

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EDINBURG, TITLE V: PUBLIC WORKS, CHAPTER 53, WATER REGULATIONS WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN, TO INCLUDE SECTION 53.33 CAR WASH ESTABLISHMENTS BY ESTABLISHING A 2-MILE RADIUS AND DISTANCE REQUIREMENT, ENSURING NO NEW CAR WASH BUSINESS BE ESTABLISHED WITHIN A 2-MILE RADIUS OF AN EXISTING CARWASH; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING A WAIVER OF THE THREE (3) SEPARATE READINGS; AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER HEREOF

WHEREAS, the City of Edinburg is a home-rule municipality possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, pursuant to the laws of the State of Texas, including Section 51.001 of the Texas Local Government Code, the Commission has the authority to adopt an ordinance that, among other things, is for the good government, peace, or order of Edinburg; and

WHEREAS, the car wash use is a prevalent business model in the City of Edinburg; and

WHEREAS, the car wash use is a business model that requires the consumption of large volumes of water; and

WHEREAS, this amendment will allow the City of Edinburg to limit the car wash use by implementing land spacing requirements; and

WHEREAS, this amendment will promote the conservation of water by requiring the installation of a water reclamation and recycling system as part of its operations model; and

WHEREAS, this amendment will protect the public health, safety, and general welfare of the community.

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

SECTION I. INCORPORATION OF RECITALS. The City Council finds that the statements set forth in the Recitals are true and correct and the City Council hereby incorporates such Recitals as findings of fact.

SECTION II. AUTHORITY OF LAW. All requirements of the law have been met in the passing of this Ordinance.

SECTION III. The Code of Ordinances of the City, Title V, Public Works, Chapter 53, Water Regulations Water Conservation and Drought Contingency Plan, is amended to add Section 53.33 to Title V: Public Works, Chapter 53, Water Regulations Water Conservation And Drought Contingency Plan, to be read in its entirety as shown in Exhibit A to this Ordinance.

SECTION VI. REPEALER CLAUSE: This Ordinance shall be cumulative of all other ordinances dealing with the same subject, and any provision of any ordinance in direct conflict with any provision of this Ordinance is hereby repealed and the provisions of this Ordinance shall supersede any provisions in conflict herewith; all provisions of any other ordinance not in conflict herewith shall remain in full force and effect.

SECTION VII. SAVINGS CLAUSE: If any section, part, or provision of this Ordinance is declared unconstitutional or invalid, by a court of competent jurisdiction, then, in that event, it is expressly provided, and it is the intention of the City Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION VIII. PUBLICATION AND EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage.

SECTION IX. CODIFICATION: That this Ordinance shall be published in the Code of Ordinances of the City of Edinburg, Texas.

SECTION X. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the City Council of the City of Edinburg, Texas at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 17th day of September 2024.

CITY OF EDINBURG

By: _____
Ramiro Garza, Jr., Mayor

ATTEST:

By: _____
Clarice Y. Balderas, City Secretary

APPROVED AS TO FORM:

By: _____
Josephine Ramirez-Solis, City Attorney

“Exhibit A”

Section 53.33

Carwash

A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles, such as, but not limited to automobiles, passenger vans, small passenger shuttles, small recreational vehicles, boats, and/or water-sports equipment by machine or hand-operated facilities. A car wash may be:

- a. A single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or*
- b. A tunnel type that allows the washing of multiple vehicles in a tandem arrangement while moving through the structure.*

Car washes shall not be located within 2-mile radius of another existing car wash.

Car washes permitted under the Unified Development Code shall be designed to employ a water recycling system as the primary source of water supply necessary to operate the business.