

ORDINANCE NO. 101507-A

AN ORDINANCE AMENDING ORDINANCE NO. 111703-B GOVERNING THE UNIFORM USE, OCCUPANCY AND CONSTRUCTION IN THE CITY'S PUBLIC RIGHTS-OF-WAY; AND PROVIDING FOR THE FOLLOWING: REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING OF THE CITY OF NIEDERWALD, TEXAS.

WHEREAS, the City of Niederwald desires to amend Ordinance No. 111703-B regulating use, occupancy, and construction in the City's rights-of-way; Now Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS:

I.

That the definition of "*Public Utility*" in Section II of Ordinance No. 111703-B is hereby amended to read as follows:

"*Public Utility*" means a "public utility" as that term is used in the Public Utility Regulatory Act of 1995, Texas Utilities Code, § 11.004, including municipally owned and/or operated utilities, and also means a "gas utility" as that term is defined in the Gas Utility Regulatory Act, Texas Utilities Code, §101.004, including municipally owned and/or operated utilities.

**SECTION II
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**SECTION III
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after the date of passage and upon publication as required by law.

SECTION IV
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.

PASSED AND APPROVED this 15th day of October, 2007, by
the City Council of the City of Niederwald, Texas.

CITY OF NIEDERWALD, TEXAS

Michelle Mendoza
Hon. Michelle Mendoza, Mayor Pro Tem

ATTEST:

Angie Schulze
Angie Schulze, City Secretary



APPROVED AS TO FORM:

Cary L. Bovey, City Attorney