

ORDINANCE NO. 77

AN ORDINANCE ADOPTING RULES GOVERNING PLATS AND SUBDIVISIONS OF LAND WITHIN THE CITY OF ANNETTA, EXTENDING THE APPLICATION OF THIS ORDINANCE AND ALL PREVIOUSLY ADOPTED RULES AND REGULATIONS REGARDING PLATS AND SUBDIVISIONS OF LAND TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ANNETTA, REQUIRING PLATS FOR WHICH THE SOURCE OF WATER SUPPLY INTENDED FOR THE SUBDIVISION IS GROUNDWATER TO ATTACH A STATEMENT BY A REGISTERED ENGINEER CERTIFYING THAT ADEQUATE GROUNDWATER IS AVAILABLE FOR THE SUBDIVISION IN ACCORDANCE WITH RULES ESTABLISHED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION, PROVIDING THAT THE ORDINANCE IS CUMULATIVE OF OTHER ORDINANCES, AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, Chapter 212 of the Texas Local Government Code authorizes the adoption of rules governing plats and subdivisions of land within a municipality's jurisdiction;

WHEREAS, the City of Annetta has previously adopted certain rules governing such plats and subdivisions; and

WHEREAS, after a public hearing on the matter, the City Council of the City of Annetta finds that the following rules promote the health, safety, morals and general welfare of the City and the safe, orderly, and healthful development of the City of Annetta,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA, TEXAS that:

SECTION 1. REQUIREMENTS:

Persons submitting a plat for the subdivision of a tract of land into three or more parcels for which the source of water supply intended for the subdivision is groundwater under that land, shall attach to such plat a statement prepared by an engineer registered to practice in the State of Texas which certifies that adequate groundwater is available for the subdivision. (See Attachment A – Title 30, Texas Administrative Code, Chapter 230, Groundwater Availability Certification for Platting.)

SECTION 2. CERTIFICATION

The engineer's certification required in Section I, above, shall be in accordance with rules adopted by the Texas Natural Resource Conservation Commission which establishes the appropriate form and content thereof.

SECTION 3. EXTRATERRITORIAL JURISDICTION

These rules and all previously adopted rules governing plats and subdivisions of land within the City of Annetta shall be and are hereby extended to the extraterritorial jurisdiction of the City of Annetta.

SECTION 4. REPEALER CLAUSE

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause or action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION 5. SEVERABILITY CLAUSE

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsection, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 6. ENGROSSMENT AND ENROLLMENT CLAUSE.

The City Secretary of the City of Annetta is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

SECTION 6. PUBLICATION CLAUSE.

The City Secretary is hereby directed to post or publish in the official newspaper of the City of Annetta, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper as authorized by Section 52:011 of the Texas Local government code.

SECTION 8 PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this Article shall be fined upon conviction not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000), and each day any violation of non-compliance continues shall constitute a separate and distinct offense.

SECTION 9 EFFECTIVE DATE

This ordinance shall be effective after final passage and publication as required by law.

PASSED, APPROVED and effective this 21st day of Dec, 2000.

MAYOR

ATTEST:

Pat Perry
City Secretary

Approved as to form and legality:

City Attorney

EXHIBIT - A
ORD # 77

FIGURE 30 TAC §230.3(c)
CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING

Use of this form: If required by a municipal authority pursuant to §212.0101, Local Government Code or a county authority pursuant to §232.0031, Local Government Code, the plat applicant and the Texas licensed professional engineer shall use this form based upon the requirements of Title 30, Texas Administrative Code (TAC), Chapter 230 to certify that adequate groundwater is available under the land to be subdivided (if the source of water for the subdivision is groundwater under the subdivision) for any subdivision subject to platting under §§212.004 and 232.001, Local Government Code. The form and Chapter 230, TAC do not replace state requirements applicable to public drinking water supply systems.

Administrative Information (30 TAC, §230.4).

1. Name of Proposed Subdivision: _____
2. Any Previous Name Which Identifies the Tract of Land: _____
3. Property Owner's Name(s): _____
Address: _____
Phone: _____
Fax: _____
4. Plat Applicant's Name: _____
Address: _____
Phone: _____
Fax: _____
5. Licensed Professional Engineer's Name: _____
Address: _____
Phone: _____
Fax: _____
Certificate Number: _____
6. Location and Property Description of Proposed Subdivision: _____
7. Tax Assessor Parcel Number(s).
Book: _____
Map: _____
Parcel: _____

Proposed Subdivision Information (30 TAC, §230.5).

8. Purpose of Proposed Subdivision (single family/multi-family residential, non-residential, commercial): _____
9. Size of Proposed Subdivision (acres): _____
10. Number of Proposed Lots: _____
11. Average Size of Proposed Lots (acres): _____
12. Anticipated Method of Water Distribution.

Expansion of Existing Public Water Supply System:	Yes	No
New (Proposed) Public Water Supply System:	Yes	No
Individual Water Wells to Serve Individual Lots:	Yes	No
Combination of Methods:	Yes	No
Description (if needed):	_____	
13. Additional Information (if required by the municipal or county authority): _____

Note: If public water supply system is anticipated, written application for service to existing water providers within a 1/2-mile radius should be attached to this form [30 TAC, §230.5(f)].

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Projected Water Demand Estimate (30 TAC, §230.6).

