



ORDINANCE NO. 133

AN ORDINANCE OF THE TOWN OF ANNETTA TEXAS ESTABLISHING SANITARY CONTROL REQUIREMENTS FOR PROPERTY SURROUNDING PUBLIC WATER WELLS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the State of Texas has adopted certain restrictions regarding the use of land within one hundred and fifty feet of a well used for public water systems; and

WHEREAS, state law requires municipalities that own or operate a public water system to enforce such restrictions at the local level either by easement or through the adoption of an ordinance; and

WHEREAS, the Town Council has determined that such restrictions are best enforced through the adoption of an ordinance and that this ordinance is in compliance with state and law and is in the best interest of the health, safety and general welfare of the citizens of the Town of Annetta.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA TEXAS, THAT:

Section 1.

(a) The following are prohibited within a fifty foot radius of any water well used in connection with a public water system:

- (1) The construction of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries; and
- (2) Livestock.

(b) The following are prohibited within a one hundred and fifty foot radius of any water well used in connection with a public water system:

- (1) The construction and operation of underground petroleum and chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank or sewage treatment drainfields, improperly constructed water wells of any depth, and all other construction or operation that could create an unsanitary condition within, upon, or across the property. For the purpose of this section, "improperly constructed water wells" are those wells which do not meet the surface

and subsurface construction standards for a public water supply well under applicable law.

- (2) The construction of a septic tank, perforated drainfield, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption beds, evapotranspiration beds, underground petroleum and chemical storage tanks or liquid transmission pipelines.

Section 2. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

Section 3. This Ordinance shall be cumulative of all provisions of ordinances and of the ordinances of the Town of Annetta, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4. It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

Section 5. The Town Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance as an alternative method of publication provided by law.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on this 24th day of September 2013.



ATTEST:

Chad Roberts
Chad Roberts, Town Secretary

TOWN OF ANNETTA

Bruce Pinckard
Bruce Pinckard, Mayor

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Jeanne Brunson

201402531
02/13/2014 12:22 PM

Fee: 30.00

Jeanne Brunson, County Clerk
Parker County, Texas
ORDINANCE

Return to: Town of Annetta PO Box 1150 Aledo TX 76008

Sanitary Control Easement

Adopted: September 24, 2013