

**CITY OF SUNRISE BEACH VILLAGE**  
**ORDINANCE NO. 201**

**AN ORDINANCE OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, PROVIDING FOR THE REGULATION OF MINING AND WATER WELLS; REQUIRING LICENSED DRILLERS AND PERMITS; SETTING STANDARDS FOR LOCATION, BUILDING AND MAINTENANCE OF WATER WELLS; DECLARING CERTAIN WELLS A NUISANCE; PROVIDING FOR INSPECTION; PROVIDING A PENALTY OF NOT LESS THAN ONE DOLLAR (\$1.00) NOR MORE THAN TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND DESIGNATING THAT A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR IN WHICH A VIOLATION OCCURS, ADOPTING A NEW ORDINANCE AND RESCINDING ORDINANCE # 123A; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for, inspection and completion of construction, capping and maintenance of water wells and water sources within the City of Sunrise Beach Village, Texas; and

**Whereas**, the public health, safety and welfare will be served by updating certain ordinances heretofore adopted by the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, THAT:** Ordinance # 123A and all other previously adopted ordinances of the City of Sunrise Beach Village regulating water wells are hereby rescinded in its(their) entirety. The following Ordinance # 202 is hereby adopted and after the publication of the caption of this ordinance for the time and manner as required by the Tex. Loc. Gov't Code, will be in full force and effect within the City.

**ARTICLE I. IN GENERAL**

**Sec. 1 Water wells; application of state law.**

Water wells shall comply with the statutes, rules, directives and regulation of the Texas Department of Licensing and Regulations, the Texas Commission for Environmental Quality and the state Department of Health rules and regulations for public water systems. To the extent that the noted statutes, rules, directives and regulations in this subsection are in conflict with this section, the more restrictive provision shall prevail.

## **Sec. 2 Mining; well drilling.**

*Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Mine* means a pit or excavation in the earth, from which coal, metallic ores, or other mineral substances are taken by digging.

*Mineral* means a substance obtained by mining; any of a class of substances occurring in nature, usually comprising inorganic substances, as quartz or feldspar, of definite chemical composition, but sometimes including aggregation of such substances; certain natural products of organic origin, as asphalt or coal; ore; and any substance neither animal nor plant.

*Water Well* means a hole, pit or shaft sunk in the ground by digging or boring to obtain a supply of water.

*Well* means a hole, pit, or shaft sunk in the ground by digging or boring to obtain a supply of water, brine, petroleum, natural gas, or any other type of liquid or gas.

## **Sec. 3 Violation; Penalty**

- (a) It shall be unlawful for any person or entity to start or operate a mine within the city limits for any reason.
- (b) It shall be unlawful for any person to drill a well within the city limits except a well for private water use as allowed as per article II of this ordinance. Well drilling for minerals is strictly prohibited.
- (c) It shall be unlawful for any person or entity to drill a water well or to continue to operate a water well within the distance of prohibition indicated in Article II Section 3 of this ordinance or as provided under state law of a prohibited activity. Continued operation of a water well within the distance prohibited in Article II Section 3 or as otherwise indicated by state law shall be a misdemeanor. The owner of the property, upon which the water well is operated, shall be given seven days notice to cease and desist operation of the well in proximity to the prohibited activity prior to filing charges, declaring the well a nuisance well and taking corrective action and seeking other remedies available at law.
- (d) Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

## **ARTICLE II. WATER WELLS**

### **Sec. 1 Permits**

- (a) It shall be unlawful for any person or entity to drill or otherwise construct, repair, correct, abandon or plug a well, or to engage upon such work, within the corporate limits of the City without first applying for, and obtaining a permit from the City.
- (b) Permits shall be obtained for all water wells and shall be obtained by the licensed water well driller.
- (c) The permit fee to drill or otherwise construct, repair, correct, abandon or plug a well, or to engage upon such work on a water well shall be \$100.00.
- (d) The application for a well permit must be accompanied by a detailed cross section drawing of the proposed well and specifications including distances and safeguards required by this ordinance.

### **Sec. 2 License requirements.**

All water well drillers providing well services of any nature in the city shall have a state license and provide proof of such license to the city.

### **Sec. 3 Location.**

Water well sites that are operating must be located so that there will be no danger of pollution from flooding or from unsanitary surroundings, such as privies, sewage, sewage treatment plants, livestock and animal pens, solid waste disposal sites or underground petroleum and chemical storage tanks and liquid transmission pipelines, or abandoned and improperly sealed wells.

