

ORDINANCE NO. 2009-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, ARTICLE II, DIVISION 1. GENERALLY, SECTION 22-31, WATER FOR CONSTRUCTION GENERALLY, ESTABLISHING POLICIES AND FEES TO BE FOLLOWED AND CHARGED FOR USE OF CITY FIRE HYDRANTS OR THE RECYCLED WATER FILL STATION TO WITHDRAW WATER FOR CONSTRUCTION PURPOSES; PROVIDING A VARIANCE PROCEDURE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE INCLUDING A FINE OF NOT LESS THAN \$50.00 NOR MORE THAN \$1,000.00 PER OCCURRENCE.

WHEREAS, facilities have been constructed by the City of Boerne at 334 Esser to deliver recycled water for construction purposes.

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

That Article II, Division 1. Generally, Section 22-31, Water For Construction Generally, of the Boerne Code of Ordinances and Ordinance No. 99-20, dated October 26, 1999, are hereby amended to read as follows:

(a) *Authorization to use.* Any individual, company, corporation or entity who wishes to obtain bulk water from the City of Boerne's fire hydrants or recycled water from the recycled water fill station must first obtain written authorization from the City Manager or his designated representative.

(b) *Limitations on use.* Water obtained from the City of Boerne's fire hydrants shall be for non-potable uses or where it is deemed impractical to make a permanent installation and shall be used within the Corporate City Limits of the City of Boerne. Water obtained from the City of Boerne's recycled water fill station shall be for non-potable construction uses only, either inside or outside the Corporate City Limits of the City of Boerne.

(c) *Deposit.* A deposit shall be required as shown in the City of Boerne Fees Ordinance. This deposit will be refunded when the individual, company, corporation or entity has paid the final bill in full. Additionally, the individual, company, corporation or entity shall reimburse the City the total cost for any repairs and/or replacements due to damage to a fire hydrant, meter or the fill station facility.

(d) *Bulk Water Fee.* A fee as shown in the City of Boerne Fee Ordinance shall be charged.

(e) *Recycled Water Fee.* A fee as shown in the City of Boerne Fee Ordinance shall be charged.

(f) *Location of hydrants.* All water will be withdrawn only from the fire hydrant or fire hydrants designated by the City Manager or his duly authorized representative.

(g) *Measurement.* All bulk water obtained from fire hydrants shall be metered by a fire hydrant meter issued by the City of Boerne. A rental fee shall be charged daily for the use of the meter as shown in the City of Boerne Fees Ordinance. All non-approved fire hydrant meters, which are found to be in use in the City of Boerne water system will be confiscated and enforcement action taken against the responsible party. All recycled water for construction shall be metered by the City of Boerne's metering facilities incorporated into the recycled water fill station.

(h) *Variance*. Exception to this provision is in case of urgent necessity in the interest of public health, welfare, or safety, and then only with permission from the City Manager or his duly authorized representative.

(i) *Potable Water Supply Protection*. It is the responsibility of any individual, company, corporation, or entity in the use of a fire hydrant to abide by the conditions of this ordinance and the City of Boerne Cross Connection Control and Backflow Prevention Ordinance.

(j) *Penalty*. Any individual, company, corporation or entity not complying with all the terms and provisions of this ordinance shall be guilty of a misdemeanor and shall be fined not less than \$50.00 nor more than \$1,000.00.

PASSED and APPROVED this the 13th day of January, 2009.

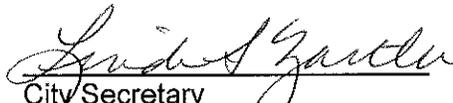
PASSED, APPROVED and ADOPTED this the 27th day of January, 2009.

APPROVED:



Mayor

ATTEST:



City Secretary