

CITY OF WILLOW PARK

ORDINANCE NO. 682-14

AN ORDINANCE OF THE CITY COUNCIL OF WILLOW PARK, TEXAS ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S WATER SUPPLY WELLS.

WHEREAS, the City of Willow Park, TX ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City of Willow Park to protect the health, safety, welfare and well being of its citizens; and

WHEREAS, the City of Willow Park, Texas (the "City"), owns and operates water supply facilities within the City, including water wells and related facilities (the "Wells"), which provide potable water to the residents of the City; and

WHEREAS, because maintenance of sanitary conditions around such Wells is vital to the protection of the Wells and to the protection of the health and safety of the residents of the City, the City Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Wells; and

WHEREAS, there is a need to set forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of the Wells in order to promote sanitary conditions in and around such Wells, to secure all such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.

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

SECTION 1. AUTHORIZATION

The Mayor, appropriate City Official or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. PURPOSE.

This Ordinance is to prevent certain uses and the construction of facilities in or on land surrounding any well that is part of the Public Water System (Wells), which might create a danger of pollution to the water produced from such Wells.

SECTION 3. PROHIBITED ACTIVITIES.

The below listed construction, operation or activities are prohibited within the designated areas of land surrounding the Wells:

A. 500 Foot Restriction - No animal feed lots, solid waste disposal sites, land on which sewage plant or septic tank sludge is applied, or lands irrigated by sewage plant effluent, or sewage treatment plant are allowed within 500 feet of the Wells.

B. 300 Foot Restriction - No sewage wet well, sewage pumping station or drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems are allowed within 300 feet of the Wells.

C. 150 Foot Restriction - No septic tank with perforated drainfield, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption bed, evapotranspiration bed, improperly constructed water well, or underground petroleum and chemical storage tank or liquid transmission pipeline are allowed within 150 feet of the Wells.

D. 50 Foot Restriction - No tile or concrete sanitary sewer, sewerage appurtenance, livestock in pastures are allowed within 50 feet of the Wells.

E. 10 Foot Restriction - Sanitary or storm sewers constructed of ductile iron or polyvinyl chloride (PVC) pipe meeting American Water Works Association (AWWA) standards, having a minimum working pressure of one hundred fifty pounds per square inch (psi) or greater, and equipped with

pressure type joints are allowed within 10 feet of the Wells.

F. Residential - Construction of homes or a building upon any area of land within a 150-foot radius of the Wells is permitted, provided the restriction items in A through E above are met.

G. Farm and Ranch - Normal farming and ranching operations are not prohibited by this Ordinance. However, livestock shall not be allowed within a 50-foot radius of the Wells.

SECTION 4. RIGHT OF ENTRY.

City employees, or authorized representatives of the City, bearing proper credential and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

SECTION 5. PENALTY.

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$200. Each day of violation shall constitute a separate offense.

SECTION 6. REQUIRED REMOVAL.

Any person who shall violate any provision of this Ordinance shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this Ordinance. The City may also institute civil proceedings for enforcement.

SECTION 7. SUPERCEDING REGULATION OR STATUTE

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

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SECTION 8. SEVERABILITY.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or a part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Willow Park, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

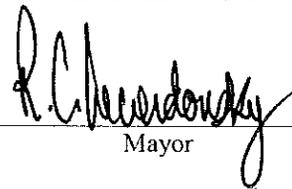
SECTION 9. PUBLICATION

The City Secretary of the City of Willow Park is hereby directed to publish in the official newspaper of the City of Willow Park the caption hereof and the effective date of this ordinance as required by Section 52.011, Tex. Local Gov't Code.

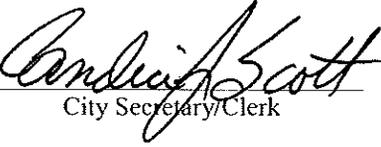
SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect from and after the date of its publication in the official newspaper.

PASSED AND ADOPTED this 22nd day of May, 2014.

/s/ 
Mayor

ATTEST:

/s/ 
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney

The Willow Park City Council in acting on Ordinance No. 682-14 did on the 22 day of May, 2014, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
Brian Thornburg, Place 1	<u> X </u>	_____
Gene Martin, Place 2	<u> X </u>	_____
Greg Runnebaum, Place 3	<u> X </u>	_____
James E. Mullins, Place 4	<u> X </u>	_____
Tim Griffiths, Place 5	<u> X </u>	_____