

CITY OF WILLOW PARK

ORDINANCE NO. 526-04

AN ORDINANCE AMENDING CHAPTER 11, "PUBLIC UTILITIES" ARTICLE 11.200, "WATERWORKS SYSTEM REGULATIONS", SECTION 11.211 WATER WELLS; AND, PROVIDING FOR EFFECTIVE DATE, REPEALER, PUBLICATION AND PENALTY.

WHEREAS, it is the intent of City of Willow Park, Texas ("City") to provide for the health, safety and welfare of its citizens; and

WHEREAS, the City possesses a certificate of public convenience and necessity to furnish water service; and

WHEREAS, the City desires to create, provide and maintain waterworks facilities that are safe, adequate, efficient and reasonable for the provision of said service(s); and

WHEREAS, the City will ascertain and fix just and reasonable standards, classifications, regulations, service rules, service standards and practices to be observed in the furnishing of water; and

WHEREAS, the City will permit the use of a water well as defined herein within municipal boundaries if it is separate and apart from the required and mandated connection to the city waterworks system for potable water use by a residential user, unless otherwise approved for connection as provided herein, and if the construction of the water well conforms to all state and local regulations, standards and requirements that protect the general health, safety and welfare of the citizens of the city and does not interfere, or reduce the quantity or quality of municipal water supply for the benefit of all citizens, including the adequate provision of fire safety and a municipal water supply.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, City Administrator, or the City Administrator's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance. Any reference to the City Administrator is deemed to include the City Administrator's designee.

SECTION 2. APPLICATIONS

The provisions of this Ordinance shall apply to all persons, customers and property served by the City of Willow Park, wherever situated. No customer of the City of Willow Park Water System, or person, shall knowingly make, cause, use or permit the use of water received from the City, or permitted to be produced from a water well by the City for any purpose, to be used or produced in a manner contrary to any provision of this or other previously enacted ordinances.

SECTION 3. AMENDMENT

Chapter 11, Article 11.200, Waterworks System Regulations, Section 11.211 is amended as follows:

§11.211 Water Wells

(a) It shall, after the effective date hereof, be unlawful for any person or persons, firm, company or corporation to dig, drill, bore or drive a water well within the city limits of the City of Willow Park, Texas, without first obtaining a water well permit from the City of Willow Park.

(b) The city may issue a water well permit to explore for or produce groundwater on and under a plated lot, zoned R-1 residential or agricultural, for:

- (1) irrigation or watering of livestock; or
- (2) potable use, if the lot, or structure

thereon, cannot be connected to city waterworks as required by Article 9.1000 of this Code. The permit shall not authorize more than one well for each five contiguous acres contained within a plated lot.

(c) Application for a water well permit shall be made with the city administrator. The application shall be signed by both the property owner and the state licensed water well driller of the well and accompanied with a non-refundable fee in the amount prescribed by "Appendix A Fee Schedule". The application shall provide the following information in reference to a proposed water well and the property on which such proposed water well is to be located:

- (1) Name and address of property owner(s);
- (2) Location of property where proposed well is to be located (street address, block, lot, addition);
- (3) (c) Purpose for which the proposed well would be used (drinking water, irrigation, watering of livestock);
- (4) Scaled site plan or plat depicting the dimensions of the lot where such proposed well is to be located including: location of all easements, utility lines, connections or utility appurtenances and the distance from the proposed well to each;
- (5) The state licensed water well driller shall provide the following information:
 - (i) Type of proposed well (dug, drilled, bored or driven);
 - (ii) Proposed depth of well;
 - (iii) Diameter of well;
- (6) Location and exact distance from proposed water well to any septic tank(s); sewer lines (trunks, collectors, laterals); water lines (supply, mains, laterals, service); gas lines (supply, mains, service); underground telephone lines; streets, alleys, thoroughfares; animal or livestock pens, barns or shelters; dump grounds (public or private); creeks or streams; lakes or ponds, and any flood zone area.
- (7) Size and type of pump and casing to be used;
- (8) Depth of cementing of casing and method of cementing;
- (9) Manner and site of well water storage tank and description of distribution system, and:

Each applicant must attach to an application for a water well an indemnification agreement, provided by the City of Willow Park, indemnifying the City from any liability that may arise from the construction or use of a water well, whether as permitted, or not. Additionally, each applicant shall separately acknowledge in the application that the City of Willow Park makes no representation whatsoever concerning the likelihood of successful completion of the proposed water well, its quality, utility, duration or length of production.

(d) All water wells, whether drilled, bored, cored or constructed, shall be completed by a state licensed water well driller and pump installer in conformance with all the applicable state and local laws, rules, regulations, requirements and specifications.