- (a) Water wells shall be located a minimum of 150 feet from any property line with adjoining property, and 50 feet from any road easement or water front line. No water well shall be constructed in any location such that it will prevent the owner(s) of neighboring property(ies) from installing a septic drain field on their property.
- (b) Water wells shall be located a minimum horizontal distance of 50 feet from any watertight sewage liquid waste collection facility or property line.
- (c) Water wells shall be located a minimum horizontal distance of 150 feet from any concentrated sources of contamination, such as existing or proposed livestock or poultry yards, privies, septic system absorption fields, evapotranspiration bed, improperly constructed water wells or petroleum and chemical storage tank and drainfields.

- (d) No well site shall be located within 500 feet of a sewage treatment plant or within 300 feet of a sewage wet well, sewage pumping station or a drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems
- (e) No water wells shall be located within 500 feet of animal feed lots, solid waste disposal sites, lands on which sewage plant or septic tank sludge is applied, or lands irrigated by sewage plant effluent.
- (f) Livestock shall not be allowed within 50 feet of a well site.
- (g) Sanitary or storm sewers constructed of ductile iron or PVC pipe meeting state water well standards for such materials, having a minimum working pressure of 150 psi or greater, and equipped with pressure type joints may be located at distances of less than 50 feet from a well site but in no case shall the distance be less than ten feet.
- (h) Water wells shall be located at a site not subject to flooding; provided, however, that if a well must be placed in a flood prone area, it shall be completed with a watertight sanitary well seal and steel casing extending a minimum of 24 inches above the known 100 year flood level.
- (i) Water wells and related structures located in the Airport District and Airport Support District shall comply with all FAA regulations for construction on airport property.

#### **Sec. 4 Standards of completion.**

All water wells shall be completed in accordance with state law requirements and the standards established by the Texas Department of Licensing and Regulations, the Texas Commission for Environmental Quality, and any other state agency that establishes standards for water wells. Only licensed well drillers shall drill water wells as required by this article. No well shall be operated within the City limits that does not comply with state law.

- (a) The annular space between the borehole and the casing shall be filled from ground level to a depth of not less than ten feet below the land surface or well head with cement slurry. The distances given in section 3(a) and (b) may be decreased, provided the total depth of cement slurry is increased by twice the horizontal reduction. In areas of shallow, unconfined groundwater aquifers, the cement need not be placed below the static water level. In areas of shallow, confined groundwater aquifers having artesian head, the cement need not be placed below the top of the waterbearing strata.
- (b) In all wells where plastic casing is used, a concrete slab or sealing block shall be placed above the cement slurry around the well at the ground surface. The slab or block shall extend at least two feet from the well in all directions and have a minimum thickness of four inches and shall be separated from the well casing by a plastic or mastic coating or sleeve to prevent bonding of slab to casing. The surface

of the slab shall be sloped to drain away from the well. The top of the casing shall extend a minimum of one foot above the top of the slab.

- (c) In all wells where plastic casing is used, a concrete slab or sealing block shall be placed above the cement slurry around the well at the ground surface. The slab or block shall extend at least two feet from the well in all directions and have a minimum thickness of four inches and shall be separated from the well casing by a plastic or plastic coating or sleeve to prevent bonding of slab to casing. The surface of the slab shall be sloped to drain away from the well. The top of the casing shall extend a minimum of one foot above the top of the slab.
- (d) In wells where steel casing is used, the casing shall extend a minimum of one foot above the original ground surface. A slab or block is required above the cement slurry except when a pitless adapter is used. Pitless adapters may be used in such wells, provided that:
  - (1) The adapter is welded to the casing or fitted with another suitable effective seal; and
  - (2) The annular space between the borehole and the casing is filled with cement to a depth not less than 15 feet below the adapter.
- (e) All wells, especially those that are gravel packed, shall be completed so that aquifers or zones containing waters that are known to differ significantly in chemical quality are not allowed to commingle through the borehole-casing annulus or the gravel pack and cause quality degradation of any aquifer or zone.
- (f) The well casing shall be capped or completed in a manner that will prevent pollutants from entering the well.
- (g) Well construction materials containing more than 8.0% lead are prohibited.

## **Sec. 5 Interconnection.**

- (a) No cross connection shall be made between private wells and LCRA public water works system or any other potable water supply system.
- (b) All private wells shall be for irrigating or garden use only.
- (c) Private wells shall not be used for potable water.

