

ORDINANCE NO. 22-XXX

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 156 OF THE CODE OF ORDINANCES LAND USAGE ORDINANCE

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XV ("LAND USAGE"), CHAPTER 156.058 ("Above-Ground Pools"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, the Ordinances of the City should be amended to better provide an attractive living environment and to protect the health, safety and welfare of the present and future residents of the City;

WHEREAS, the citizens and citizen groups have been afforded time to provide comment and make recommendations on the provisions and content of this Ordinance;

WHEREAS, the content and provisions of this Ordinance have been considered at a multiple public meetings at which citizen review and comment was solicited;

WHEREAS, the Planning and Zoning Commission recommended the foregoing Ordinance to the City Council after having first given notice and held Public Hearings as required by Chapter 211, Tex. Loc. Government Code;

And

WHEREAS, the City Council having given notice and held Public Hearings in compliance with Chapter 211, finds the terms and provisions of this Ordinance are advocated and supported by the citizens of the City, and are reasonable and necessary to accomplish the intended and legitimate public purpose;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:

2. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapters 156.058 (“Above-Ground Pools”) of the Code of Ordinances of the City of Woodcreek is amended so as to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 156.058 as amended by this Ordinance, in the City's Code of Ordinances.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27.

PASSED & APPROVED this, the ___ day of _____ 2023, by a vote of _____ (ayes) to _____ (nays) and _____ (abstentions) of the City Council of Woodcreek, Texas.

City of Woodcreek:

Attest _____

Jeff Rasco, Mayor

Suzanne Mac Kenzie, City Secretary

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES

TITLE XV: LAND USAGE

CHAPTER 156.058: ABOVE-GROUND POOLS

§ 156.058 Above-Ground Pools

- (A) Permits are required for all above-ground swimming pools.
- (B) An above-ground pool permit is required to complete an initial inspection upon installation and is subject to a final inspection after two (2) years.
- (C) Filling a newly installed pool or refilling an existing pool over 15% of its capacity must be performed using water sources outside of the City. Pool water filling receipts must be provided for the City's approval of the permit or renewal.
- (D) Above-ground pools must comply with the following requirements:
 - 1) Subject to Impervious Coverage requirements under §50.37(c)(6);
 - 2) Subject to Water Quality rules in outlined in Chapter 50;
 - 3) Subject to the requirements of the most recently adopted copy of the International Swimming Pool and Spa Code. Located in the office of the City Secretary; and
 - 4) Subject to applicable City Ordinances and state laws.
- (E) Pools in disrepair, damaged or without water must be dismantled and fully removed from the premises.
- (F) Above-ground pools may not be located within the front yard of any property and must abide by the applicable property setbacks.