ORDINANCE NO. 2024-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 2, ARTICLE 2.03 – ORDINANCES.

WHEREAS, the City of Wimberley has created a Code of Ordinances pursuant to Texas Local Government Code Chapter 51 which authorizes the City to exercise authority to carry out the power granted by law for the good governance of the City; and

WHEREAS, the City has determined that the current language of the ordinance requiring two readings of Ordinances does not advance the efficient and effective administrative governance of the City; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interests, welfare, and good order of the City as a body politic.

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

1.   Article 2.03 entitled "Ordinances", of the Codified Ordinances of the City of Wimberley, is hereby amended, with a ~~strikethrough~~ meaning deleted language and <u>underlining</u> meaning added language):

Sec. 2.03.001—~~Two readings required; exceptions~~ <u>Ordinances to be prepared in writing; modifications</u>

<u>Each ordinance must be prepared in writing prior to the meeting at which it is introduced. The ordinance may be modified or amended at any meeting at which it is read and considered.</u>

~~(a) *Required readings.* Each ordinance that imposes a penalty, fine, or forfeiture, except when deemed an emergency, shall be read and considered at two meetings of the city council. This requirement shall not apply to ordinances assigning a zoning district designation to particular properties or authorizing planned development districts (WPDDs).~~

~~(b) *Exceptions.* Ordinances are exempt from subsection (a) above if a majority of the city council members present and voting determines that an emergency exists. The city council may deem an emergency to exist in the following situations:~~

~~(1)   The matter is of urgent public necessity;~~

~~(2)   Action is needed to respond to an unusual or unforeseen condition;~~

~~(3)   There are circumstances related to compliance with a federal, city, or state regulation or a court order; or~~

~~(4)   The city is faced with an imminent threat to public health or safety.~~

(e) Reading by caption. Upon majority vote of those council members present and voting, the city council may dispense with reading aloud the full text of the ordinance at a meeting, provided the caption is read aloud and the ordinance was distributed to all council members at least 72 hours prior to the meeting.

Sec. 2.03.002 – ~~Ordinances to be prepared in writing; modifications~~ Signing and filing

~~Each ordinance must be prepared in writing prior to the meeting at which it is introduced. The ordinance may be modified or amended by the city council at any meeting at which it is read and considered, including the final meeting.~~

All ordinances duly passed shall be signed by the mayor, or if the mayor is not willing or able to act, by the mayor pro tem. All ordinances duly passed shall be signed and filed by the city secretary in the archives of the city.

Sec. 2.03.003 – ~~Signing and filing~~ Publication of ordinances

~~All ordinances duly passed shall be signed by the mayor, or if the mayor is not willing or able to act, by the mayor pro tem. All ordinances duly passed shall be signed and filed by the city secretary in the archives of the city.~~

Every ordinance passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. In lieu of publishing the entire ordinance, the city council may provide for the publication of a descriptive caption or title which summarizes the purpose of the ordinance and the penalty for violation thereof. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

2. Savings.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance 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 Ordinance.

3. Severability.

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

4. Repealer.

The provisions of this Ordinance 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 Ordinance are hereby expressly repealed to the extent that such

inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

5.   **Effective Date.**

This Ordinance shall be effective immediately upon its passage, publication and other authorizations as may be required by law.

6.   **Proper Notice and Meeting.**

It is hereby officially found and determined that the meeting at which this Ordinance 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 7th day of March, 2024, by a vote of __5__ (Ayes) to __0__ (Nays) __0__ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY   **By:**

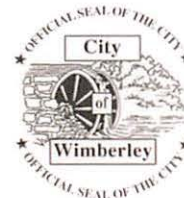   _Gina V. Fulkerson_
                                                Gina V. Fulkerson, Mayor

ATTEST:

Tammy Heller
Tammy Heller, City Secretary

APPROVED AS TO FORM:

Cynthia Immic
City Attorney