

ORDINANCE NO. 2015-503

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ANTHONY, TEXAS, ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE TOWN'S PUBLIC WATER SUPPLY WELLS.

* * * * *

WHEREAS, the Town of Anthony, Texas (the "Town"), owns and operates water supply facilities within the Town, including Three (3) water wells and related facilities (the "Wells"), which provide potable water to the residents of the Town; and

WHEREAS, because maintenance of sanitary conditions around such Wells is vital to the protection of the Wells and to the protection of the health and safety of the residents of the Town, the Town Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Wells; now, therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANTHONY, TEXAS:

Section 1. Purpose.

- A. This Ordinance sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of the Wells in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the Town to comply with all applicable state and local regulations.
- B. The objective of this Ordinance is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

Section 2. Definitions.

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- A. *Town Council* shall mean the Town Council of the Town of Anthony, Texas.
- B. *Town* shall mean the Town of Anthony, Texas.
- C. *Ordinance* shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the Town's Public Water Supply Wells.
- D. *Person* shall mean any individual, partnership, co-partnership, firm, company,

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corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

- E. *Wells* shall mean the water wells owned and operated by the Town, which are more specifically identified and described in Exhibit "A" attached hereto and made a part hereof.

Section 3. Prohibited Activities.

The following activities are prohibited within the designated areas of land surrounding the Wells:

- A. Construction and/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1, 2, 3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Ordinance, "improperly constructed water wells" are those wells that do not meet the surface and subsurface construction standards for a public water supply well.
- B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the Wells.
- C. Construction of homes or building upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.
- D. Normal farming and ranching operations are not prohibited by this Ordinance; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

Section 4. Right of Entry.

Town employees, or authorized representatives of the Town, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

Section 5. Penalty.

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$ 500.00. Each day of violation shall constitute a separate offense.

Section 6. Required Removal.

Any person who shall violate any provision of this Ordinance shall be required to remove the prohibited construction or potential source of contamination within 3 days after notification that they are in violation of this Ordinance.

Section 7. Superceding Regulation or Statute.

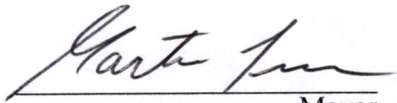
Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

Section 8. Severability.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Town Council of the Town of Anthony, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on the first reading this 21 the day of July, 2015.

PASSED, APPROVED, AND ADOPTED on the second and final reading this 28 the day of July, 2015.



Mayor

ATTEST:

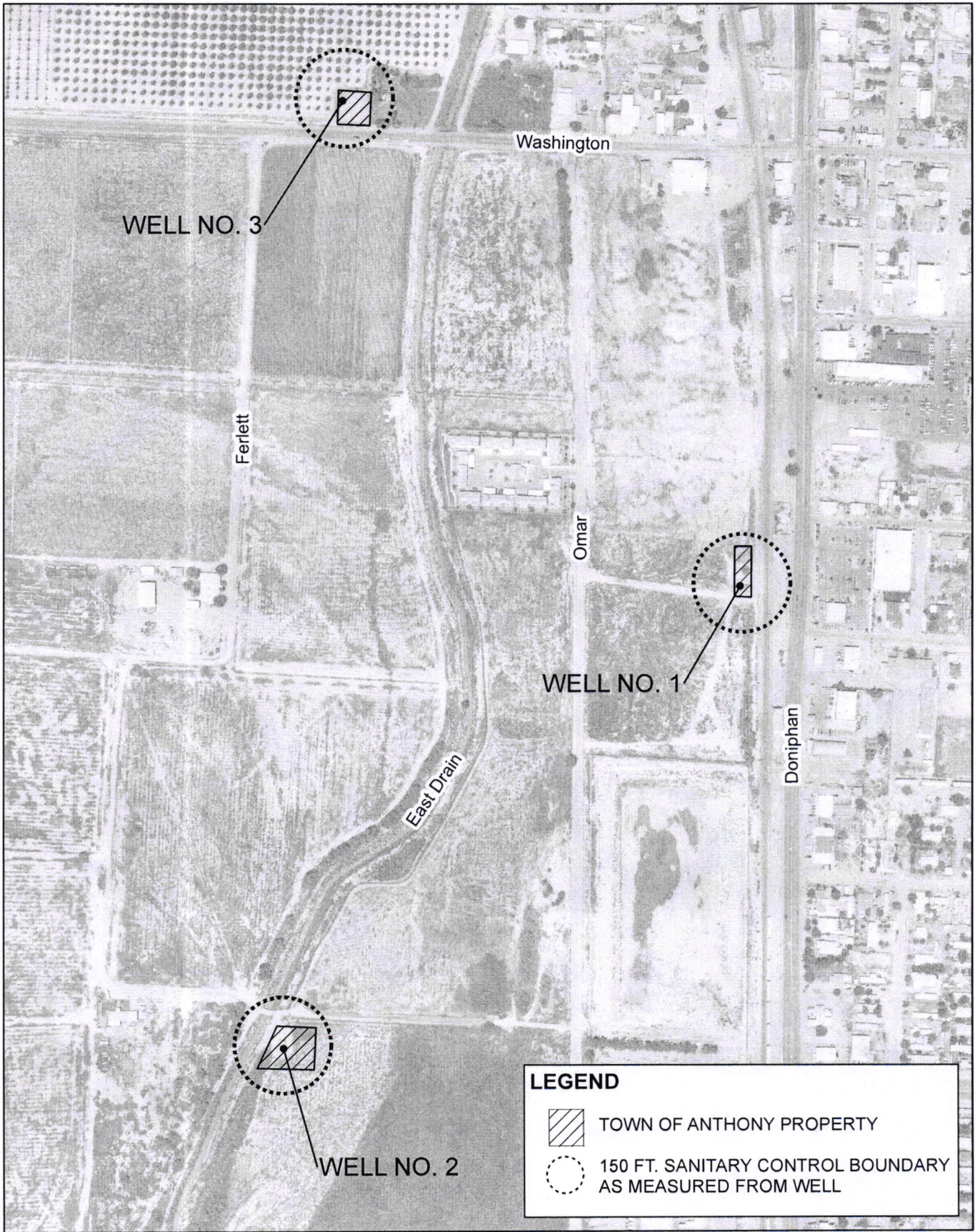


Town Clerk

APPROVED:



Town Attorney



LEGEND



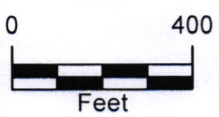
-  TOWN OF ANTHONY PROPERTY
-  150 FT. SANITARY CONTROL BOUNDARY AS MEASURED FROM WELL



EXHIBIT A - TOWN OF ANTHONY EXISTING WELL SITES
SCALE: 1" = 400'



Cynthia Clarke

From: Mark Sanchez [msanchez@team-psc.com]
Sent: Wednesday, July 01, 2015 4:14 PM
To: Cynthia Clarke
Cc: Martin Contreras
Subject: Town of Anthony DRAFT Well Ordinance
Attachments: Exhibit A - Well Ordinance Map.pdf; Ordinance form BLANK_092014.pdf; Ordinance form BLANK_092014.doc

Importance: High

Flag Status: Flagged

Cyndi,

Here is draft ordinance for establishing 150 feet radius sanitary control boundary around the Town's existing well sites. Exhibit A goes with the ordinance. This ordinance was crafted from a sample ordinance provided by TCEQ and if passed by the Town would be accepted in place of the 150 feet radius sanitary easement required by TCEQ. We indicated a fine of \$500 per day for non-compliance and a 3-day time frame for complying. Please check your current ordinances to make sure one does not already exist. We are not aware of an existing Town ordinance covering this.

I suggest having Chuy confirming there are no septic tanks, leach fields, gas tanks, or anything else that could contaminate the wells within 150 feet of the wells, particularly at well site number 3, since there is a home adjacent to the well. It is probably ok but good to confirm. If the Town does not have already have an ordinance, my guess is that there were easement agreements developed for each of the wells, but maybe they were never recorded.

In the mean time I'll forward the DRAFT ordinance to TCEQ for their review and comment.

Please review with Mayor, Council, and Town lawyer and let me know if you all have any questions, comments, or changes. We will need this ordinance to receive funding from TWDB for Well No. 2 Rehab work.

Regards,

Mark O. Sanchez, P.E.

Senior Project Manager



We're moving! Please note our new address in the downtown Union Plaza district.

PARKHILLSMITH&COOPER | 501 West San Antonio | El Paso, Texas 79901 | 915.533.6811 | team-psc.com/elpaso