, 2010 at 9:45 am levy upon the following described property located in Hays County as the property of said defendant, to wit:

The property known by its legal description as Lot 183, Section 19 of Wood Creek subdivision in Hays County, Texas as it existed on June 10, 2010 being the first Tuesday of June, 2010 between the hours of 10:00 am and 4:00 pm, at the north door of the courthouse of Hays County, will offer for sale and sell for cash all the right, title and interest of Jimmie Lee Barta in and to said property. Sale to begin at 10:30 am sharp.

Date: March 12, 2010
Darrel W. Ayres, Constable
Precinct 3, Hays County
By Tom L. Wallace, Deputy Constable
Precinct 3, Hays County
On the property sold, there are no warrants, expressed or implied, including, but not limited to the implied warrants of property "as is." Bidders are further advised that purchase of the property at this second order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel of your choice.

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THE STATE OF TEXAS NOTICE OF SEIZURE/SALE OF REAL PROPERTY COUNTY OF HAYS

A Second Order of Sale was issued the 10th day of March, 2010 by the Clerk of the District Courts, Hays County, Texas on the 22nd day of September, 2009 in favor of Wood Creek Property Owners Association of Hays County, Inc. against Ernest Gutierrez. Cause: #09-0973 reflects a judgement amount of $1,937.63 with interest thereon from the date of judgement at the rate of 5.00% per annum until paid and $254.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the Second Order of Sale, it did on the 12th day of March, 2010 at 9:37 am levy upon the following described property located in Hays County as the property of said defendant, to wit:

The property known by its legal description as Lot 49SC, Section 9A of Wood Creek Subdivision in Hays County, Texas as it existed on the 22nd day of September, 2009.

And on the 1st day of June, 2010 being the first Tuesday of June, 2010 between the hours of 10:00 am and 4:00 pm, at the north door of the courthouse of Hays County, will offer for sale and sell for cash all the right, title and interest of Ernest Gutierrez in and to said property. Sale to begin at 10:30 am sharp.

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(12/28/14) A

PUBLIC NOTICE
NOTICE TO ALL PERSONS HAVING CLAIMS AGAINST THE ESTATE OF GLADYS R. WATSON HUGHSON

Notice is hereby given that original Letters of Testamentary for the Estate of GLADYS R. WATSON HUGHSON, were issued on May 6, 2010 in Cause No. 11587-P pending in the County Court at Law of Hays County, Texas, to JANET M. WATSON ROBERTS, as Independent Executor of said Estate. All persons having claims against

ATTENTION: RoadRunner Recycling is now buying all types of scrap metal. We buy junk vehicles, any condition - running, wrecked or not. Cash paid. Location: 16930 N. Hwy 123, San Marcos, TX 512-353-4511 or 512-356-1382 (2294/4cc/44)

GOOD OLD BOYS AUTO RECYCLING Cash for your Cars and Trucks - running or not. Free pickup and/or towing. 512-383-1112 (04977/4cc/44)

BUY, SELL, TRADE One item or estates, Campbell's Collectibles 847-5006 (01844/4cc/45)

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