

VILLAGE OF VOLENTE

ORDINANCE NO. 2007-O-76

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING THE SITE DEVELOPMENT REGULATIONS IN THE VILLAGE CODE BY ADDING CLARIFYING LANGUAGE AT SECTION 33.384 TO THE DEFINITION OF FACILITIES REGARDING LARGE PIPES FOR THE CONVEYANCE OF WATER, WASTEWATER, NATURAL GAS AND PETROLEUM PRODUCTS; PROVIDING FOR THE PURPOSE; EFFECTIVE DATE; SEVERABILITY; AND COMPLIANCE WITH THE PUBLIC NOTICE AND MEETING REQUIREMENTS.

WHEREAS, the Village of Volente has adopted site development regulations within the corporate limits of the Village of Volente; and,

WHEREAS, the Planning and Zoning Commission of the Village of Volente has recommended to the Village Council that the definition of a facility which needs authorization to construct in the Village's rights of way be clarified and be consistent with the definition of facility in other regulations in the Village Code; and,

WHEREAS, the Village Council has concluded that the recommendation of the Planning and Zoning Commission should be accepted and the definition of facility at Section 33.384 of the Village Code be changed as set forth below;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF VOLENTE, TEXAS, THAT THE SITE DEVELOPMENT REGULATIONS IN ARTICLE 30.300 OF THE VILLAGE OF VOLENTE CODE OF ORDINANCES IS AMENDED AS FOLLOWS:

Section 1. Legislative Findings

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

Section 2.

Section 33.384 is amended to provide as follows:

Facilities. Means any and all of the wires, cables, fibers, duct spaces, manholes, poles, **conduits, large pipes for the conveyance of water, wastewater, natural gas and petroleum** products, underground and overhead passageways and other equipment, structures, plant and appurtenances and all associated physical equipment placed in, on or under the public rights-of-way.

Section 3. Severability.

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date

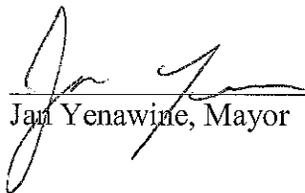
This Ordinance shall take effect upon adoption or if required by state law, after any required posting and publication of this Ordinance.

Section 5. Public Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance is 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.

PASSED AND APPROVED on this the 1st day of April 2007, by a vote of 5 ayes, 0 nays, and _____ abstentions of the Volente Village Council.

VILLAGE OF VOLENTE



Jan Yenawine, Mayor

ATTEST:



Jennifer Zufelt, Village Secretary