

ORDINANCE 2022-47-0906

AN ORDINANCE OF THE TOWN OF ANTHONY, TEXAS AMENDING ANTHONY MUNICIPAL CODE SECTION 13.16.050 (LICENSING REQUIREMENTS) OF CHAPTER 13.16 (WATER WELLS) OF TITLE 13 (PUBLIC SERVICES) TO PROVIDE FOR: (1) THE ELIMINATION OF THE REQUIREMENT THAT ALL WELL DRILLING EQUIPMENT BE REGISTERED IN THE STATE OF TEXAS, (2) THE ELIMINATION OF THE PROHIBITION OF OUT OF STATE DRILLING RIGS, AND (3) THE ADDITION OF A REQUIREMENT THAT THE TEXAS LICENSED WATER WELL DRILLER PROVIDE THE TOWN WITH A COPY OF ITS ACTIVE TEXAS WATER WELL DRILLER LICENSE WITH EXPIRATION DATE.

WHEREAS, the GOVERNING BODY did hold a duly noticed Public Hearing; and

WHEREAS, the GOVERNING BODY did consider testimony from staff and the public before reaching its decision; and

WHEREAS, pursuant to the statutory authority granted to the GOVERNING BODY as a municipality under Texas Local Government Code Section 51.001, the GOVERNING BODY may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, the GOVERNING BODY does make the following finding:

1. That it is in the best interest and welfare of the public at large and in the best interest of good government of the municipality that Anthony Municipal Code Section 13.16.050 (Licensing Requirements) of Chapter 13.16 (Water Wells) of Title 13 (Public Services) be amended to: (1) eliminate the requirement that all well drilling equipment be registered in the State of Texas, (2) eliminate the prohibition of out of state drilling rigs, and (3) add the requirement that the Texas licensed water well driller provide the Town with a copy of its active Texas water well driller license with expiration date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ANTHONY, TEXAS: that in consideration of the aforementioned findings and

testimony, it hereby ordains that it does hereby approve the amendment of Anthony Municipal Code Section 13.16.050 (Licensing Requirements) of Chapter 13.16 (Water Wells) of Title 13 (Public Services) to: (1) eliminate the requirement that all well drilling equipment be registered in the State of Texas, (2) eliminate the prohibition of out of state drilling rigs, and (3) add the requirement that the Texas licensed water well driller provide the Town with a copy of its active Texas water well driller license with expiration date, as set out more fully herein as follows:

Section 1. AUTHORITY AND PURPOSE.

AUTHORITY: This Ordinance is adopted pursuant to the enabling provisions of Texas Local Government Code Section 51.001 and Section 51.012.

PURPOSE: The purpose of this ordinance is to amend Anthony Municipal Code Section 13.16.050 (Licensing Requirements) of Chapter 13.16 (Water Wells) of Title 13 (Public Services) to: (1) eliminate the requirement that all well drilling equipment be registered in the State of Texas, (2) eliminate the prohibition of out of state drilling rigs, and (3) add the requirement that the Texas licensed water well driller provide the Town with a copy of its active Texas water well driller license with expiration date.

Section 2. AMENDMENT OF TITLE 13 – PUBLIC SERVICES, CHAPTER 13.16 – WATER WELLS, SECTION 13.16.050 – LICENSING REQUIREMENTS.

Section 13.16.050 – Licensing requirements, which currently reads as follows:

“Construction of water wells shall be performed only by those holding a valid water well drillers license issued by the state of Texas. 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. All well drilling equipment must be registered in the state of Texas. No out of state drilling rigs will be allowed.”

is hereby AMENDED to read as follows:

“Construction of water wells shall be performed only by those holding a valid water well drillers license issued by the state of Texas. 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. The Texas licensed water well driller shall provide the town with a copy of its active Texas water well driller license with expiration date.”

Section 3. SEVERABILITY.

Should any section, paragraph, clause or provision of this Ordinance for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. REPEALER.

All ordinances or resolutions or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. This repealer shall not be construed to revive any ordinance or resolution or part thereof, heretofore repealed.

Section 5. EFFECTIVE DATE.

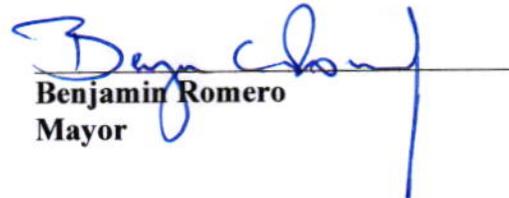
This ordinance shall be effective as provided by law.

Section 6. PROPER NOTICE & MEETING.

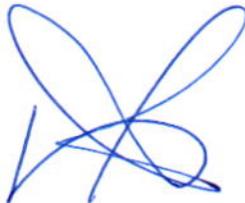
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code 551.

PASSED, ADOPTED AND APPROVED THIS 6th DAY OF SEPTEMBER, 2022.

APPROVED:


Benjamin Romero
Mayor

ATTEST:



Valerie Armendariz
Town Clerk



ROLL CALL VOTE:

Mayor Pro-Tem Shawn Weeks
Councilor Jose Garcia
Councilor Eddie Chavez
Councilor Louie Alfaro
Councilor Soledad Flores

YES _____
YES _____
YES _____
YES _____
YES _____