

CITY OF WILLOW PARK

ORDINANCE NO. 687-14

AN ORDINANCE AMENDING CHAPTER 11 "PUBLIC UTILITIES", ARTICLE 11.200 "WATERWORKS SYSTEM REGULATIONS", SECTION 11.211 "WATER WELLS", SUBPARAGRAPH (b)(c), AND (i) PROVIDING FOR PROCEDURES FOR PERMITTING WELL SPACING AND OPERATION OF PRIVATE WATER WELLS WITHIN THE CORPORATE LIMITS OF THE CITY OF WILLOW PARK; AND, PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of Willow Park ("City") may promote the public health, safety, morals, or general welfare; and,

WHEREAS, the city has authority to control potable and non-potable water well operation within the City limits of the City of Willow Park;

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

SECTION 1. AUTHORIZATION

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

SECTION 2. AMENDMENT

CHAPTER 11, "PUBLIC UTILITIES", ARTICLE 11.200 "Waterworks System Regulations", Section 11.211 "Water Wells" subparagraph (b) shall be amended by adding a new subsection (4) 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 ground water 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.
4. No well shall be permitted under this section if the well head of the proposed well is within 500 feet, measured on a direct line, from the well head of any existing permitted private well.

SECTION 3. AMENDMENT

CHAPTER 11 "PUBLIC UTILITIES", ARTICLE 11.200 "Waterworks System Regulations", Section 11.211 "Water Wells", subparagraph (c), by adding a new subsection (10), as follows:

- (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 nonrefundable fee in the amount prescribed by "Appendix A Fee Schedule". The application shall provide the following information in reference to the 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)
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 or 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
10. Show the size and location of an "in line" back flow prevention which shall be tested by the City and approved, as well as the location and size.

SECTION 4. AMENDMENT

CHAPTER 11 "PUBLIC UTILITIES", ARTICLE 11.200 "Waterworks System Regulations", Section 11.211 "Water Wells", subparagraph (i) "Permit Restrictions", is amended as follows:

(i) "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 he person to make necessary corrections, within a reasonable time specified. It shall be unlawful for 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. 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~~ City Council may, if conservation circumstances exist, in accordance with this chapter, restrict or prohibit the use of water from any well authorized by this section, for nonessential purposes during the duration of the water conservation circumstance. ~~When any stage of "Emergency Water Rationing Plan", pursuant to §11.209 of this Article is declared by the City or Mayor, any person using water from a well permitted by this section, shall be subject to the water use restrictions mandated by using the rationing stage declared"~~

SECTION 5. 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 6. REPEALER

To the extent any other ordinances or resolution is inconsistent with the provisions herein it is hereby repealed and superseded by the provisions herein.

SECTION 7. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

The Willow Park City Council in acting on Ordinance No. 687-14 did on the 8th day of July, 2014, vote as follows:

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

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect from and after the date of its adoption.

PASSED AND ADOPTED this 8th day of July, 2014.

/s/ R. C. Neverdousky
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:

/s/ _____
City Attorney