

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 86.003 OF THE SAN MARCOS CITY CODE TO REQUIRE THAT BOTH CONNECTIONS AND EXTENSIONS FOR CITY WATER AND WASTEWATER SERVICE OUTSIDE THE CITY LIMITS WILL BE SUBJECT TO APPROVAL BY THE CITY COUNCIL; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 86.003 of the San Marcos City Code regarding extensions and connections to the City's water or wastewater system outside the city limits is amended as set forth below. Added text is indicated by underlining. Deleted text is indicated by strikethroughs.

~~(a) Applications for service connections to existing city water or wastewater lines to serve a property located outside the city limits will be granted only with the approval of the city manager. Each such application must be accompanied by a written request for annexation of the applicant's property.~~

(ba) Applications for service connections to or extension of city water or wastewater lines to serve a property located outside the city limits will be granted only with the approval of the city council. An application for approval of such an extension must be accompanied by a written request for annexation of the applicant's property. If the property is not contiguous to the city limits, the application must be accompanied by a written request for annexation of an area at least 15 feet in width from each property owner or, for public right-of-way, the entity having jurisdiction over the right-of-way, along the intended route of the line extension.

(eb) Annexation requests must be submitted on forms approved by the city.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this

ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on February 16, 2021.

PASSED, APPROVED AND ADOPTED on second reading on March 2, 2021. .

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney