



ORDINANCE NO. 3317

AN ORDINANCE AMENDING SECTIONS 78-451, 78-452 AND 78-453 OF THE CITY OF NORTH RICHLAND HILLS, TEXAS CODE OF ORDINANCES AND THE REGULATIONS AND FEES PERTAINING TO WATER WELLS; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Commission on Environmental Quality has changed the rules pertaining to water wells; and

WHEREAS, the City Council desires to amend its regulations to conform to state requirements and to provide for adjustment of fees charged based on inflation; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF NORTH RICHLAND HILLS, TEXAS:

Section 1: Sections 78-451, 78-452 and 78-453 of the North Richland Hills Code of Ordinances are hereby amended to read as follows:

“Sec. 78-451. Water well drilling permit and construction.

- (a) Prior to the drilling of any water well within the corporate limits of the city, a permit shall be obtained from the city by filing an application with the public works department at least two weeks in advance of commencing work on the well. An application to drill a water well within the city limits shall contain two copies of the following information.
 - (1) The name, address, and phone number of the owner of the land upon which the work is to be done.
 - (2) A map drawn to scale showing the location of the well and including its latitude, longitude, and street address.
 - (3) Show to scale on the map the location of all other water wells, fences, swimming pools, property lines, irrigation lines, animal pens, fuel storage tanks, septic tanks, lateral fields, aerobic on-site sewage systems, and aerobic system effluent spray piping on the tract of land the well is to be drilled and located.
 - (4) The type of material and size of casing, piping, and all other equipment to be installed.

- (5) The well driller's name, business address, phone number, and Texas Department of Licensing and Regulation (TDLR) license number.
 - (6) An application fee as set forth in Appendix A. Such fee shall initially be \$50.00 and be included in Appendix A and adjusted annually for inflation by the City's Finance Department.
 - (7) Copy of permit and registration with the NTGCD.
- (b) TDLR driller's license required: No water well in the city limits shall be drilled, reworked, or repaired unless the person, company, or corporation doing the work has a well driller's license from the TDLR and a well driller's registration from the city. Normal maintenance of pumps, delivery pipe, wiring, or sand removal should be performed by a licensed well driller or by persons under his supervision unless exempted under TAC, Title 16, Part 4, Chapter 76, Section 76.30, Exemptions.
- (c) Water well construction: All water wells drilled within the city limits shall meet the following minimum requirements.
- (1) All water wells drilled within the city shall be constructed and completed in accordance with the appropriate rules promulgated by the TCEQ or TDLR for an individual property owner (private well). These rules and regulations are found in the Texas Administrative Code, Title 16 - Economic Regulation, Part 4 - Texas Department of Licensing and Regulation, Chapter 76 - Water Well Drillers and Water Well Pump Installers.
 - (2) All wells shall be constructed and completed in accordance with the rules and regulations of the NTGCD.
 - (3) All wells shall be for irrigation purposes only.
 - (4) All wellheads and vents shall be at least two feet above the ground or the known high watermark or 100-year base flood elevation (BFE) whichever is higher.
 - (5) No well other than a city owned and operated public drinking water supply well is permitted to be connected to the city's public water system.
- (d) All new water well locations shall meet the rules for spacing and location of the NTGCD.
- (e) Inspections: The permit holder or the permit holder's agent will notify the public works department 24 hours prior to the well driller beginning to drill the well and 24 hours prior to the water well being completed. The notification will be in person or by phone during the city's regular business

hours. The notification will include the time, name and phone number of the person making contact, the approved permit number, and the address given for the inspection. The city's inspector will call back the phone number given on the notification to confirm the address and time of the inspection. The inspection by the city prior to the well being drilled will be to verify that the drilling rig is set up ready to drill in the proper well location as noted on the approved permit. The inspection by the city after the well is completed will be to confirm the wellhead has been finished in accordance with the city and state criteria. The city inspector's access to the site will be the permit holder's responsibility. Any pets or animals (cats, dogs, cattle, horses, etc.) will need to be removed or excluded from the wellhead area prior to the inspections taking place.

Sec. 78-452. Abandoned and inoperative water wells.

The record owner of land upon which any abandoned water well is located must plug such wells as required by the TCEQ and TDLR rules and submit the following to the public works department:

- (1) An application complying with Section 78-451 above.
- (2) A fee set forth in Appendix A for plugging a well. Such fee shall initially be \$50.00 and be included in Appendix A and adjusted annually for inflation by the City's Finance Department.
- (3) A copy of the official plugging report to be sent the State from the driller or the property owner immediately after the plugging operation is complete."

Section 2: Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two thousand Dollars (\$2,000.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

Section 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 city council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Section 4: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this ordinance as an alternative method of publication provided by law.

Section 5: This ordinance shall be in full force and effect immediately upon passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED this the 28th day of July, 2014.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

George A. Staples, City Attorney

APPROVED AS TO CONTENT:

Mike Curtis, P.E., Managing Director