

**ORDINANCE 21-V**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 25 – WATER AND SEWERS, OF THE CITY OF ALVIN CODE OF ORDINANCES, BY ADDING ARTICLE X., “SANITARY CONTROL EASEMENT”; ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY’S PUBLIC WATER SUPPLY WELLS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS.**

**WHEREAS**, the City of Alvin, Texas (the “City”), owns and operates water supply facilities within the City, including five (5) water wells and related facilities (the “Wells”), which provide potable water to the residents of the City; 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 residents of the City, therefore, the City Council deems it necessary and proper to establish rules and regulations governing the control of sanitary conditions around the Wells;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:**

**Section 1.** That the Code of Ordinances, City of Alvin, Texas, Chapter 25, Water and Sewers, is hereby amended to add the following:

**“ARTICLE X.**

**Sanitary Control Easement**

**Sec. 25-309. - Purpose.**

- (a) This Article sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150’) of water wells in the City in order to promote sanitary conditions in and around such water wells, to secure all such land from pollution hazards, and to enable the City to comply with all applicable state and local regulations.
- (b) The objective of this Article is to prevent certain uses and the construction of facilities in or on land surrounding the water wells in the City, which might create a danger of pollution to the water produced from such water wells.

**Sec. 25-310. - Definitions.**

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

- (a) *City Council* shall mean the City Council of the City of Alvin, Texas.
- (b) *City* shall mean the City of Alvin, Texas.
- (c) *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.
- (d) Wells shall mean the water wells owned and operated by the City.

**Sec. 25-311. - 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, 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, 4 and/or 5 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 Article, “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 Article; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

**Sec. 25-312. - 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 the provisions of this Article.

**Sec. 25-313. - Penalty.**

Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable by a fine as prescribed by section 1-5 for each act of violation and for each day of violation.

**Sec. 25-314. - Required Removal.**

Any person who shall violate any provision of this Article 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 Article.”

**Section 2. Superseding 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 3. 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 Alvin, 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.

**Section 4.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**Section 5.** 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 of the Texas Government Code.

**PASSED and APPROVED** on the 2nd day of December 2021.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
Paul A. Horn, Mayor

By: \_\_\_\_\_  
Dixie Roberts, City Secretary