

ORDINANCE NO. 446

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, AMENDING THE CITY OF WOLFFORTH CODE OF ORDINANCES BY ADDING ARTICLE 13.09 WATER WELL CONSTRUCTION AND OPERATION; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that it is necessary to amend the Code of Ordinances to include an article to address the construction, operation, repair, correction, abandonment and plugging of a water well the could affect City of Wolfforth public water supply; NOW THEREFORE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH AS FOLLOWS:

PART 1. Enacted.

THAT the City of Wolfforth Code of Ordinances is hereby amended by adding Article 13.09 entitled, "Water Well Construction" which shall read as follows:

ARTICLE 13.09 WATER WELL CONSTRUCTION

Sec. 13.09.001 Permit Required

- (a) A permit is required for all wells with the City of Wolfforth.
- (b) It shall be unlawful for any person to drill or otherwise construct, operate, repair, correct, abandon and/or plug a well or to engage upon such work within the city limits of the City of Wolfforth and to employ anyone else to engage in such work without first applying for and securing a permit from the director of public works or a duly authorized agent thereof. Such permit may be granted with the approval of said director of public works to any person who files with the director of public works an application, pays the required fee and complies with all other provisions of this article applicable to the applicant.
- (c) It shall be the duty of the director of public works to inspect the property where any well is to be drilled, sunk, dug or bored and to refuse the issuance of a permit to drill, ink, dig or bore a well in a place which does not meet with its approval as to drainage and other sanitary conditions.
- (d) The owner of a well that is also required to obtain a permit from the High Plains

Underground Water District No. 1 (HPUWD) must provide a copy of the HPUWD permit at the time of the permit application with the City. If a well requires a permit under the then current HPUWD rules, the City will not issue a permit until a copy of the HPUWD permit has been provided to the City.

(e) Every permit issued under the provisions of this article shall expire ninety (90) days after the date issued. In every case where a permit is expired, a new permit shall be obtained before any work is resumed.

(f) The owner of each well which was constructed within the City of Wolfforth prior to the adoption of this Ordinance will have sixty (60) days from the effective date of this Ordinance to submit a permit application and remit to the City the annual inspection fee.

Sec. 13.09.002 Application for Permit; Contents

Every application for a permit for the drilling, construction, repair and correction, abandonment and/or plugging of a well shall state the following:

- a) the name and address of the owner;
- b) the purpose for which the permit is desired;
- c) the definite location of the well or proposed well;
- d) its approximate depth;
- e) the name of the contractor, if done through a contractor, whom the owner desires to drill or construct repair and correct or to do the work pursuant to an abandonment of a well in compliance with this article.

If the application is for a permit for the drilling or construction or repair and correction of a water well, the application must contain the following additional information:

- a) the estimated amount of water to be pumped or which is being pumped daily, monthly or annually;
- b) the use or uses for which the water will be or is required;
- c) the proposed method of drilling or construction or the proposed method of repair and correction;
- d) and the kind of equipment to be used.

Sec. 13.09.003 Annual Inspection

The director of public works or his designee shall inspect each permitted, active well each year. Within 30 days of each annual anniversary of the drilling of a well, the owner of a well permitted by the City shall submit to the City written notification that the well is still active and remit the annual inspection fee to the City.

Sec. 13.09.004 Permit Fees

The fees to be paid to the City of Wolfforth for the permits required by this article shall be as follows:

- a) Permit for the drilling or construction of a new well: \$120.00
- b) Permit for the drilling, construction, or refurbishment of an existing well: \$75.00
- c) Permit for annual city inspection: \$50.00
- d) Permit to repair or correct a defective well: \$50.00.
- e) Permit to abandon or plug a well: \$25.00.

Sec. 13.09.005 Disposition and Use of Permit Fees

All fees and other money collected by the director of public works by virtue of this article shall be expended by said director of public works to cover the expense of making examinations of wells within the city, to make or have made the necessary analysis and tests of water therefrom, to supervise the construction, repair, abandonment and plugging of wells and the operation of same, and such other expenses as may be necessary to the enforcement of this article.

Sec. 13.09.006 Issuance of Permit

All permits to construct, drill, dig or excavate a well shall be executed in triplicate, one (1) copy to be delivered to the applicant and two (2) copies to be retained by the City.

Sec. 13.09.007 Permit Required for Extension of Depth

It shall be unlawful for any applicant who obtains a permit to construct a well of a certain depth, to extend such well to a depth exceeding the depth provided for in such permit without first obtaining an additional permit subject to the fees in Sec. 13.09.004.

Sec. 13.09.008 Powers and Duties of the City

- (a) The director of public works for the City of Wolfforth shall have the power:
 - (1) To make or have made examinations of all wells within the City whether privately owned or otherwise;
 - (2) To make or have made at any time the necessary analysis and/or tests of water therefrom;
 - (3) To go upon the land and property of the owner or owners of wells for that purpose;

- (4) To require the owner or owners to furnish all information requested concerning the wells, including in the case of new wells, complete logs of the well showing depth to and depth through all geologic formations encountered; and
- (5) To supervise the construction, repair, abandonment and plugging of wells and the operation of the same.

