

## ORDINANCE NO. 2020-26

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 110-1 (ENTITLED "DEFINITIONS") AND SECTION 110-36 (ENTITLED "BULK WATER SALES") BY ADJUSTING THE BULK WATER RATE; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City is a provider of water service to its citizens; and

**WHEREAS**, as a purveyor of water services, the City offers large quantities of water for sale at a bulk rate; and

**WHEREAS**, City Council's purpose for these amendments is to assure the City is fairly compensated for bulk water sales.

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

**Section one. Code Amendment.** The Code of Ordinances of the City of Burnet, Chapter 110 (entitled "Utilities") Section 110-1 (entitled "Definitions") is hereby amended by adding to the existing definitions the following:

*Bulk Water* means water sold by the City on a prepaid basis at a City of Burnet designated fill station.

**Section two. Code Amendment.** The Code of Ordinances of the City of Burnet, Chapter 110 (entitled "Utilities") Section 110-36 (entitled "Bulk water sales") is hereby amended by replacing the existing language in its entirety with the language that follows:

**Sec. 110-36. -Bulk water sales.**

The fees for bulk water sales shall be twenty dollars (\$20.00) per one-thousand gallons of water sold, or a fraction thereof with a minimum fee of \$5.00 for 250 gallons or less required. Fractional quantities shall be prorated at \$0.02 per gallon.

**Section three. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section four. Penalty.** A violation of this ordinance is unlawful and subject to penalty as prescribed in City Code of Ordinances Sec. 1-6 (entitled "*general penalty*").

**Section five. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are

in direct conflict with the provisions of such Ordinances, in which event section six shall apply.

**Section six. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section seven. Severability.** Pursuant to Code of Ordinances of the City of Burnet, Section 1-7, if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting, and of the mayor in approving this Ordinance, that no portion of this Ordinance, or provision or regulation contained in this Ordinance, shall become inoperative or fall by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

**Section eight. TOMA Compliance.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code; as suspended, or otherwise modified, by executive orders of the governor of this state in response to the COVID-19 pandemic.

**Section nine. Publication.** The publishers of the City Code of Ordinances are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

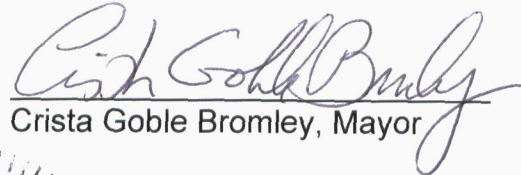
**Section ten. Notice.** The City Secretary is hereby directed to publish notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas.

**Section eleven. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

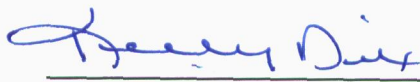
Passed on first reading on the 27<sup>th</sup> day of October 2020

Passed and Adopted on the 10<sup>th</sup> day of November 2020

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary

