

ORDINANCE NO. 241

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TIOGA, 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 Tioga, Texas (the "City"), owns and operates water supply facilities within the City, including three (3) water wells and related facilities (the "Wells"), which provide potable water to the residents of the City; and

WHEREAS, because maintenance of sanitary conditions around such Wells is vital to the protection of the Wells 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 Wells; and

WHEREAS, there is a need to set forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of the Wells in order to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations; now, therefore,

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

Section 1. Purpose.

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 Tioga, Texas.

B. City shall mean the City of Tioga, 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 Wells.

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. Wells shall mean the water wells owned and operated by the City, which are more specifically identified and described in Exhibit "A" and Exhibit "B", attached hereto and made a part hereof.

Section 3. Prohibited Activities.

The following activities are prohibited within the designated areas of land surrounding the Wells:

A. Construction and/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, septic tank, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class 1, 2, 3, and/or 4 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purposes of this Ordinance, "improperly constructed water wells" are those wells that 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 Wells.

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. Penalty .

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$1,000.00. Each day of violation shall constitute a separate offense.

#### Section 6. 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 30 days after notification that they are in violation of this Ordinance.

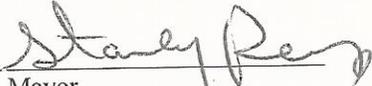
#### Section 7. Superceding Regulation or Statute.

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 8. 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 Tioga, 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, APPROVED, AND ADOPTED on this 4th day of August, 2005

  
\_\_\_\_\_  
Mayor

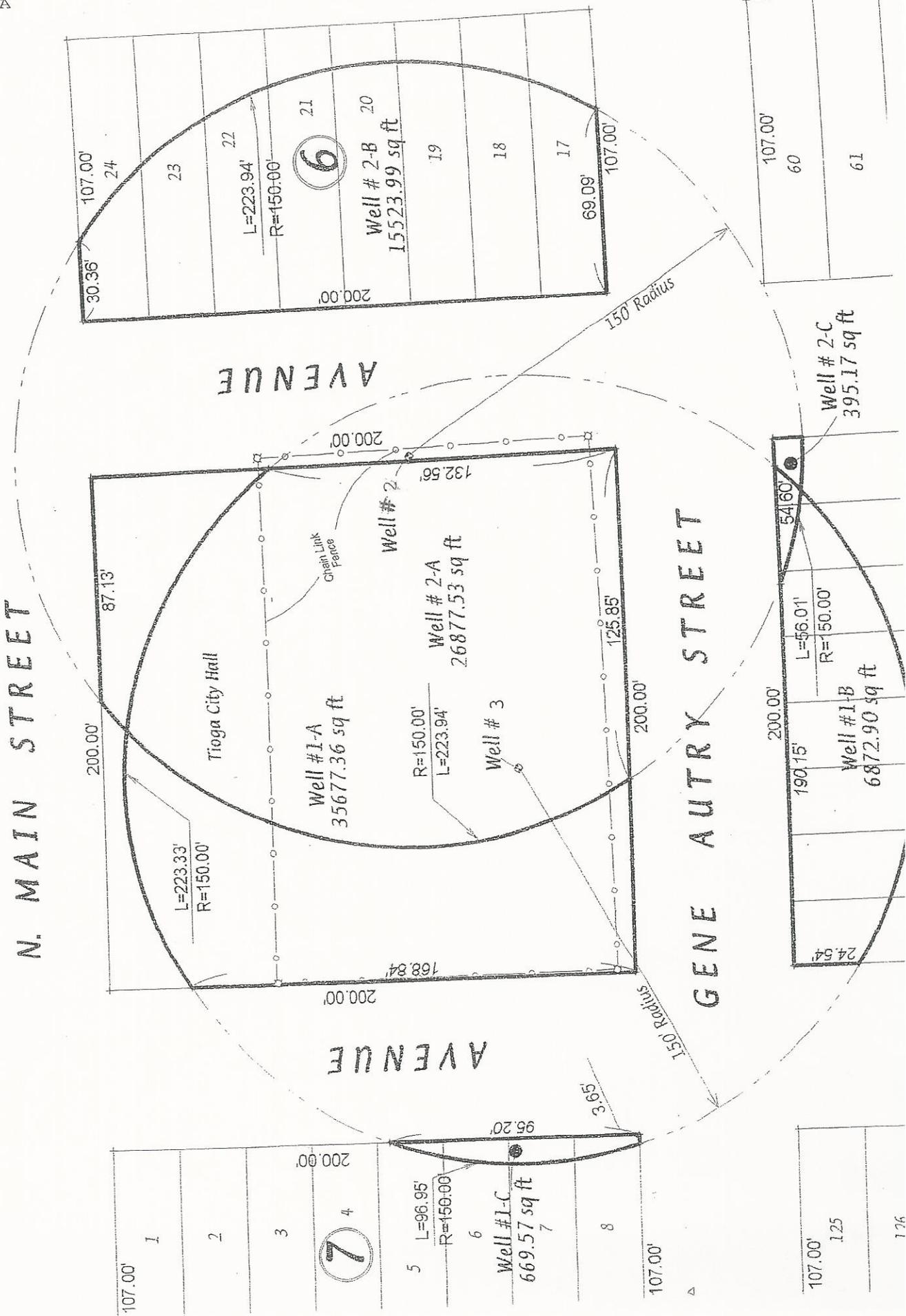
ATTEST:

