

ORDINANCE # 11142006-1
DRILLING AND OPERATION OF WATER WELLS

AN ORDINANCE REGULATING THE DRILLING AND OPERATION OF WATER WELLS FOR NON-MUNICIPAL USES IN THE CITY OF MUNDAY, TEXAS; REQUIRING APPLICATION AND ISSUANCE OF A PERMIT FOR THE DRILLING AND OPERATION OF ANY SUCH WELL; DECLARING IT A MISDEMEANOR TO DRILL OR OPERATE ANY SUCH WELL IN VIOLATION OF THE PROVISIONS OF THE ORDINANCE; CONTAINING A PENALTY CLAUSE, A SAVING CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUNDAY, TEXAS:

SECTION 1. It shall be unlawful for any person, firm or corporation to drill or operate any water well within the corporate limits of the City of Munday, Texas, without first obtaining a permit therefore from the City of Munday, and without complying with the terms and provisions of this ordinance.

SECTION 2. Application for the drilling and/or operation of a water well shall conform to the following requirements and give the following information:

- (a) It shall be in writing and signed by the owner of the premises where the well is located or to be located.**
- (b) It shall give the street address and legal description of the property where the well is located or to be located.**
- (c) It shall be accompanied by detailed drawings and specifications showing the exact location of the well on the premises, the depth and diameter of the well hole, type and size of the casing and pumping facilities to be used, maximum capacity per minute of the pumping facilities, and location of all piping and outlets on the premises to be served by the well.**
- (d) It shall be accompanied by a fee of \$25.00 to defray the city's cost in investigating the application and issuing the permit. This fee will not be refundable whether the permit is granted or denied.**

SECTION 3. All water wells for non-municipal use in the City of Munday, Texas, shall be drilled and operated in conformity with the following regulations:

- (a) The well hole shall not have a maximum depth in excess of fifty (50) feet from the ground surface.**
- (b) The well borehole shall not have a maximum diameter in excess of six (6) inches.**
- (c) No windmill shall be erected or used as a means of pumping water from the well.**
- (d) The well shall be located only in the backyard of the premises, and no well shall be permissible in the front or side yards of any premises within the City.**
- (e) The pumping device used to raise water from the well shall not have a maximum height of more than five (5) feet above ground level, and shall not have a maximum pumping capacity in excess of 30 gallons per minute.**
- (f) The well opening, pumping facilities and storage tanks shall be housed in a manner to comply with all state codes.**

- (g) The pumping and electrical connections to the well shall be in conformity with all requirements of the state codes.**
- (h) The well, pumping facilities and water systems connected thereto shall be subject to inspection by the City of Munday.**
- (i) No such well shall ever be connected to the City of Munday water system.**
- (j) Water from such well shall be used only for non-domestic purposes. Non-domestic purposes, as used in this ordinance, shall mean, but not be limited to, for purposes other than for human consumption and/or connection to plumbing facilities used within residential and public buildings of all kinds for preparation of food for human consumption and/or washing of utensils used in cooking or serving food for human consumption and clothing for human wear and/or disposal of waste in the City of Munday sewer system.**
- (k) Water from such well shall be used only for the non-domestic uses of the owner of the premises where the well is located, and no water from such well shall be given away or sold to other persons, firms or corporations.**
- (l) If the City, after investigation, determines that water from such well is being discharged in any manner, by drainage or seepage or otherwise, into the City of Munday sewer system, an additional sewer charge will be made to such premises to reasonably compensate the City for handling such discharge.**
- (m) Such well shall be drilled and operated in conformity with all Municipal, County and State health and safety laws, rules and regulations which compliance shall be the responsibility of the owner or owners of the premises where the well is located.**

SECTION 4. Applications for permits under this ordinance shall be made to the City of Munday. If the application is found to be in order and in compliance with all of the regulations contained in this ordinance, as well as State, County and other Municipal laws, rules and regulations, then the permit will be issued. Otherwise it will be denied. Denial of a permit may be appealed to the City Council of the City of Munday, Texas by giving notice in writing to the City Administrator of intent to appeal within 15 days after notice of such denial.

SECTION 5. Premises where any private well, as contemplated by this ordinance, is located, shall be subject to inspection at any time, without notice, by City officials, to determine whether it is being drilled or operated in conformity with the provisions of the ordinance, and whether water from such well is being discharged in the City of Munday sewer system or connected in any way to the City of Munday water system.

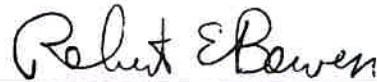
SECTION 6. Wells for non-municipal use within the City of Munday in existence at the effective date of this ordinance shall be exempt from the limitations set forth in the ordinance with respect to depth and diameter of the well hole, size and type of pumping facilities and location on the premises. The exemptions shall continue only during the continuing life and use of the well and shall terminate upon the abandonment of the well. Existing wells, however, shall be subject to all other regulations of this ordinance relating to their continued operations, including the requirement of a permit for such continued operation; provided, however, the owner or owners of premises where such existing wells are located shall have a period of three months in which to obtain a permit. No permit fee will be charged for the initial permit for continued operation of an existing well.

SECTION 7. Upon abandonment of any non-municipal well in the City of Munday, the owner or owners of the premises where located shall disconnect all lines from said well and shall plug the hole with cement or other means, sufficient to prevent any person from stepping into or falling in the well hole or raising water from the abandoned well.

SECTION 8. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum, not to exceed, \$200.00. Each day that a violation of this ordinance occurs by continued drilling or operation of a well in violation of the provisions of this ordinance shall be deemed to constitute a distinct and separate offense.

SECTION 9. The matters addressed in this ordinance are necessary for the immediate preservation of public health and safety of the citizens of the City of Munday, Texas. Accordingly, the City Council of the City of Munday, Texas declared this matter to be an emergency thereby waiving the requirement that this ordinance be read and voted upon on three separate meetings and this ordinance shall, therefore, take effect upon the passage of this ordinance by the City Council of the City of Munday, Texas and the publication of its provisions as required by applicable law.

PASSED AND APPROVED THIS 14TH DAY OF NOVEMBER, 2006



Robert Bowen, Mayor

ATTEST:


Dwayne Bearden, City Administrator