

## **ORDINANCE NO. 17-09**

### **AN ORDINANCE OF THE CITY OF NEWCASTLE, TEXAS REGARDING THE REGULATIONS AND PERMITTING OF WATER WELLS WITHIN THE CITY OF NEWCASTLE, TEXAS, ESTABLISHING PENALTIES FOR VIOLATION OF REGULATIONS**

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

#### **SECTION 1. PERMITTING OF WATER WELLS**

Water well permits shall be issued by Newcastle City Hall only after the following conditions have been met:

- a. All water wells shall be located so that no danger of pollution from flooding or unsanitary surroundings exist, such as septic or sanitary sewer mains; and
- b. All water wells shall be located at least 50 feet from any property line of applicant's property; and
- c. Any person acting as a water well driller must hold a license in good standing issued by the Executive Director of License and Regulations pursuant to the Texas Occupations Code, Chapters 1901 and 1902; and
- d. Each proposed water well, water well location and water well design shall meet each condition established by 16 Texas Administrative Code, Chapter 76, entitled Water Well Drillers and Water Well Pump Installers, as amended from time to time; and
- e. Each water well permit applicant shall first agree, as a part of the permit application, to consent to the inspection of the water well site and water well drilling process, as specified by the City of Newcastle Utilities Director or designee, and shall additionally consent to annual testing of the water well site as well as all potential cross connection locations, should any be detected, with the City of Newcastle Public Water System and the City of Newcastle Sanitary Sewer System; and
- f. Any water to be produced from any water well drilled within the City of Newcastle, Texas shall be used exclusively for irrigation and/or agricultural purposes only; and
- g. All properties with a water well located on said property must have a visible notice stating "WATER WELL IN USE".

#### **SECTION 2. PREVENTION OF CONTAMINATION OF PUBLIC WATER SUPPLY AND CROSS CONNECTIONS**

- a. Each person maintaining or operating a water well within the City of Newcastle shall install and maintain a backflow prevention device acceptable to the Utilities Director for the City of Newcastle on the water line immediately adjacent to any City water meter serving the property upon which such water well is located in a manner sufficient to prevent contamination to the water being supplied by the means of the City of Newcastle's water mains by well water in the event that the well system were to inadvertently cross connect to the City water system. Such device shall be inspected annually and certified to be in operable condition by a licensed inspector for such purpose and certification provided to the City of Newcastle, Texas.
- b. It shall be unlawful to cross connect any water well in the City of Newcastle to any pipe or line intended to or capable of carrying City municipal water.
- c. It shall be unlawful to allow water discharged from a water well into or be diverted into the Municipal sanitary sewer system.
- d. Each applicant for a water well permit shall, as a condition of said permit, authorize each act of the City of Newcastle authorized in this Ordinance. Each applicant shall reference this Ordinance, and the applicant shall be entitled to receive a copy of this Ordinance at the time of application. The representations and agreements of applicant shall run with the water well, and upon the sale or transfer of any property upon which a water well is located, the purchaser shall be required to complete and file with the City Secretary an application to transfer water well permit, by which the transferee of the water well permit shall agree to be bound to the agreements and authorizations of the original applicant.

### SECTION 3. PERMIT FEES AND INSPECTIONS

- a. Each water well permit application shall be accompanied by a fee of \$25.00.
- b. The City of Newcastle Utilities Director or designee, may conduct an inspection of the premises upon which any water well is located. Said inspection may be conducted to insure that the water well is being maintained in a safe and wholesome manner, and that all municipal, state and federal regulations are being met. Said inspection may include, but is not limited to confirmation that no cross connections to either municipal water system or the sanitary sewer system have occurred and a determination that the backflow prevention device or devices are in proper working order.
- c. In the event of a violation found upon inspection, Applicant shall correct any condition of the water well which violates any provision of this Ordinance, or

state or federal law within 15 days after notice of the same and shall not, in any event, produce any water from said water well until said condition shall be corrected and the corrections shall be reinspected by the City of Newcastle Utilities Director, or designee. In the event of a violation of Section 4 herein, Applicant shall not produce water from said well until water well is inspected by the Utilities Director, or designee and registered with the City of Newcastle.

**SECTION 4. EXISTING WATER WELLS**

In order to protect the health and safety of the citizens of the City of Newcastle, any water wells which are already existing within the City of Newcastle must notify Newcastle City Hall of said water well. Said water well must be scheduled for an inspection with the City of Newcastle Utilities Director, or their designee and registered with the City of Newcastle as an active water well prior to any water being produced.

**SECTION 5. PENALTIES**

A violation of any provision of this Chapter is a violation of this Code and shall be punishable by fines not to exceed five hundred (\$500.00) dollars per violation.

**PASSED AND APPROVED ON THIS THE 11<sup>TH</sup> DAY OF SEPTEMBER, 2017.**

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Gina Maxwell, Mayor

ATTEST:

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Cory Spurlin, City Secretary