

AN ORDINANCE OF THE CITY OF ROPESVILLE, TEXAS AMENDING ORDINANCE NO. 081120-3 BY CLARIFYING THE PERMITTED USE OF WATER PRODUCED FROM A PRIVATE WATER WELL WITHIN THE MUNICIPAL LIMITS OF THE CITY; 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, on August 11, 2020, the City Council of the City of Ropesville approved Ordinance No. 081120-3 establishing a permitting approval process for drilling a private water well within the municipal limits of the City; and , 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 that amending Ordinance No. 081120-3 further clarifying the permitted use of water produced from a private water well 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. **Amendment.** Section 5(c) of Ordinance No. 081120-3 is hereby amended to read as follows:

- c. The water well will be used solely for irrigation purposes on the property where the water well is located and applied to the property where the water well is located; and

2. **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.

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

4. **Repealed.** All other terms and provisions of Ordinance No. 081120-3 not specifically amended herein shall remain in full force and effect.

5. **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.

6. **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 4th day of September, 2020.



Brenda Rabel, Mayor

ATTEST:



Delia Cruz, City Secretary