## **Sec. 6 Backflow and siphonage.**

All water wells shall have an approved check valve or backflow prevention valve installed in order to prevent backflow into the well.

## **Sec. 7 Abandoned or Inoperative Wells.**

A well is abandoned if it has not been used for six consecutive months. However, a well can be considered in use, operative, if the well is a non-deteriorated well that contains the casing, pump, and pump column in good condition, or a non-deteriorated well that has been capped.

- (a) All abandoned or inoperative wells shall be capped or plugged in compliance with the state statutes, rules, directives and regulations.
- (b) Contamination or injury caused by an abandoned or inoperative well shall be the responsibility of the landowner.

## **Sec. 8 Safeguards and Damage.**

All water wells shall be built and maintained in compliance with state statutes, rules, directives and regulations to provide safeguards and prevent damage that may contaminate water sources or create a nuisance.

- (a) At all times while a well is operational, the landowner shall ensure that all safeguards required by state law to ensure contamination of the water sources does not occur through inappropriate operation, maintenance or structuring of the well or irrigation systems.
- (b) All reasonable precautions provided by state law will be taken to ensure that trespassers will not have access to the well site.
- (c) The well site shall be fine graded so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well. In all cases, arrangements shall be made to convey well drainage, packing gland leakage, and floor drainage away from the wellhead.
- (d) Suitable drainpipes shall be located at the outer edge of the well site to collect water and prevent its ponding or collecting around the wellhead. This wastewater shall be disposed of in a manner that will not cause any nuisance from mosquito breeding or sanitation. Drains shall not be directly connected to storm or sanitary sewers.
- (e) In all cases, a concrete sealing block extending at least three feet from the well casing in all directions, with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inches per foot shall be provided around the wellhead.
- (f) Wellheads and pump bases shall maintain a sealed gasket or sealing compound and be properly vented to prevent the possibility of contaminating the well water. A well casing vent shall be provided with an opening that is covered with 16-mesh or finer

corrosion-resistant screen, faced downward, elevated and located so as to minimize the drawing of contaminants into the well.

- (g) If an air release device is provided or a blow-off line on a discharging pipe, it shall be installed and maintained in such a manner as to preclude the possibility of submergence or possible entrance of contaminants. In this respect, all openings to the atmosphere shall be covered with 16-mesh or finer, corrosion-resistant screening material or an acceptable equivalent.
- (h) Springs and similar sources of flowing artesian water shall be protected from potential contaminant sources in accordance with state law.

### **Sec. 9 Nuisance Wells.**

Any well or other opening which penetrates the underground water supply and which pollutes or contaminates the underground water supply is declared a nuisance, and on notice to the owner of such well, or 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 city, such nuisance shall be abated by the owner within seven days from the date of such notice by filling and plugging the well or opening in the manner proscribed by state statutes, rules and directives for filling and plugging abandoned wells and the owner shall pay all costs of filling and plugging; and if he shall fail to abate such nuisance within such time or, after exercising reasonable diligence, the city inspector is unable to locate the owner of his agent, the city inspector shall have the right to go on the land or property upon which the well is situated and abate such nuisance in the manner provided by the state and the owner thereof shall be liable to the City for the costs of such work and shall pay such costs upon demand of the City may enforce the penal provisions of this article.

### **Sec. 10 Inspection.**

Inspection shall be made while the well is being drilled, casing being set and upon final construction of the well. These inspections will be made by the city building official or his representative for the city.

### **Sec. 11 Amendment Of Ordinances.**

Ordinance # 123A of the Sunrise Beach Village is hereby rescinded in its entirety and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other ordinance of the city, the terms and provisions of this ordinance shall govern.

### **Sec. 12 Severability.**

It is hereby declared to be the intention of the Board of Commissioners that the sections,

Page 7 of 8 pages

paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Board of Commissioners without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Sec. 13 Effective Date.**

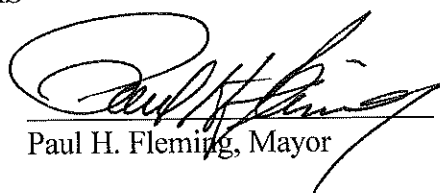
This Ordinance shall be in force and effect from and after its passage on the date shown below.

**Sec. 14 Open Meetings.**

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code*.

**PASSED AND APPROVED** on this 16th day of January, 2003.

**CITY OF SUNRISE BEACH VILLAGE, TEXAS**

  
Paul H. Fleming, Mayor

Attest:

  
Jackie Walton, City Secretary