

**TOWN OF LAKEWOOD VILLAGE, TEXAS
ORDINANCE NO. 16-07**

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE TOWN'S PUBLIC WATER SUPPLY WELLS INSIDE THE CORPORATE LIMITS OF THE TOWN OF LAKEWOOD VILLAGE AND INSIDE THE LIMITS OF THE LAKEWOOD VILLAGE EXTRA TERRITORIAL JURISDICTION; ESTABLISHING A BUFFER ZONE IN THE AREAS IN PROXIMITY OF THE MUNICIPAL WASTEWATER PLANT; PROVIDING FOR DEFINITIONS; PROHIBITED ACTIVITIES; PROVIDING RIGHT OF ENTRY; PROVIDING REPEAL CLAUSE; PROVIDING FOR AN ENFORCEMENT PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of Lakewood Village, Texas (the "Town") owns and operates water supply facilities within the Town and the Town's Extra Territorial Jurisdiction, including water wells and related facilities ("Wells") which provide potable water to the customers of the water systems; and

WHEREAS, 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 customers of the water systems, the Town Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Wells; and

WHEREAS, Texas State regulations require a buffer zone surrounding a municipal wastewater plant, the Town Council deems it necessary and proper to establish rules and regulations governing the control of this buffer zone.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

SECTION 1. PURPOSE

- A. This ordinance sets forth uniform requirements for the uses and the construction of facilities in or on land within one hundred fifty feet (150') of the Town owned, or operated Wells, or planned well sites, to promote sanitary conditions in and around such Wells, to secure all such land from pollution hazards, and to enable the Town to comply with all applicable state and local regulations.

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

- C. The objective of this Ordinance is to prevent construction of residential facilities in or on land contained within one hundred fifty feet of the Town wastewater plant.

SECTION 2. DEFINITIONS

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereafter designated:

Town Council shall mean the Town Council of the Town of Lakewood Village, Texas.

Town shall mean the Town of Lakewood Village, Texas.

Ordinance shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution control of the Area in Proximity to the Town's Public Water Supply Wells and Wastewater Plant

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.

Wastewater Plant shall mean any treatment facilities or components of the facilities operated to treat wastewater owned and/or operated by the Town.

Wells shall mean any water wells and related facilities owned and/or operated by the Town.

SECTION 3. PROHIBITED ACTIVITIES

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

- A. Construction and/or operation of underground petroleum and/or chemical storage tanks and liquid transmission pipelines, stock pens, feedlots, dump grounds, privies, cesspools, septic tank, sewage treatment drain fields, absorption beds, evapotranspiration beds, improperly constructed water wells of any depth, and all other construction or operation that could create an insanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells. For the purpose of this Ordinance, "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 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 150-foot radius of the Wells.

- C. Construction of homes or buildings upon any area of land within 150-foot radius of the Wells or, well sites, is permitted, provided the restrictions described in items A and B above are met, and any residential sewer lines are sleeved within a casing in a manner approved by the Town Building Official.
- D. Normal farming and ranching operations are not prohibited by this Ordinance provided; however, livestock shall not be allowed within a 150-foot radius of the Wells.
- E. Construction of homes or buildings upon any area of land within 150-foot radius of the Town wastewater plant is prohibited.

SECTION 4. RIGHT OF ENTRY

Town employees, or authorized representatives of the Town, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any well or wastewater plant to conduct any inspection or observation necessary to enforce this Ordinance.

SECTION 5. REPEAL CLAUSE

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. ENFORCEMENT PENALTY

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 7. SUPERSEDING REGULATION OR STATUE

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 CLAUSE

The provisions of this Ordinance are severable, and if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective from and after its date of adoption and publication as required by law.

PASSED AND APPROVED by Town Council on this 8th day of June, 2016.

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
Town Secretary