

ORDINANCE NO. 11-08

AN ORDINANCE RELATING TO THE PROTECTION OF THE HEALTH AND SAFETY OF THE CITIZENS OF THE CITY OF COMMERCE, TEXAS, BY PROVIDING DEFINITIONS, REGISTRATION OF EXISTING WATER WELLS, REGULATIONS OF FUTURE WATER WELLS WITHIN THE CITY LIMITS, LIMITATION ON CROSS CONNECTIONS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF COMMERCE, TEXAS:

WHEREAS, the City of Commerce, Texas maintains a public water supply for in order to protect the health and safety of the citizens of and visitors to the City; and

WHEREAS, the City of Commerce, Texas, through its powers as a Home Rule City may regulate certain activities within said City limits in order to protect and preserve the health and safety of its citizens; and

WHEREAS, it is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Commerce by ensuring that all consumable sources of water within the City meet all safety and wholesomeness standards imposed by any regulating agency, now and in the future.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF Commerce, TEXAS:

That the Code of Ordinances of the City of Commerce is hereby amended by adding:

CHAPTER 94 UTILITIES

Article II. Water and Sewer

DIVISION 4. PRIVATE WATER WELLS

Sec. 94.101 Private water well registration

(a) All existing private water wells constructed by a person other than the city and located within the city's incorporated boundaries must be registered with the city. Owners of unregistered water wells, existing prior to the enactment of this section, must register the private water well with the city by submitting the following information to the city manager:

- (1) The name of the owner of the land upon which the well is located;
- (2) The exact location of the well identified by latitude and longitude on a USGS 7.5-inch topographic map;
- (3) The size of the lot on which the well is located (measured in acres); and

(4) The identification of any recorded municipal setting designations within one-half mile of the well.

(b) Registration fees shall be fifty dollars _____ (\$50.00).

Sec. 94.102 Permit required to drill, repair, abandon, or plug water well.

(a) It shall be unlawful for any person to drill, 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.

(b) The building official shall inspect any site upon which a water well permit application is made, and shall, during the time of all drilling operations, have the right to inspect drilling operations at any time.

(c) Each person drilling any water well in the City of Commerce shall at all times comply with all rules and regulations promulgated by the Texas Commission on Environmental Quality.

(d) Each well drilling site shall be secured during all drilling operations in such a manner, in the opinion of the building official, so as to prevent access to well sites by any unauthorized persons. Failure to secure well drill sites shall cause the building official to order drilling activities to cease unless and until all drilling activities are adequately secured.

Sec. 94.103 Application for permit

(a) 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:

(1) The name of the owner of the land upon which the work is to be done;

(2) The exact location of the well identified by latitude and longitude on a USGS 7.5-inch topographic map;

(3) The size of the lot on which the well is located (measured in acres);

(4) The depth of the well to be drilled, repaired, or plugged;

(5) A complete set of plans and specifications for the work to be done sealed by a licensed professional engineer;

(6) The name and address of the contractor;

(7) The name, address, and state license number of the professional engineer or geologist;

(8) The location of the nearest public water supply; and

(9) The identification of any record municipal setting designations within one-half mile of the proposed new well.

(b) Application fees shall be one hundred and fifty dollars _____ (\$150.00).

Sec. 94.104 Issuance of permit

Application for a private water well permit shall be made in writing to the building official. The building official may grant a private water well permit if, after review of the application and investigation of any other pertinent issues or matters, the building official finds:

- (a) That the lot size on which the water well is to be drilled is not less than five acres;
- (b) That the water well will be used solely for agricultural, solely for irrigation purposes, or solely used for a combination of agricultural and irrigation purposes; and
- (c) That 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.

Sec. 94.105 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.

Sec. 94.106 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.

Section 94-107 - Penalties

Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not to exceed two hundred dollars (\$200.00), each day of such violations constituting a separate offense.

Section 94-108 - Repealing Clause

All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided however that such repeal shall be only to the extent of such inconsistency and in all other respects the Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 94-109 - Severability Clause

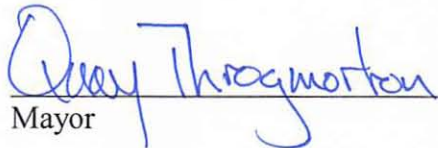
If any section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should be for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this Ordinance are declared to the severable.

Section 94-110 - Effective Date

This Ordinance shall take effect from and after its passage by the Commerce City Council and publication. The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in a local newspaper of general circulation.

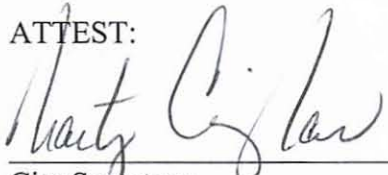
READ, PASSED, APPROVED AND AUTHENTICATED on first reading the 17th day of May, 2011.

READ, PASSED, APPROVED AND AUTHENTICATED on second reading the 21st day of June, 2011.

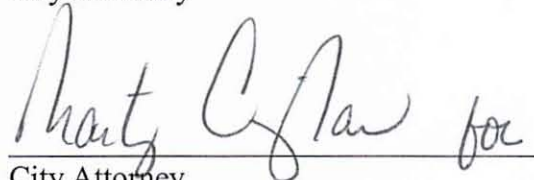


Mayor

ATTEST:



City Secretary



City Attorney