

ORDINANCE NO. \_\_\_\_\_

CITYOFWOODCREEK, TEXAS

AMENDMENT TO CHAPTER 50 OF THE CODE OF ORDINANCES WATER QUALITY ORDINANCE

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE V ("PUBLIC WORKS"), CHAPTER 50 ("WATER QUALITY"), SECTION 50.37 ("IMPERVIOUS COVER"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to amend an ordinance that is for good government and order of the City; and

**WHEREAS**, the City Council finds that addressing non-point source pollution control management policies which shall govern the planning, design, construction, operation and maintenance of drainage, erosion and water quality control facilities within city's jurisdiction is for good government and order of the City ; and

**WHEREAS**, the City Council further finds that amending the City Code to provide for additional measures to control and manage the quantity of impervious coverage surfaces within subdivisions is for good government and order of the City; and

**WHEREAS**, the City Council finds that inground swimming pools act as impervious coverage barriers and that setting a limit as to the surface area of a swimming pool that may serve as impervious cover is for good government and order of the City; and

**WHEREAS**, the City Council finds that the City has a duty to protect degradation and pollution of ground water resources-specifically aquifer protection and supply; the need to protect the springs and creeks that enhance the quality of life, property values, and critical aquatic habitat and to control and manage the quality of storm water runoff and the sediment load in that runoff; and

**WHEREAS**, the City Council finds that the unique hydrology and natural beauty of Woodcreek; the lack of storm water infrastructure in the City of Woodcreek; the critical interrelationship between surface water and groundwater; and acknowledges the importance of Woodcreek to act consistently with adjacent communities which share the Wimberley Valley watershed; and

**WHEREAS**, the City Council finds that swimming pools do not allow for infiltration of rainwater and they do not serve as a usable source of rainwater collection due to pollution from chemicals and/or salt water, both potentially detrimental on vegetation and soil; and the recognition that swimming pools result in significant loss of water storage due to evaporation.

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

**1. 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**

Chapter 50 ("Water Quality") of the Code of Ordinances of the City of Woodcreek is amended at Section 50.37 so as to read in accordance with Attachment A, which are 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 50, 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 February 2022, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) and \_\_\_\_ (abstentions) of the City Council of Woodcreek, Texas.

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**Jeff Rasco, Mayor**

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**Brenton Lewis, Interim City Secretary**

**Attachment "A"**

**City of Woodcreek**

**CODE OF ORDINANCES**

**TITLE V: PUBLIC WORKS**

**CHAPTER 50: WATER QUALITY**

§ 50.37 Impervious Cover (C) (6) One hundred percent of the horizontal water surface area of an inground swimming pool;