

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 03-20

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ORDINANCE NO. 70-564 WHICH ESTABLISHED SPECIAL CONSTRUCTION REQUIREMENTS FOR WATER WELLS; REPEALING EXISTING SPECIAL CONSTRUCTIONS REQUIREMENTS AND EXCEPTIONS; AMENDING FLOWER MOUND'S ORDINANCE TO ALIGN IT WITH TEXAS DEPARTMENT OF LICENSING AND REGULATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town Council previously adopted water well regulations, codified in Chapter 70, Article VII of the Flower Mound Code; and,

WHEREAS, the Texas Occupations Code Chapters 1901 and 1902 regulate the drilling and pumping of water wells; and,

WHEREAS, with authority from the Texas Occupations Code Chapters 1901 and 1902, the Texas Department of Licensing and Regulation imposes requirements on water wells codified at 16 Texas Administrative Code, Chapter 76; and,

WHEREAS, Flower Mound's ordinance has not been updated with the current requirements from the Texas Department of Licensing and Regulation; and,

WHEREAS, the Town Council has determined that the Section 70-564 of the Code of Ordinances of the Town of Flower Mound needs to be updated to align with the requirements from the Texas Department of Licensing and Regulation;

NOW, THEREFORE, BE IT ORDAINED (RESOLVED) BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are found to be true and correct factual and legislative determinations of the Town of Flower Mound and are hereby approved and incorporated into the body of this Ordinance.

SECTION 2

From and after the effect of this Ordinance, the existing text of Section 70-564 of the Code of Ordinances of the Town of Flower Mound, entitled, "Special construction requirements; exceptions" is hereby repealed in its entirety.

SECTION 3

From and after the effective date of this Ordinance, Subsection (a) of Section 70-564 of the Code of Ordinances of the Town of Flower Mound, entitled, "Special construction requirements; exceptions" is hereby amended to read as follows:

"Sec. 70-564. - Special construction requirements; exceptions.

- (a) All water wells existing within the Town on the effective date of this ordinance or which are in existence at the time the land upon which the water well is situated is annexed to the Town shall conform to all laws and regulations applicable to the drilling, installation, and use of water wells pursuant to the Administrative Rules of the Texas Department of Licensing and Regulation, as codified at 16 Texas Administrative Code, Chapter 76, Section 100, as may be amended from time to time. It is the duty of the town official to enforce all laws and regulations applicable to water wells."

SECTION 4

This ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in

Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 7

All rights and remedies of the Town of Flower Mound are expressly saved as to any and all violations of the provisions of the Texas Administrative Code or any ordinances governing water wells that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption of this Ordinance in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

SECTION 9

This Ordinance shall take effect and be in full force from and after the date its passage and publication.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 17TH DAY OF FEBRUARY, 2020.

APPROVED:

Steve Dixon, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY