

ORDINANCE NO. 580-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 420-07 ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Sansom Park, Texas (the "City"), owns and operates water supply facilities within the City, including water wells and related facilities, which provide potable water to the residents of the City; 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 City, the City 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 CITY COUNCIL OF THE CITY OF SANSOM PARK:

Ordinance 420-07 is hereby repealed in its entirety and replaced as follows:

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 City to comply with all applicable state and local regulations.
- B. The object 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. *City Council* shall mean the City Council of the City of Sansom Park, Texas.
- B. *City* shall mean the City of Sansom Park, Texas.

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

City employees, or authorized representatives of the City, 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 seven (7) 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 circumstance 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 City Council of the City of Sansom Park, 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.

Section 9. Savings Clause

All rights and remedies of the City of Sansom Park are expressly saved as to any and all violations of the Code of Ordinances of the City of Sansom Park, as amended, or any other ordinances regarding sanitation and pollution control of the areas in proximity to the city's public water supply wells which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 10. Publication Clause

The City Secretary of the City of Sansom Park is hereby directed to publish in the official newspaper of the City of Sansom Park, the caption, penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.011 of the Local Government Code.

Section 11. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sansom Park, Texas on the 29TH day of June, 2021.


Jim Barnett, Jr., Mayor

ATTEST:

Wendy Blocker, TRMC City Secretary



Exhibit "A"

City of Sansom Park Well Locations:

EP001 Graham Wellsite - 5700 Graham Street – Well G2200071I, Well G2200071R

EP002 Arrow Wellsite - 3437 Arrow Lane – Well G2200071J

EP003 Ridge Wellsite - 5900 Ridge Lane – Well G2200071E, Well G2200071P

EP004 Boicourt Wellsite - 1921 Skyline Drive – Well G2200071K

EP005 Terrace Wellsite - 5420 Terrace Trail – Well G2200071N, Well G2200071M

EP006 Cowden Wellsite - 5401 Cowden Street – Well G2200071O, Well G2200071S

EP007 Washington Wellsite - 2401 Washington Avenue – Well G2200071T, Well G2200071U