

ORDINANCE NO. 11-15-2018-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELMENDORF AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14 ENVIRONMENT, ARTICLE V. WATER WELLS BY AMENDING SEC. 14-112 TO ALLOW FOR WELLS TO SUPPLY WATER TO RESIDENCES IN THE CITY WHICH ARE NOT IN THE CITY'S CERTIFICATE OF CONVENIENCE AND NECESSITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 13, 2013, the City of Elmendorf City Council adopted Ordinance No. 06-13-2013 (the "Ordinance") which regulated the use of water wells within the City limits of the City of Elmendorf;

WHEREAS, the City is currently in the process of developing a water well field within its City limits in the area commonly referred to as the Dickie Clay tract;

WHEREAS, the purpose of the Ordinance is to ensure the quality and quantity of water available to the City water system and, therefore, its citizens and other water customers within the City's Certificate of Convenience and Necessity ("CCN"), which extends beyond the City limits;

WHEREAS, a small portion of the City limits lies outside of the City CCN and in the CCN held by Oak Hills WSC;

WHEREAS, in the adoption of the Ordinance, the City Council prohibited the drilling and use of wells for domestic purposes within the City limits;

WHEREAS, the City has received requests that the City allow a landowner permission to drill wells of domestic use within the City limits but outside of the City CCN;

WHEREAS, the City has been unsuccessful in obtaining the CCN within its City limits from Oak Hills WSC;

WHEREAS, because of the limited area within the City limits but outside of the CCN and the ability to stop use of the requested wells in the event of contamination by the use of such wells, City staff is of the opinion that the drilling and use of wells for domestic purposes within the limited area in question will not negatively influence the City's ability to produce usable quantities of water suitable for the City water system; and

WHEREAS, the City Council believes that the drilling and use of wells within the City limits but not within the City CNN should be allowed; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELMENDORF, TEXAS, THAT:

Part 1. Enacted.

THAT Chapter 14, Article V. Water Wells is amended by amending Sec. 14.112. – Domestic use. which, as amended, shall read as follows:

Sec. 14-112. - Domestic use.

No well located within both the City limits and the City's Certificate of Convenience and Necessity shall be used to supply water to a residence or business within the city limits or within the boundary of the city certificate of convenience and necessity. Such wells may only be used for irrigation at the property listed in the permit application as the location of the well.

Part 2. Severability.

If any section, sub-section, clause, phrase or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

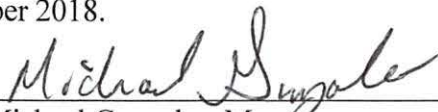
Part 4. Open Meetings

That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Part 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

PASSED and ADOPTED this 15th day of November 2018.



Michael Gonzales, Mayor
City of Elmendorf, Texas

ATTEST:



Roxanne DeLeon, City Secretary