

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 11-07

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 70, "UTILITIES", OF THE CODE OF ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, BY CREATING A NEW SECTION 70-57, ENTITLED "TOWN-ISSUED FIRE HYDRANT METER(S)"; ADOPTING A FIRE HYDRANT METER USE AGREEMENT; AMENDING APPENDIX A, SUBSECTION 70-312(d) AND ADDING SUBSECTION 70-312(e), RELATIVE TO "UTILITY DEPOSITS"; REPEALING ALL CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town of Flower Mound, Texas ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Charter adopted November 3, 1981; and

**WHEREAS**, the Town possesses all the rights, powers, and authority possessed by a home rule municipality pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code and the Town's Home Rule Charter to regulate utility meter services and the fees for services provided; and

**WHEREAS**, the Town has determined that it is necessary to adopt a Fire Hydrant Meter Use Agreement and a Penalty Fee Schedule to ensure compliance with Town ordinances; and

**WHEREAS**, the Town desires to replace the existing Administrative Fire Hydrant Meter Policy and establish a new Fire Hydrant Meter Use Agreement as set forth in Exhibit A, attached hereto; and

**WHEREAS**, the Town desires to amend Appendix A, Subsection 70-312(d) and adding Subsection 70-312(e) relative to "Utility Deposits" of the Town Code; and

**WHEREAS**, the Town Council of the Town of Flower Mound has determined that it is in the best interest of the residents of the Town of Flower Mound to ensure compliance with Town ordinances and water conservation efforts by amending the ordinances and adopting the attached agreement related to Fire Hydrant use.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

Town of Flower Mound  
TOWN SECRETARY'S OFFICE  
OFFICIAL FILE COPY

SECTION 1

All the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the adoption of this ordinance, a new Section 70-57 entitled "Town-Issued Fire Hydrant Meter(s)" of Chapter 70, "Utilities", of the Code of Ordinances of the Town of Flower Mound, Texas, shall be added to read as follows:

- (a) The Town of Flower Mound issues Fire Hydrant Meters ("Meter(s)") for water usage on projects to contractors/customers on a short-term basis. Meters may not be used for long-term irrigation or other uses where a permanently installed meter would be appropriate. No garden hose adaptors will be allowed to be connected to the 3" Fire Hydrant Meter; only large diameter hoses will be allowed to be connected to the Meter for large bulk-type watering, such as filling storage water tanks. Any contractor, customer, builder, or person found to be using a Meter not issued by the Town or having a garden hose connected to a 3" Fire Hydrant Meter shall be considered in violation of this section and subject to penalties set forth in Subsection 70-312(e). Such a violation shall be a Class C misdemeanor.
- (b) The contractor/customer shall submit the applicable fee and complete a Meter application stating the exact location for the Meter installation. The applicant shall provide the reason for the Meter and an approximate time frame the Meter will be in service. Should additional time be required, the contractor/customer shall notify the Utility Billing Division with a request for an extension. At the conclusion of each and every project, it will be necessary to finalize the Meter reading. Upon request, the application will be updated for the new project location, time frame and transferring of applicable fees. The use of a Meter other than what is indicated on the application or without a deposit and application shall cause the Meter to be confiscated immediately. The contractor/customer must use a Town-issued Meter and pay any and all applicable fees.
- (c) After the contractor/customer discontinues service, an inspection will be required. The costs and expenses related to any damages or missing parts shall be withheld from the contractor's/customer's deposit.

- (d) It will be at the sole discretion of the Town of Flower Mound to recall a Meter due to Stage Two Water Conservation Measures or higher. During Stage Two Water Conservation Measures or higher, it shall be necessary to obtain approval from the Director of Public Works for the issuance of a Meter.
- (e) The deposit for the Meter will be credited to the contractor's/customer's account when service is discontinued pending any charges for the damaged Meters or any pending or past due accounts. Issuance of a Meter shall be contingent upon the approval and execution of a Fire Hydrant Meter Use Agreement in essentially the form attached hereto as Exhibit A.

**SECTION 3**

Existing Subsection 70-312(d) of Appendix A, "Utilities Deposits", of the Code of Ordinance of the Town of Flower Mound, Texas, is hereby repealed in its entirety and replaced with a new Subsection 70-312(d).

70-312(d) The deposits for fire hydrant meters shall be due prior to furnishing service and shall be as follows:

Town-Issued Meter – Three Inch	\$1,000.00 deposit
Town-Issued Meter – One Inch	\$ 550.00 deposit

**SECTION 4**

From and after the adoption of this ordinance, a new Subsection 70-312(e) of Appendix A, "Utilities Deposits", of the Code of Ordinances of the Town of Flower Mound, Texas, shall be added to read as follows.

70-312(e) Meter Penalty and Fee Schedule shall be as follows:

Garden hose connection to a Three Inch Fire Hydrant Meter	\$ 400.00 penalty
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**SECTION 5**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 6

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the laws of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 5TH DAY OF MARCH, 2007.

  
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Jody A. Smith, MAYOR

ATTEST:

  
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Paula J. Paschal, TRMC, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

  
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Terrence S. Welch, TOWN ATTORNEY

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