

CITY OF WILLOW PARK ORDINANCE NO. 554-06

AN ORDINANCE AMENDING CHAPTER 11, "PUBLIC UTILITIES" ARTICLE 11.200, "WATERWORKS SYSTEM REGULATIONS", SECTION 11.211 WATER WELLS; PROVIDING FOR NON-POTABLE WELL STANDARDS, SPACING REGULATIONS, ANNUAL LIMITS AND DROUGHT RESTRICTIONS; AMENDING APPENDIX A, "FEE SCHEDULE", AND, PROVIDING FOR EFFECTIVE DATE, REPEALER AND PENALTY.

WHEREAS, it is the intent of City of Willow Park, Tx. (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 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 the construction of the water well must conform 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 water for fire safety and municipal water supply; and

WHEREAS, THE City will require uniform application of drought restrictions to any well permitted hereunder, minimum spacing from municipal water supply wells and enforcement provisions to prevent wasteful production or usage.

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 permitted wells, or 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 Application 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 a person to explore for or produce groundwater on a plated lot, containing 30,000 square feet or more, zoned 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.

- (3) No well shall be permitted under this section if the well head of the proposed well is within 1,000 feet, measured on a direct line, from the well head of a well connected to the public water system of the City.

(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) 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); the closest City public water supply well site; 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~~ on Environmental Quality (TCEQ), 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. No more than twelve permits may be approved by the City Administrator under this section in any single fiscal year.

(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~~ on Environmental Quality, 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 shall inspect and approve in

writing 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.

(l) 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~~ TCEQ.

(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. Failure to correct the violation pursuant to this subsection shall result in cancellation of the permit.

(3) The mayor or city administrator may, if they determine that a water conservation circumstance exists, in accordance with this chapter, restrict or prohibit the use of water from a any well authorized by this section, for nonessential purposes during the duration of the water emergency conservation circumstance. When any stage of the "Emergency Water Rationing Plan", pursuant to §11.209 of this Article is declared by the City or Mayor, any person using or producing water from a well permitted by this section, shall be subject to the water use restrictions mandated by the rationing stage declared.

SECTION 4. AMENDMENT

Chapter 11, Article 11.212, Non-Potable Water Wells for Irrigation is repealed as follows:

SECTION 5. Amending "Appendix A" of the Municipal Code of Ordinances of the City of Willow Park by adding: Article 17.000 Fee to Accompany Water Well Application.

Article 17.000 Fee to Accompany Water Well Application

Any application submitted by a person to the City of Willow Park for a water well permit shall be accompanied by a non-refundable fee in the amount of ~~one~~ three hundred and fifty dollars (~~\$150~~) (\$350) at the time of submitting the application. The fee shall be paid prior to any consideration by the City of the water well permit application.

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

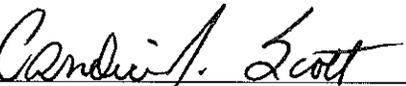
This Ordinance shall take effect from and after its publication one time in the official publication of the City of Willow Park, Texas which publication shall contain the

captions stating in substance the purpose of the ordinance and reciting the penalty provision of the ordinance.

PASSED AND APPROVED this 19th day of December, 2006.

/s/  _____
Mayor

ATTEST:

/s/  _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/  _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 554-06, did on the 19th day of December, 2006 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Brad Johnson, Mayor	_____	_____
Barry K. Tatum, Place 1	 _____	_____
J. Teresa Welch, Place 2	_____	 _____
Hale Alderman, Place 3	 _____	_____
Kenneth Hawkins, Place 4	 _____	_____
Marvin Glasgow, Place 5	 _____	_____