

**TOWN OF FAIRVIEW, TEXAS**

**ORDINANCE NO. 2023-07**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING CHAPTER 13 OF THE FAIRVIEW CODE OF ORDINANCES, BY REPEALING ARTICLE 13.04 WATER WELLS AND REPLACING SAID ARTICLE WITH A NEW ARTICLE 13.04 WATER WELLS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Town Council finds that it is in the public interest to make the amendments described herein; now, therefore,

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:**

**Section 1.** That Chapter 13 of the Code of Ordinances, Town of Fairview, Texas is hereby amended by repealing Article 13.04 (Water Wells) in its entirety and replacing said article with a new Article 13.04 (Water Wells) as set forth below in this Section 1:

**Sec. 13.04.001 Penalty**

It shall be unlawful for any person to violate any provision of this article, and any person violating or failing to comply with any non-safety provision hereof shall be fined, upon conviction, in an amount not more than \$500, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. Any person violating or failing to comply with any provision determined to be a health and safety violation provision hereof shall be fined, upon conviction, in an amount of not more than \$2,000, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Sec. 13.04.002 Compliance**

No person, firm, corporation or other business entity shall drill or attempt to drill or use any water well within the corporate limits of the town except in compliance with the provisions of this article.

**Sec. 13.04.003 Use generally**

If town or other potable water service is available, no water well shall be used for potable water purposes in place of such water service. In the event a property owner desires to drill or use a water well to supplement town water service, such well may be used only for irrigation and livestock purposes and shall not be connected to the potable water system. In no case may a well be drilled or used on any lot or property of less than two acres, contingent upon all requirements in this article being complied with.

**Sec. 13.04.004 Permit; water hygiene standards**

(a) No water well may be drilled within the corporate limits of the town

without first obtaining a permit from the town, and such permit, when obtained, shall be affixed to a stake or other suitable marker at the well site.

(b) The application for a permit and the issued permit shall specify the location of the well; the depth and size of hole to be drilled; the type, diameter and length of the inner casing and well screen; the type, diameter and length of the outer steel casing (surface casing); and the size and type of the sanitary well seal. Such application shall contain the name, address and telephone number of the owner of the well and the name, address and telephone number of the well driller and any other information deemed relevant by the Town Engineer. The town inspector shall, before approving a permit, inspect drilling sites and verify the location of the well site in compliance with all applicable requirements. Permits may be revoked by the town inspector for any deviation from the permit.

(c) If a new irrigation system is going to be installed with the well, under no circumstances shall the system be connected to the town's potable water system. It must remain totally separate and any cross connections—as defined below—discovered will put the public's health and safety at risk and will constitute a health and safety violation of this article. Such irrigation system must also be permitted by the town in accordance with Section 13.03.105 of this code.

(d) If an existing irrigation system currently being supplied by the town's public water system is going to be converted over to a water well supply, the physical connection must be permanently removed and inspected by the town's inspector as a part of the well permit. Under no circumstances will the irrigation system be supplied by both a water well and the town's potable water supply system ("cross-connection").

(e) No permit shall be issued unless a state-licensed water well driller is named as the water well driller. The water well shall be drilled in accordance with the Texas Well Drillers Act or any statute which supersedes or replaces that act.

(f) All water from a water well which is to be used for human consumption shall comply with all state and federal water hygiene standards and requirements. No person shall operate or cause to be operated a water well, the water from which is to be used for human consumption, unless the water from such water well complies with all state and federal water hygiene standards and requirements and no public potable water service is available.

(g) Applications for a water well permit shall be submitted to the town engineer at least 30 days prior to the commencement of drilling activity, and drilling shall not occur until the permit is granted. The inspection fee for a water well permit shall be \$150; provided, however, if a water well requires more than two inspections, each inspection in excess of two inspections shall require the payment of \$75.00.

#### **Sec. 13.04.005 Distance to On-Site Septic System and Property Lines**

The minimum distance from any property line shall be 15 feet (that includes both the well and/or a well-house). If a well-house structure is planned to be built over the well, it can be constructed as a part of the well permit and will

not count as an accessory structure if it is less than or equal to 120 sq. ft. in size unless the structure is used for one or more other purposes that would constitute an accessory structure in which case the size of the entire structure will count against the maximum size for an accessory structure.

If a well house is proposed on a residential lot, the well must be located behind the front face of the home or the rear. If the well and piping are underground with no well house, then the well can be located in the front of the residence.

Water Wells and On-site septic systems must meet the separation distances as set forth in Chapter 285 of the Texas Administrative Code below, or as said code may be amended:

Figure: 30 TAC §285.91(10)

Table X. Minimum Required Separation Distances for On-Site Sewage Facilities.

FROM	TO					
	Tanks	Soil Absorption Systems, & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
Public Water Wells <sup>2</sup>	50	150	150	50	150	150
Public Water Supply Lines <sup>2</sup>	10	10	10	10	10	10
Wells and Underground Cisterns	50	100	50	20	100	100
Private Water Line	10	10	5	10 <sup>4</sup> except at connection to structure	No separation distances	10
Wells Completed in accordance with 16 TAC §76.1000(a)(1)	50	50	50	20	50	50
Streams, Ponds, Lakes, Rivers, Creeks (Measured From Normal Pool Elevation and Water Level); Salt Water Bodies	50	75 LPD with secondary treatment & disinfection - 50	50	20	50	25 when $R_{90} < 0.1$ 75 when $R_{90} > 0.1$ (With Secondary Treatment & Disinfection - 50)

**Section 2.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Fairview Code of Ordinances.

**Section 3.** That Chapter 13 of the Code of Ordinances, Town of Fairview, Texas shall remain in full force and effect save and except as amended by this ordinance.

**Section 4.** That the sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby

declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.


**Section 5.** That this ordinance shall take effect immediately upon passage.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW,  
TEXAS, this ~~4<sup>th</sup>~~ <sup>7<sup>th</sup></sup> day of March 2023.

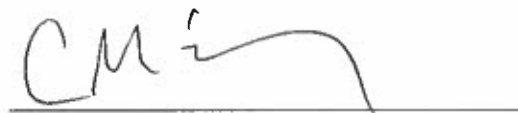
ATTEST:

APPROVED:

  
Tenitrus Bethel, Town Secretary

  
Henry Lessner, Mayor

APPROVED AS TO FORM:

  
Clark McCoy, Town Attorney

