ORDINANCE NO. 2018-11

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, SAVINGS, SEVERABILITY AND REPEALER.

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

WHEREAS, pursuant to Texas Local Government Code § 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, the City is currently constructing facilities to expand the collection and treatment of wastewater in the City; and

WHEREAS, the City Council finds that requiring connection to the City's sewer system is in the best interest of the public health, safety, and welfare of the citizens; and

WHEREAS, pursuant to Texas Local Government Code § 552.001 and other laws, the City is authorized to operate its sewer utility system inside and outside the municipal boundaries, to regulate the system in a manner that protects the interests of the municipality, and to extend the lines of its utility system inside and outside the municipal boundaries.

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

SECTION 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 adopted and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. AMENDMENT

Chapter 50 (Sewers and Water), Section 50.63(B)(2) of the Wimberley Code of Ordinances shall be amended in its entirety to read as follows:

"§ 50.63 CONNECTION TO THE SEWER SYSTEM REQUIRED.

(B)(2) *New Connections.* The owner of every new building intended for human habitation or occupancy applying for a certificate of occupancy on property within one-hundred fifty (150) feet of the City's existing or proposed sewer system or facilities, shall be connected to the City's sewer system 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. All new subdivisions within one-hundred fifty (150) feet of the City's existing or proposed sewer system or facilities shall be connected to the City's sewer system in accordance with the City's sewer service and extension ordinances. If a building or property is to be served by the City's sewer system, the wastewater lines to serve each building or property must be installed before the certificate of occupancy may be issued and the building or property is occupied. Any property owner having installed a new septic system on property within one-hundred fifty (150) feet of the City's existing or proposed sewer system or facilities since January 1, 2013 up until this ordinance is passed, will be given eight (8) years, since the issuance of their septic permit, to connect to the City's sewer system."

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Article shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Article.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Article be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION V. REPEALER

The provisions of this Article shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Article are hereby expressly repealed to the extent that such inconsistency is apparent. This Article shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

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

SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Article 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 3rd day of May, 2018.

Herschel P. "Mac" McCullough, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney