

ORDINANCE NO. 1158-02-18

AN ORDINANCE AMENDING THE CITY OF HONDO, TEXAS MUNICIPAL CODE OF ORDINANCES CHAPTER 13 UTILITIES, SECTION 13.01.002 EXTENSION OF WATER, SEWER AND ELECTRICAL UTILITIES, SERVICE OUTSIDE CITY LIMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; AND PROVIDING AN EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, the City Council of the City of Hondo, Texas, (the “City Council”) finds that it will be beneficial to allow for extension of utilities outside the city limits but inside the city’s extraterritorial jurisdiction (ETJ) and current municipal code of ordinances prohibit the extension of such utilities and in the best interest of the citizens of the City of Hondo, Texas (“Hondo”) to amend Chapter 13, Utilities, Section 13.01.002 which regulates the extension of water, sewer and electrical utilities; and

WHEREAS, the City in some instances is the exclusive provider of water or electrical and without such extension of services, the property would not be able to receive services and be developed; and

WHEREAS, the City does charge higher rates to all utility customers located outside the city limits;

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

SECTION 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. The Code of Ordinances, Chapter 13, Utilities, Section 13.01.002 which regulates the extension of water, sewer and electrical utilities outside city limits is amended as follows:

CHAPTER 13 UTILITIES

ARTICLE 13.GENERAL PROVISIONS*

Division 1. Generally

Sec. 13.01.002 Extension of water, sewer and electrical utilities; service outside city limits

- a. From and after the effective date of this section, the city will not extend water, sewer and/or electrical utilities at the request of developers or builders. The city will, however, extend such utilities if the developer or builder pays for the cost of such extension or such extension is in city rights-of-way and deemed appropriate by the city.
- b. From and after the effective date of this section, the city will not provide water, sewer and/or electrical utility services outside of the city’s extraterritorial jurisdiction.

SECTION 3. The remainder of Chapter 13, Utilities, shall remain unchanged by this Amendment.

SECTION 4. INCORPORATION OF RECITALS. The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact.

SECTION 5. REPEALER. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

SECTION 7. EFFECTIVE DATE. The Ordinance shall be effective immediately upon passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, THIS 26th DAY OF FEBRUARY 2018.



JAMES W. DANNER, SR., MAYOR

ATTEST:



MIGUEL CANTU
CITY SECRETARY