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

59

32 31 30 29 (4) 26 27 26 25

(5) 35



AVENUE

N. MAIN STREET

GENE AUTRY STREET

AVENUE

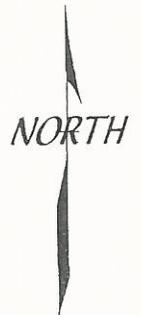
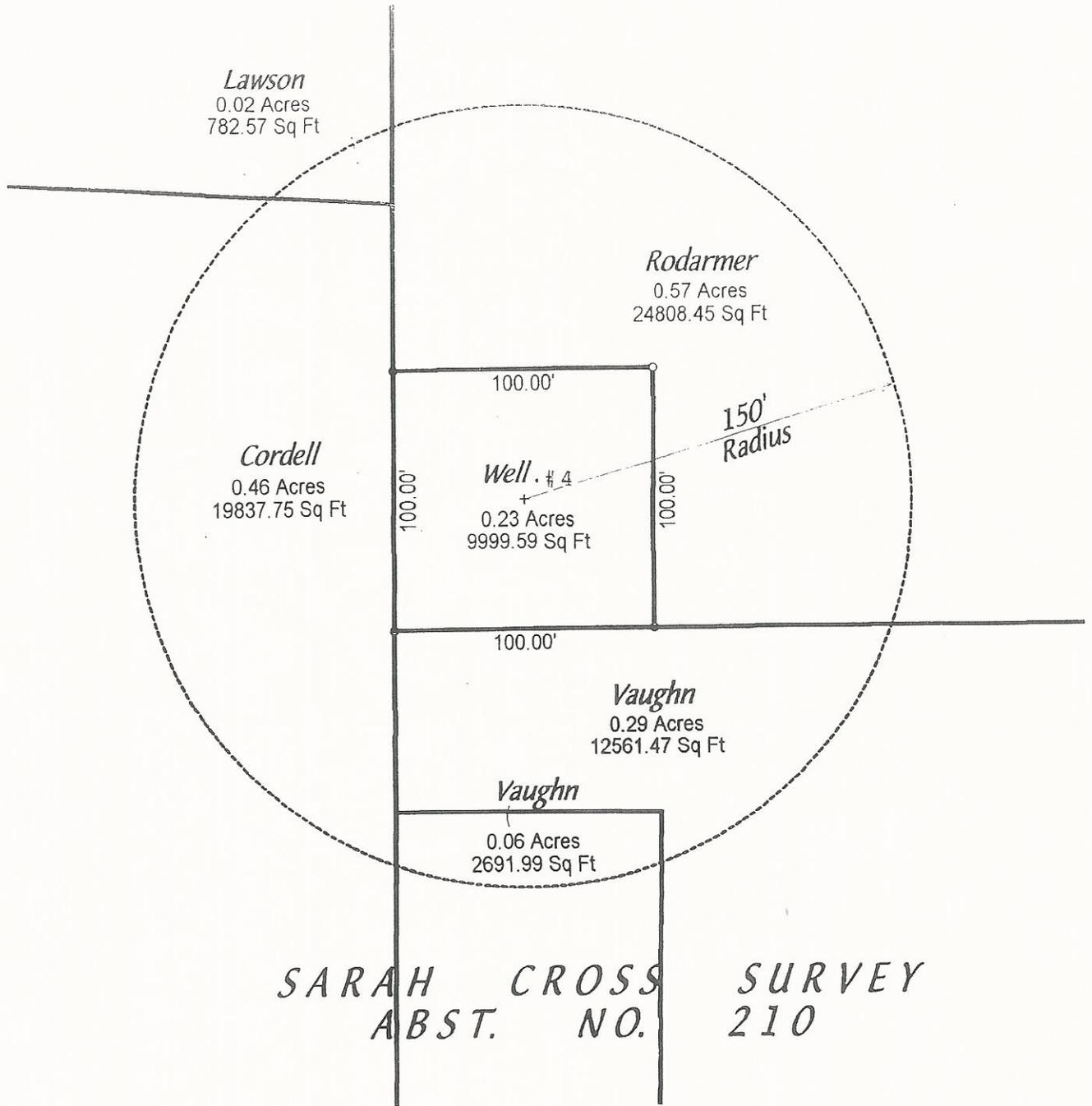
Tioga City Hall

(6)

(7)

(4)

(5)



Scale: 1" = 60'

150CIR.pcs

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



PWS 0910007/CO  
RN 101409472  
N 600738942

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 20, 2005

Jim Hale, City Manager  
City of Tioga  
P.O. Box 206  
Tioga, TX 76271

Subject: Request for Approval of Ordinance in Lieu of Sanitary Control Easements  
City of Tioga - PWS I.D.# 0910007  
Grayson County, Texas

Dear Mr. Hale:

We received your letter dated July 12, 2005, requesting acceptance of a city ordinance in lieu of the Texas Commission on Environmental Quality's requirement that all well sources used by a public water system in providing potable water have properly recorded sanitary control easements as specified in 30 TAC §290.41(c)(1)(F). Based on our review, we are **granting** your request for acceptance of the attached city ordinance in lieu of the sanitary control easement requirement.

A copy of this letter must be maintained in your files for as long as this approval is in effect. These records must be made available to TCEQ staff upon request. Should you have additional questions or comments concerning this letter, or if we may be of further assistance, please contact me at the letterhead's address or us by telephone at (512) 239-1467.

Sincerely,

A handwritten signature in cursive script that reads "Brannon Chatham".

Brannon Chatham  
Public Drinking Water Section (MC 155)  
Water Supply Division

GBC/LF

Enclosure: Approved Ordinance

cc: TCEQ Dallas/Ft. Worth Regional Office - 4  
David Laughlin, P.E., TCEQ Utilities Technical Review Team (MC 153)  
Joaquin Montes, Drinking Water Protection Team (MC 155)