

ORDINANCE NO. 2016-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, AMENDING IN PART ARTICLE II OF THE UVALDE MUNICIPAL CODE CITY-OWNED WATER WELLS AND ADOPTING THE LANDUSE PROHIBITIONS DEFINED IN ACCORDANCE WITH TEXAS ADMINISTRATIVE CODE (TAC), TITLE 30 ENVIRONMENTAL QUALITY, PART 1 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), CHAPTER 290 PUBLIC DRINKING WATER, WITHIN 150 FEET OF ANY PUBLIC WATER SYSTEM (PWS) WELL AND PROVIDING AN EFFECTIVE DATE FOR THE CHANGES.

WHEREAS, the City Council of the City of Uvalde, Texas (the "City"), finds and determines that it is appropriate, advisable, and in the best interests of the citizens of the City that all Public Water Supply (PWS) wells within the City of Uvalde limits and its extraterritorial jurisdiction shall be subject to the restrictions outlined in 30 TAC 290.

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

**Section 1. Findings of Fact.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

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- (1) Wells shall 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.
- (2) No well site which is within 50 feet of a tile or concrete sanitary sewer, sewerage appurtenance, septic tank, storm sewer, or cemetery; or which is within 150 feet of a septic tank perforated drainfield, areas irrigated by low dosage, low angle spray on-site sewage facilities, absorption bed, evapotranspiration bed, improperly constructed water well, or underground petroleum and chemical storage tank or liquid transmission pipeline will be acceptable for use as a public drinking water supply. Sanitary or storm sewers constructed of ductile iron or polyvinyl chloride (PVC) pipe meeting American Water Works Association (AWWA) standards, having a minimum working pressure of 150 pounds per square inch (psi) or greater, and equipped with pressure type joints may be located at distances of less than 50 feet from a proposed well site, but in no case shall the distance be less than ten feet.
- (3) 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.
- (4) No well 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.

(5) Livestock in pastures shall not be allowed within 50 feet of water supply wells.

(6) All known abandoned or inoperative wells (unused wells that have not been plugged) within 1/4-mile of a proposed well site shall be reported to the City and to the Texas Commission on Environmental Quality (TCEQ) along with existing or potential pollution hazards. These reports are required for community and nontransient, noncommunity groundwater sources. Examples of existing or potential pollution hazards which may affect groundwater quality include, but are not limited to: landfill and dump sites, animal feedlots, military facilities, industrial facilities, wood-treatment facilities, liquid petroleum and petrochemical production, storage, and transmission facilities, Class 1, 2, 3, 4, and 5 injection wells, and pesticide storage and mixing facilities. This information must be submitted prior to construction or as otherwise required by the TCEQ executive director.

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**Section 2. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**Section 3. Severability.** It is hereby declared to be the intention of the City Council that the sections, 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 City Council 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.

**Section 4. 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, *Ch. 551 Tex. Gov't. Code*.

**PASSED AND APPROVED** on the 12th day of January, 2016

**ATTEST:**

**CITY OF UVALDE, TEXAS**

  
\_\_\_\_\_  
, City Secretary

  
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Don McLaughlin, Mayor



1"=50'



150' SETBACK

E. OAK STREET

N CAMP STREET



DRAWN BY:  
CDS

DATE:  
SEPT. 2015

DRAWING NAME:  
113174-150 ft SetBack.DWG

CITY OF UVALDE  
PWS WELL NO. 7-  
150' SETBACK