

**ORDINANCE NO. 354**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS, ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS.**

WHEREAS, the City of BANDERA, Texas (the "City"), owns and operates water supply facilities at the Dallas Water Plant located on Lots 38, 39, 40, 59, 60 and 61 of the Bandera Estates Subdivision, including one (1) water well and related facilities (the "Well"), which provide potable water to the residents of the City; and

WHEREAS, because maintenance of sanitary conditions around such Well is vital to the protection of the Well and to the protection of the health and safety of the residents of the City, the City Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Well; now, therefore,

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

**Section 1. Purpose.**

A. This Ordinance sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty (150) feet of the Well in order to promote sanitary conditions in and around such Well, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.

B. The objective of this Ordinance is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

**Section 2. Definitions.** Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

A. *City Council* shall mean the City Council of the City of Bandera, Texas.

B. *City* shall mean the City of Bandera, Texas.

C. *Ordinance* shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the City's Public Water Supply Well.

D. *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.

E. *Well* shall mean the water well owned and operated by the City, which are more specifically identified and described in Exhibit "A" attached hereto and made a part hereof.

**Section 3. Prohibited Activities.** The following activities are prohibited within the designated areas of land surrounding the Well:

A. The construction, existence, and/or operation of the following within a 150-foot radius of the well described and located below are prohibited: septic tank or sewage facilities perforated drainfields; areas irrigated by low dosage, low angle spray on-site sewage facilities; absorption beds; evapotranspiration beds; abandoned, inoperative or improperly constructed water wells of any depth; underground petroleum and chemical storage tanks or liquid transmission pipelines; sewage treatment plants; sewage wet wells; sewage pumping stations; drainage ditches which contains waste disposal sites, landfill ad dumpsites; lands on which sewage plant or septic tank sludge is applied; lands irrigated by sewage plant effluent; 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; pesticide storage and mixing facilities; and all other constructions or operations that could pollute the groundwater sources of the well that is the subject of the easement shown on Exhibit "A" attached. For the purpose of this easement, improperly constructed water wells are those wells which do not meet the surface and subsurface construction standards for a public water supply well.

B. Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the Well.

C. Construction of homes or building upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items A and B above are met.

D. Normal farming and ranching operations are not prohibited by this Ordinance; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

**Section 4. Right of Entry.** City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce this Ordinance.

**Section 5. Required Removal.** Any person who shall violate any provision of this Ordinance shall be required to remove the prohibited construction or potential source of contamination within 5 days after notification that they are in violation of this Ordinance.

**Section 6. Superceding Regulation or Statute.** Whenever any applicable statute, regulation, or permit of any state, federal, or other agency, having jurisdiction over the subject matter of this Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

**Section 7. Severability.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bandera, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED AND APPROVED** on the 6th day of September 2018.

CITY OF BANDERA, TEXAS

By: *Suzanne Schauman*  
Suzanne Schauman, Mayor

ATTEST:

*Jill Shelton*  
Jill Shelton, City Secretary

