

REGULATION AND PERMITTING OF WATER WELLS

ORDINANCE 011713(01)

**AN ORDINANCE AMENDING THE CITY OF QUITMAN, TEXAS
CODE OF ORDINANCES ESTABLISHING REGULATIONS
REGARDING WATER WELLS AND PERMITTING FOR SAME,
ESTABLISHING PENALTIES FOR VIOLATION OF REGULATION, AND
PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION**

WHEREAS, the City of Quitman, Texas currently provides water service within a prescribed service area including the area within the city limits and certain areas within the Extraterritorial Jurisdiction of the City; and

WHEREAS, the City currently has a municipal water system with a “Superior” rating, and is vitally concerned with continuing to provide a safe and wholesome water supply for its citizens, without risk of contamination from unregulated water well drilling activity and cross connections with untreated and untested water systems; and

WHEREAS, the City finds that it is in the best interest of the citizens of Quitman, Texas to ensure the continued safety and efficacy of municipal water and wastewater treatment systems by permitting water wells to be drilled only in areas suitable for such wells, and to be operated in such a manner as to protect both the municipal water supply and the sanitary sewer system, and to be inspected regularly to verify that compliance with all safety and health regulations is continuing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF QUITMAN, TEXAS THAT:

Section 53.20(A) is hereby amended to strike the word Council.

Section 53.21 is hereby amended by substituting the language below for its current text, and Chapter 53 is further amended by adding Sections 53.21A, 53.21B, 53.21C, and 53.21D as follows:

“Sec. 53.21 PERMITTING OF WATER WELLS

Water well permits shall be issued by the City Building Official only after the following conditions have been met:

(A) All water wells shall be located so that no danger of pollution from flooding or unsanitary surroundings exists; and

(B) All water wells shall be located at least 50 feet from any property line of applicant's property; and

(C) Any person acting as a water well driller must hold a license in good standing issued by the Executive Director of the Texas Department of License and Regulations pursuant to the Texas Occupations Code, Chapters 1901 and 1902; and

(D) Each proposed water well, water well location and water well design shall meet each condition established by **16 TEXAS ADMINISTRATIVE CODE, CHAPTER 76**, entitled *Water Well Drillers and Water Well Pump Installers*, as amended from time to time; and

(E) Each water well permit applicant shall first agree, as a part of the Permit Application, to consent to the inspection of the water well site and water well drilling process, as specified by the Quitman Director of Public Works or designee, and shall additionally consent to annual inspections and testing of the water well site as well as all potential cross connection locations with the Quitman public water system and the Quitman sanitary sewer system; and

(F) Any water to be produced from any water well drilled within the city limits of Quitman shall be used exclusively for irrigation and/or agricultural purposes only.

Sec. 53.21A PREVENTION OF CONTAMINATION OF PUBLIC WATER SUPPLY AND CROSS CONNECTIONS

(A) Each person maintaining or operating a water well within the city limits shall install and maintain a backflow prevention device acceptable to the Public Works Director of the City of Quitman on the water line immediately adjacent to any City water meter serving the property upon which such water well is located in a manner sufficient to prevent contamination to the Quitman municipal water supply by well water in the event that the well system were to be inadvertently cross connected to the City water system. Such device shall be annually inspected and certified in operable condition by a licensed inspector for such purpose and certification provided to the City.

(B) It shall be unlawful to cross connect any water well in the City to any pipe or line intended to or capable of carrying City municipal water.

(C) It shall be unlawful to permit water discharged from a water well in the City to flow into or be diverted into the municipal sanitary sewer system without prior consent of the City. In the event that the City determines that well water is being discharged into the City sanitary sewer system, applicant shall be deemed by its application for a water well permit to have consented to and authorized the City of Quitman to install a metering device upon the water well, and shall thereafter pay the regular municipal charges for sewer treatment for all water produced by the water well. In such event, the City shall install a meter upon the water well and the Applicant shall remit to the City within 15 days the usual and typical water tap fee for a new meter installation. The City shall invoice Applicant each month thereafter for the costs of sewer treatment regularly charged other City residents for all water produced from said well. In the event that Applicant fails to remit said sewer charges in accordance with the regular sewer billing and payment policies of the City, the City may disconnect municipal water service to the Applicant's property and may also enter upon Applicant's property and disable the water well so as to prevent water from being produced therefrom. Responsibility for any damage to the water well in such event shall remain solely the responsibility of the Applicant.

(D) Each Applicant for a water well permit shall, as a condition of the permit, authorize each act of the City of Quitman authorized in this Ordinance. Each application shall reference this Ordinance, and the Applicant shall be entitled to receive a copy of this Ordinance at the time of application. The representations and agreements of Applicant shall run with the water well, and upon the sale or transfer of any property upon which a water well is located, the purchaser shall be required to complete and file with the City Secretary an application to transfer water well permit, by which the transferee of the water well permit shall agree to be bound to the agreements and authorizations of the original Applicant.

Sec. 53.21B PERMIT FEES AND INSPECTIONS

(A) Each water well permit application shall be accompanied by a fee of \$75.00.

(B) The Quitman Public Work Director or designee, may conduct an inspection of the premises upon which any water well is located. Said inspection may be conducted to insure that the water well is being maintained in a safe and wholesome manner, and that all municipal, state and federal regulations are being met. Said inspection may include, but is not limited to confirmation that no cross connections to either the municipal water system or the sanitary sewer system have occurred and a determination that the backflow prevention device or devices are in proper working order.

(C) Except in the event of a violation of Sec. 53.21 (C) herein, Applicant shall correct any condition of the water well which violates any provision of this ordinance, or state or federal law within 15 days after notice of same and shall not, in any event, produce any water from said water well until said condition shall be corrected and the corrections shall have been reinspected and approved by the Quitman Public Works Director, or his designee. In the event of a violation of Sec. 53.21 (C) herein, Applicant shall not produce water from said water well until the completion of the installation of the water meter at the well head and the payment of the meter fee to the City.

Sec. 53.21C APPLICATION TO EXISTING WATER WELLS

In order to protect the health and safety of the citizens of the city, the provisions of this ordinance shall apply to all existing water wells within the city limits.

Sec. 53.21D PENALTIES

A violation of any provision of this Chapter is a violation of this Code and shall be punishable by fines in accordance with the general penalty provisions contained in Section 10.99.”

EFFECTIVE DATE AND PUBLICATION

This ordinance shall become effective upon passage by the City Council and publication in accordance with the requirements of the Texas Local Government Code and the City Secretary is hereby directed to publish the caption and penalty clause of this ordinance in accordance with such.

PASSED BY THE CITY COUNCIL OF THE CITY OF QUITMAN, TEXAS THIS 17TH DAY OF JANUARY, 2013.

IN WITNESS WHEREOF WEHAVE AFFIXED OUR SIGNATURES HERETO THIS 17TH DAY OF JANUARY, 2013.

APPROVED:

J.R. Evans, Mayor Pro-Tem

ATTEST:

Michael E. Hall, City Secretary