(b) The director of public works shall keep a register of all wells within the City which shall show the name of the owner, the location and the date of construction of each well, its depth and diameter, the purpose for which the well was constructed and if abandoned the date of such abandonment.

(c) All acts authorized by this article to be performed by said director of public works may be performed by such persons as may be authorized by said director of public works to act for him.

Sec. 13.09.009 Location

(a) Wells shall be constructed no closer to property lines or significant structures as defined below:

- (1) Front, rear and side yard setbacks as defined by the final plat or current zoning district for the subject property;
- (2) Primary buildings: ten (10) feet;
- (3) All power lines: thirty (30) feet;
- (4) Septic tanks and drain fields: one hundred fifty (150) feet;
- (5) Septic tanks and drain fields: fifty (50) feet, if well is cement encased;
- (6) Septic spray heads/soil absorption area: eighty (80) feet;
- (7) Barns and animal pens: one hundred fifty (150) feet;
- (8) Permanent derricks and towers: no closer than forty (40) feet to side property lines;
- (9) City wells: 300 feet.

(b) For the purpose of protecting the Wolfforth public water supply, only one active well may be permitted per platted lot.

Sec. 13.09.0010 Abandoned Wells; Disposition

(a) Defined. For the purpose of this article, an abandoned well is:

- (1) a defective well which in the judgment of the director of public works, cannot be

corrected to comply with the requirements of this article, or

(2) any well which has been continuously out of use for a period of two (2) years or longer.

(b) Report. Whenever any well has not been in active use for more than two (2) years, the owner or operator of the same shall report said fact to the director of public works:

(c) Filling and Plugging. Every abandoned well shall be filled and plugged with such materials and in such manner as in the judgment of the director of public works will prevent the pollution and contamination of the City's water supply or the contamination of any other well within the City. Such filling and plugging shall be done under the supervision of said director of public works and at the expense of the owner of such well.

(d) Notice to Fill. Whenever the director of public works shall receive notice from any source of the existence of an abandoned well which has not been plugged and filled in accordance with the provisions of this article, he shall notify the owner or agent in charge of said well or of the property upon which it is situated that such well is abandoned and shall instruct him to fill and plug such well in accordance with this article. The owner or operator of such well shall comply with such order within sixty (60) days after the date of same.

(e) Filling by City. Should the owner fail to so comply with such notice during such period or if after using reasonable diligence, or should the director of public works fail to locate the owner or the agent in charge of such well or of the property upon which the well is situated, the director of public works may go on the land or property upon which the well is situated and fill and plug the same in the manner required by this section. Whenever it becomes necessary for the director of public works to fill and plug any abandoned well, the owner thereof shall be liable to the City for the cost of doing such work and shall pay the City upon demand. If unpaid, the cost of filling the well shall be charged as a lien upon the real property on which the well was located. The lien shall include a \$100 administrative fee.

Sec. 13.09.011 Polluted or Polluting Wells Declared Nuisance; Abatement

(a) Every well dug, drilled, constructed or operated within the city limits must have a reduced pressure zone (RPZ) valve assembly installed. The RPZ assembly shall be inspected annually by a licensed backflow device inspector and documentation of the inspection filed with the City within 30 days of the inspection. Any well or other opening constructed within the City penetrating the underground water supply and which pollutes or contaminates any other well or the City's water supply, is hereby declared a nuisance and on notice to the owner of such well, to the operator thereof or to his agent in charge of the well or of the property on which it is situated, issued by the director of public works, said nuisance shall be abated by the owner within ten (10) days from date of such notice by filling and plugging the well or opening in the manner provided for in this article for abandoned wells. If he shall fail to abate such nuisance within said time, or if after exercising reasonable diligence the director of public works is unable to locate the owner

or his agent, the director of public works shall have the right to go on the land or property upon which the well is situated and abate said nuisance in the manner provided and the owner thereof shall be liable to the director of public works for the cost of such work and shall pay same upon demand.

(b) The owner of each well which was constructed within the City of Wolfforth prior to the adoption of this Ordinance will have six (6) months from the effective date of this Ordinance to install the RPZ valve in accordance to part (a) of this Section.

Sec. 13.09.012 Contaminated Wells to be Plugged

Every well which is constructed in the City, whether drilled, dug or excavated, which encounters salt water or water containing mineral or other substance injurious to health or vegetation, shall be securely plugged and sealed or cased in such manner that the waters therein shall be confined to the stratum or strata in which found.