14. Residential Water Demand Estimate at Full Build Out (includes both single family and multi-family residential).
 Number of Proposed Housing Units (single and multi-family): _____
 Average Number of Persons per Housing Unit: _____
 Gallons of Water Required per Person per Day: _____
 Water Demand per Housing Unit per year (acre feet/year): _____
 Total Expected Residential Water Demand per Year (acre feet/year): _____
15. Non-residential Water Demand Estimate at Full Build Out.
 Type(s) of Non-residential Water Uses: _____

 Water Demand per Type per Year (acre feet/year): _____
16. Total Water Demand Estimate at Full Build Out (acre feet/year): _____
17. Sources of Information Used for Demand Estimates: _____

General Groundwater Resource Information (30 TAC, §230.7).

18. Identify and describe, using Texas Water Development Board names, the aquifer(s) which underlies the proposed subdivision: _____

Note: Users may refer to Aquifers of Texas (Texas Water Development Board Report 345, 1995) to verify aquifer names. This reference is available via the Internet (www.twdb.state.tx.us).

Obtaining Site-Specific Groundwater Data (30 TAC, §230.8).

19. Have all known existing, abandoned, and inoperative wells within the proposed subdivision been located, identified, and shown on the plat as required under §230.8(b)? Yes No
20. Were the geologic and groundwater resource factors identified under §230.7(b) considered in planning and designing the aquifer test required under §230.8(c)? Yes No
21. Have test and observation wells been located, drilled, logged, completed, developed, and shown on the plat as required by §230.8(c)(1 through 4)? Yes No
22. Have all reasonable precautions been taken to ensure that contaminants do not reach the subsurface environment and that undesirable groundwater has been confined to the zone(s) of origin (§230.8(c)(5))? Yes No
23. Has an aquifer test been conducted which meets the requirements of §§230.8(c)(1 and 6)? Yes No
24. Were existing wells or previous aquifer test data used? Yes No
25. If yes, did they meet the requirements of §230.8(c)(7)? Yes No
26. Were additional observation wells or aquifer testing utilized? Yes No

Note: If expansion of an existing public water supply system or a new public water supply system is the anticipated method of water distribution for the proposed subdivision, site-specific groundwater data shall be developed under the requirements of 30 TAC, Chapter 290, Subchapter D (related to Rules and Regulations for Public Water Systems) and the applicable information and correspondence developed in meeting those requirements shall be attached to this form pursuant to §230.8(a).

Determination of Groundwater Quality (30 TAC, §230.9).

- Have water quality samples been collected as required by §230.9? Yes No
28. Has a water quality analysis been performed which meets the requirements of §230.9? Yes No

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Determination of Groundwater Availability (30 TAC, §230.10).

- 29. Have the aquifer parameters required by §230.10(c) been determined? Yes No
- 30. If so, provide the aquifer parameters as determined.
 - Rate of yield and drawdown: _____
 - Specific capacity: _____
 - Efficiency of the pumped well: _____
 - Transmissivity: _____
 - Coefficient of storage: _____
 - Hydraulic conductivity: _____
 - Were any recharge or barrier boundaries detected? Yes No
 - If yes, please describe: _____
 - _____
 - Thickness of aquifer(s): _____
- 31. Have time-drawdown determinations been calculated as required under §230.10(d)(1) Yes No
- 32. Have distance-drawdown determinations been calculated as required under §230.10(d)(2)? Yes No
- 33. Have well interference determinations been made as required under §230.10(d)(3)? Yes No NA
- 34. Has the anticipated method of water delivery and the annual groundwater demand estimates at full build out been taken into account in making these determinations? Yes No
- 35. Has the water quality analysis required under §230.9 been compared to primary and secondary public drinking water standards as required under §230.10(e)? Yes No
 - Does the concentration of any analyzed constituent exceed the standards? Yes No
 - If yes, please list the constituent(s) and concentration measure(s) which exceed standards: _____

Engineer's Statements and Certification (30 TAC, §230.11).

Groundwater Availability and Usability Statements.

- 36. Drawdown of the aquifer at the pumped well(s) is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.
- 37. Drawdown of the aquifer at the property boundary is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period
- 38. The distance from the pumped well(s) to the outer edges of the cone(s)-of-depression is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.
- 39. The recommended minimum spacing limit between wells is _____ feet with a recommended well yield of _____ gallons per minute per well.
- 40. Available groundwater is / is not (circle one) of sufficient quality to meet the intended use of the platted subdivision.

Certification of Groundwater Availability

41. I, _____, Texas Licensed Professional Engineer, certificate number _____, based on the information developed and presented in and attached to this form, certify that an adequate quantity of groundwater is available from the aquifer(s) under the subdivision to supply the platted subdivision at full build out for _____ years. Date: _____ (affix seal)

Certification of Groundwater Usability

42. I, _____, Texas Licensed Professional Engineer, certificate number _____, based on the information developed and presented in and attached to this form, certify that the quality of water in the aquifer(s) which will be used to supply the platted subdivision is suitable for the water's intended use. Date: _____ (affix seal)

COPY

Interoffice memorandum

TOWN OF ANNETTA

Date: 12-26-00 Tues

To: Mayor

CC: file - O'Neal

Subject: ORD'S (76) + (77)

need to sign ASAP - have to

place in newspaper by Thurs 12-28

for next week - plus need to

send Budget to County Clerk.

ATTACHMENTS: 2 ORD'S

* 1-4-01 - received Back from Mayor but he didn't sign the 2 ORD'S !
pass 4 day rejection -

FROM: Pat Perry