

**ORDINANCE 09-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOLAR, TEXAS,  
AMENDING ORDINANCE 06-03 ESTABLISHING RULES AND  
REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL  
OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY  
WELLS.**

**WHEREAS**, the City of Tolar, Texas (the "City"), owns and operates water supply facilities within the City, including water wells and related facilities (the "Wells"), 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 ORDIANED BY THE CITY COUNCIL OF THE CITY TOLAR, TEXAS:

Section 1: Purpose

- A. This Ordinance sets forth uniform requirements for the uses 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 objective of this Ordinance is to prevent certain uses and the construction 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 Tolar, Texas.
- B. *City* shall mean the City of Tolar, 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, successor, or assigns.
- E. *Wells* shall mean the water wells owned and operated within the city limits of the City of Tolar. Existing wells are more specifically identified and described in Exhibit "A" attached hereto and made a part hereof. Future wells will be added to Exhibit "A" by majority vote of the City Council establishing an amendment to this Ordinance.

### 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 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, industrial facility, wood 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 public water supply well.
- B. Construction and/or operation of tile or concrete sanitary sewers, sewer Appurtenances, septic tanks, storm sewers, and cemeteries are specifically prohibited within, upon, or across any area of land within a 150-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 150-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 exceed \$ 200.00. 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 15 days after notification that they are in violation of this Ordinance.

Section 7: Superceding Regulation or Statute

Whenever 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 part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tolar, 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, weather there be on or more parts.

PASSED, APPROVED, AND ADOPTED on the first reading this 26th day of October 2009.

  
Terry R. Johnson, Mayor

ATTEST:

  
Joyce Johnson, City Secretary



**EXHIBIT "A"**

<b>Well # 1</b>	<b>Latitude:</b>	<b>32:23:40 N</b>
	<b>Longitude :</b>	<b>97:55:17 W</b>
<b>Well #3</b>	<b>Latitude:</b>	<b>32:23:44 N</b>
	<b>Longitude:</b>	<b>97:55:06 W</b>
<b>Well#4</b>	<b>Latitude:</b>	<b>32:23:45 N</b>
	<b>Longitude:</b>	<b>97:55:07 W</b>
<b>Well#5</b>	<b>Latitude:</b>	<b>32:23:05 N</b>
	<b>Longitude:</b>	<b>97:55:42 W</b>
<b>Well#6</b>	<b>Latitude:</b>	<b>32:23:50 N</b>
	<b>Longitude:</b>	<b>97:55:08 W</b>