Sec. 13.09.013 Correction of Defective Wells

Every well whether dug, drilled or constructed within the City which for any reason does not completely prevent the mixing of water or other liquid from above and below the source of the City's water supply with the water in the source of the City's water supply, or which for any reason would tend to pollute or contaminate any other well or the water in the source of the City's water supply, shall be considered a defective well and the director of public works on his own initiative or upon information or complaint from any source may make an examination of any well suspected of being defective. If said examination indicates in the opinion of the director of public works that the well is a probable source of contamination of the City water supply or any other well or that the water from said well is unsafe for human consumption, shall issue written instructions to the owner or his agent in charge of such well or the property upon which it is situated, for correcting the defects to comply with the provisions of this article, and prescribe a time which in his judgment under all the circumstances, is reasonable and within which such instructions shall be complied with. It shall be unlawful for the owner or owners or operators of such defective well to fail to comply with such instructions within the time limit prescribed by said director of public works.

Sec. 13.09.014 Casing of Well

(a) All wells shall be so constructed and cased so that no water from one stratum can by reason of the construction of the well come in contact with waters from another stratum. The casing shall be set in the top of the stratum from which water is to be taken and shall be cemented in place by a suitable method to be approved by the director of public works, to the end that cement shall be forced up around the outside of the casing from the bottom of the casing to the surface of the ground so that all waters found in the strata, except that from which water is to be used, shall be sealed off one from the other by the cement, or if a better method than cementing shall be scientifically developed to accomplish the purpose mentioned, such better

method may be prescribed by the director of public works in lieu of cementing.

(b) The casing used shall be of weight per foot not less than the following:

Size of Casing Minimum Weight Per Foot

- 4-inch 10 pounds
- 5-inch 14 pounds
- 6-inch 18 pounds
- 8-inch 28 pounds
- 10-inch 40 pounds
- 12-inch 49 pounds
- 15-inch O.D. 60 pounds
- 18-inch O.D. 80 pounds
- 20-inch O.D. 89 pounds

(c) The casing shall be mechanically continuous from the point of setting in the bottom of the well to a point not less than twelve (12) inches above ground level and shall be so installed as to make impossible any leakage as against any pressures which may be encountered.

(d) If the casing is of two (2) or more diameter sizes, the different sizes shall be connected with threaded nipples or be sealed with rubber, cement or lead or by some other manner with this article shall be required.

Sec. 13.09.015 Permits not transferable

Each permit issued under this article shall be personal to the permittee. No such permit shall be assigned or transferred to another person, and no person shall permit another person to obtain a permit in his or her name or permit any new well construction or overhaul work to be performed under his/her permit other than a person authorized to do the same.

Sec. 13.09.016 Debris, etc. on public rights-of-way

There shall be no debris, dirty water, mud or any other refuse dumped and/or discharged onto public rights-of-way, including alleys. The drilling operation of any well shall control and dispose of, among other things, all drilling, cuttings, mud and water so as not to create a mud pit or disposal operation at the well site.

Sec. 13.09.017 Applicability of state regulations

The regulations of the Texas Department of License and Regulations and the Texas Water Well Drillers Act, as existing or as may be amended and as they pertain to the construction of wells, shall be and are hereby incorporated into this article and must be strictly complied with.

Sec. 13.09.018 Domestic use

No well permitted by the City shall be used to supply water to a residence or any other premises or structure for domestic purposes. All water used for domestic purposes must be received from the City public water supply. The owner of a well permitted by the City is prohibited from connecting a well to a premises that has a connection or has been connected to the City public water supply.

Sec. 13.09.019 Compliance

The owner of any private water well within the city limits must comply with irrigation and drought contingency restrictions designated in City of Wolfforth Code of Ordinances, Article 13.03.

Sec. 13.09.020 False statement or bad faith

Any person who shall willfully make any false statement in order to obtain a permit shall be guilty of a misdemeanor and subject to the penalty provided herein. Bad faith or unreasonable delay in the performance of work under this article shall be deemed a sufficient reason for suspension of the permit of the well driller so offending and no further permit shall be issued until such act of bad faith or unreasonable delay has been corrected. Well drillers in violation of any ordinance governing contractor registration requirements may be suspended or have their registration revoked.

Sec. 13.09.021 Enforcement

Any person, firm or individual who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar (\$1.00) or more than five hundred dollars (\$500.00). Each and every day the violation continues shall constitute a separate and distinct offense.

PART 2. Repeal.

All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of the conflict with this Ordinance.

PART 3. Publication

The City Secretary is authorized and direct to publish the caption and penalty prescribed by this ordinance in accordance with State Law.

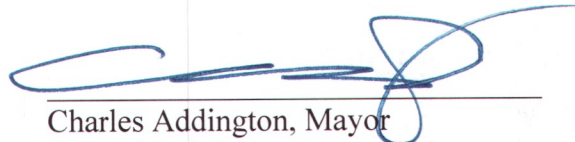
PART 4. Severability

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Wolfforth in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and to this end all provisions of this Ordinance are declared to be severable.

PART 5. Effective Date.

This Ordinance shall be in force and effect from and after its publication.

Passed by the City Council this 6 day of October, 2014.



Charles Addington, Mayor
City of Wolfforth, Texas

ATTEST:



Debra Perkey, City Secretary