(e) Water wells shall be located so that there will be no measurable pollution or contamination from any

source. Water wells shall also be located in accordance with the rules and regulations of the Texas Natural Resource Conservation Commission, and Department of Licensing and Regulation, which shall be attached or referenced by the water well permit application.

(f) The city administrator shall make comments and recommendations concerning the application. If approved, the water well permit shall be signed by the city administrator. A city map shall be maintained depicting all permitted wells.

(g) In considering approval or disapproval of a water well permit, the city administrator shall consider the public health and safety of the citizens of the city as it relates to the proposed well, and consult with the Texas Natural Resource Conservation Commission, or other applicable regulatory entities, as deemed necessary.

(h) Well Completion. A completed water well drilling log shall be submitted to City of Willow Park by the approved state licensed water well driller and pump installer prior to the completion inspection. The well log shall contain, at a minimum:

- (i) Type, diameter and length of casing installed;
- (ii) Total depth of well;
- (iii) Type, diameter and length of strainer, if any, and size of screen openings;
- (iv) Method of sealing top and bottom of screen;
- (v) Standing water level, depth below ground surface when not pumping; and
- (vi) Yield of the well in gallons per minute.

(i) Prior to any use of a completed permitted well, the city administrator must inspect and approve the site of the well, well construction, ancillary equipment and structures, completion documentation, spacing requirements and all other requirements imposed by this section to determine compliance with all state and local rules and regulations.

(j) It shall be unlawful to connect any private water well or supply system to the City of Willow Park public waterworks system or any household except upon a finding by the City Administrator that compliance with Article 9.1000 was not possible.

(k) Enforcement.

- (1) It shall be unlawful for any person to construct, produce from or use a well in the city without first obtaining a permit.
- (2) A permit issued under this section shall become null and void one year from the date of issuance if the well has not been

constructed, completed and approved by the city for use within that period.

- (3) Any changes in conditions under which a permit was issued under this section shall void the permit and it shall be unlawful to proceed with the construction of the well until a reapplication has been approved by the city.
- (4) A permit issued under this section shall automatically be cancelled when site conditions are changed from those shown on the application.
- (5) Any person who knowingly violates any provision of this section or who shall neglect, fail or refuse to comply with any provision herein, is guilty of an offense. Each day's continuance of a violation constitutes a separate offense.

(1) Permit Restrictions.

- (1) Any well permitted under this section that has been abandoned, regardless of when it was constructed, shall be disinfected and plugged in accordance and with a material satisfactory to the TNRCC.
- (2) If upon inspection of a well any violation of this article is found, written notice will be given to the person to whom the permit was issued, directing the person to make necessary corrections, within a reasonable time specified. It shall be unlawful for any person to neglect, fail or refuse to comply with such notice.
- (3) Water produced as a result of a permit herein, may only be lawfully used on the permittees land. Waste of the water or allowing it to run unreasonably off the permittees land is unlawful.
- (4) The mayor or city administrator may, if they determine that a water conservation circumstance exists, in accordance with this chapter, restrict the use of water from a well authorized by this section, for nonessential purposes during the duration of the water emergency.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict

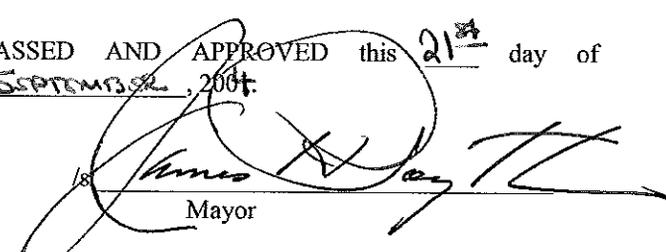
SECTION 7. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

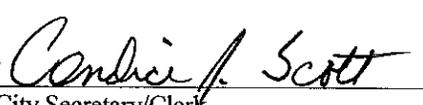
SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect from and after its publication one time in the official publication of the City of Willow Park, Texas which publication shall contain the captions stating in substance the purpose of the ordinance and reciting the penalty provision of the ordinance.

PASSED AND APPROVED this 21st day of SEPTEMBER, 2004.


Mayor

ATTEST:

/s/ 
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 526-04, did on the 21st day of September 2004 vote as

follows:

FOR

AGAINST

James H. Poythress, Mayor

LaDonna Allen, Place 1

_____/_____
✓

Terry Skaggs, Place 2

_____/_____
✓

Brad Johnson, Place 3

_____/_____
✓

Jason Ellerbusch, Place 4

_____/_____
✓

Marvin Glasgow, Place 5

_____/_____
✓
