

AN ORDINANCE OF THE CITY OF ROPESVILLE, TEXAS ESTABLISHING A PERMITTING PROCESS FOR DRILLING WATER WELLS WITHIN THE MUNICIPAL LIMITS OF THE CITY; ESTABLISHING A PERMIT FEE; PROHIBITING THE DRILLING OF WATER WELLS WITHOUT A PERMIT WITHIN MUNICIPAL LIMITS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ropesville, Texas, a Type A general law municipality, is authorized by state law to adopt and implement necessary and reasonable ordinances that is necessary for the government, interest, welfare, or good order of the municipality and that is in the best interests of its citizenry; and

WHEREAS, Chapter 552 of the Texas Local Government Code, Chapters 33 and 103 of the Texas Utilities Code, and Chapter 13 of the Texas Water Code, authorizes the City to oversee and/or operate certain utilities, including a water utility, for the benefit of the citizens of the City of Ropesville; and

WHEREAS, by providing potable water for public consumption for the citizens for the City of Ropesville, the City has a legitimate interest in protecting the source of public water for public consumption from contamination, pollution or dilution; and

WHEREAS, the City Council of the City of Ropesville, finds the following ordinance establishing a permitting process for drilling water wells within the municipal limits of the City of Ropesville is reasonable and beneficial for the public health, safety and general welfare of the citizens of Ropesville and a proper exercise of its police power;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROPESVILLE, TEXAS, THAT:

1. Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to contamination of the public water supply, to maximize groundwater protection and pollution abatement control procedures, minimize land use restriction and to ensure that the public is provided with a safe potable water supply now and for future generations.

2. Permit required to drill, repair, abandon, or plug water well

It shall be unlawful for any person to drill, overhaul, construct, repair, correct, abandon, or plug a water well or to engage in such work within the city's incorporated boundaries, without first securing a permit from the city.

3. Application for permit

Any person requiring a private water well permit as required herein shall file with the city a written application, not less than thirty (30) days prior to the commencement of the work. Such application shall contain the following information:

- a. The name, address and all pertinent contact information of the owner of the land upon which the work is to be done;
- b. The exact location of the well identified by latitude and longitude on a USGS 7.5-inch topographic map;
- c. The size of the lot on which the well is located (measured in acres);
- d. The depth of the well to be drilled, repaired, or plugged;
- e. The name, address and telephone number of the well driller.
- f. The well driller's license number; and
- g. Any additional information as may be reasonably requested by the mayor upon review of the application.

Application fees shall be one hundred and fifty dollars (\$150.00). The permit fee shall be paid to the city before the issuance of a permit and before any work is started.

4. Duration of permits.

Every permit issued under the provisions of this ordinance shall expire one hundred eighty (180) days after the date issued. In every case where a permit is expired, a new permit shall be obtained before any work is resumed.

5. Issuance of permit

Application for a private water well permit shall be made in writing to the city secretary. The city secretary shall place the permit request on the agenda of the next available regular city council meeting for consideration by the city council. The city council may grant a private water well permit if, after review of the application and investigation of any other pertinent issues or matters, the city council finds that:

- a. The applicant has received all from the High Plains Underground Water Conservation District and/or the State of Texas, if applicable;

- b. The proposed well location meets all conditions contained in this ordinance including, without limitation, set back requirements as outlined in this ordinance;
- c. The water well will be used solely for agricultural or irrigation purposes, or for a combination of agricultural and irrigation purposes; and
- d. The drilling of the water well by the applicant will not at the time or in the future in any way affect, diminish or interfere with the city's public water supply system.

6. Additional permits

It shall be unlawful for any applicant who obtains a permit to construct a private water well of a certain depth, to extend such well to a depth exceeding the depth provided for in such permit without first obtaining an additional permit from the city.

7. Licensing requirements

Construction of water wells shall be performed only by someone holding a valid water well drillers license issued by the state. The license number shall be displayed during construction at the site of the work. The number shall be clearly readable from the nearest traveled public roadway. In addition, the approved permit issued by the city shall be displayed during construction at the site of the work.

8. Interconnection or cross connection with city water

It shall be unlawful to construct, allow or permit any interconnection or cross connection between the city's public water supply systems and any private water well registered or authorized by permit as required herein.

9. Inspections and tests.

The mayor and/or the public works director, or their designated representative, shall have the right, at any time, to enter the property for the purpose of inspections to ensure compliance with this ordinance. In addition, the director of public works or his or her designated representative shall have the right to enter the property at any time in the future for the purpose of inspections to ensure that there are no cross connections to the city's water system, as it exists or may be amended. Such right of entry is a condition of the person's privilege to drill and operate a water well under this ordinance.

10. Location

Water wells shall be constructed no closer to property lines or significant structures than the following distances:

- a. Front property line: Twenty-five (25) feet;
- b. Side property lines: Five (5) feet;

- c. Rear property line: Ten (10) feet;
- d. Buildings: Ten (10) feet;
- e. Power lines: Thirty (30) feet;
- f. Septic tanks and drain fields: One hundred (100) feet;
- g. Septic tanks and drain fields: One hundred (100) feet if well is cement encased;
- h. Septic spray heads/soil absorption area: One hundred (100) feet;
- i. Barns and animal pens: One hundred fifty (150) feet; and
- j. Permanent derricks and towers: No closer than forty (40) feet to a property line.

11. Domestic use prohibited

It shall be unlawful for a commercial water well to be used for domestic (household) use or for consumption by the public.

12. Debris, etc. on public rights-of-way

There shall be no debris, dirty water, mud or any other refuse dumped or discharged onto public rights-of-way by any permittee or well driller. The permittee and/or well driller will be responsible for the cleaning of any discharge and debris in the right-of-way. The well driller shall control and dispose of, among other things, all drilling, cuttings, mud and water so as not to create a mud pit or disposal operation at the well site.

13. Applicability of state regulations

The regulations of the TDLR and the Texas Water Well Drillers Act, as they exist or may be amended, and as they pertain to the construction of water wells, are hereby incorporated into this ordinance and shall be strictly complied with. The permittee shall also comply with any and all Texas Department of Licensing and Regulation rules and regulations, Texas Commission on Environmental Quality (TCEQ) and other governing state statutes and regulations.

14. Penalty. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) per violation.

15. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

16. Repealed. All other terms and provisions of any ordinance of the City of Ropesville, not in conflict herewith and not hereby amended shall remain in full force and effect.

17. **Severability.** If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Ropesville, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

18. **Publication.** The City Secretary of the City of Ropesville is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved this 11 day of August, 2020.



Brenda Rabel, Mayor

ATTEST:



Delia Cruz, City Secretary