

**ORDINANCE #04-06-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, TEXAS, ESTABLISHING RULES AND REGULATIONS REGARDING SANITATION AND POLLUTION CONTROL OF THE AREAS IN PROXIMITY TO THE CITY'S PUBLIC WATER SUPPLY WELLS.**

**WHEREAS**, the City of Sanger, Texas (the "City"), owns and operates water supply facilities within the City, including two (2) water wells and related facilities (the "Wells"), which provide potable water to the residents of the City; and

**WHEREAS**, because 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, 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 SANGER, TEXAS:**

**Section 1. Purpose.**

A. This ordinance sets forth uniform requirements for the users and the construction of facilities in or on land within one hundred fifty feet (150') of the Wells in order to promote sanitary conditions in and around such 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 Ordinance is to prevent certain uses and the construction of facilities in or on land surrounding the Wells, which might create a danger of pollution to the water produced from such Wells.

**Section 2. Definitions.**

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

- A. *City Council* shall mean the City Council of the City of Sanger, Texas.
- B. *City* shall mean the City of Sanger, Texas.
- C. *Ordinance* shall mean this Ordinance Establishing Rules and Regulations Regarding Sanitary and Pollution Control of the Area in Proximity to the City's Public Water Supply Wells.
- D. *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.
- E. *Wells* shall mean the water wells owned and operated by the City, which are more specifically identified and described in Exhibit "A" attached hereto and made a part hereof.

### **Section 3. 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, septic tank, 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, and/or 4 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 Ordinance, "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 the Ordinance; provided, however, livestock shall not be allowed within a 50-foot radius of the Wells.

### **Section 4. 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 this Ordinance.

### **Section 5. Penalty.**

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in the amount not to exceed \$2,000. Each day of the violation shall constitute a separate offense.

**Section 6. Required Removal.**

Any person who shall violate any provision of this Ordinance shall be required to remove the prohibited construction or potential source of contamination within 10 days after notification that they are in violation of this Ordinance.

**Section 7. 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 the Ordinance, is in conflict herewith, the stricter requirement shall apply, unless mandated otherwise.

**Section 8. 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sanger, 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.

This ordinance will take effect immediately from and after its passage, and the publication of the caption, as the law and Charter in such cases provide.


**PASSED AND APPROVED** this 21st day of April, 2014 by the City Council of the City of Sanger, Texas.

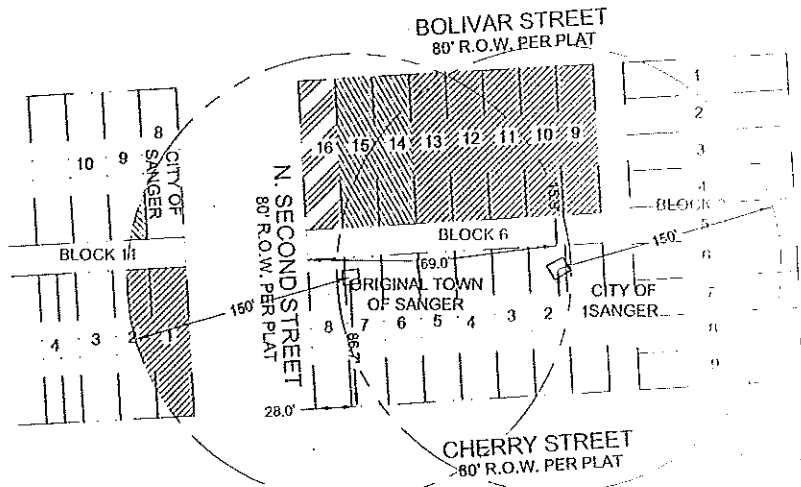
ATTEST:

  
Tami Taber, City Secretary

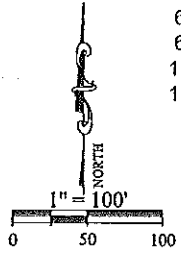


APPROVED:

  
Thomas Muir, Mayor



BLOCK	LOT	SQ. FT.	DEED	OWNER
6	9 - 13	12,520	CCF# 2007-105012	HOLLINGSWORTH REVOCABLE LIVING TRUST
6	14 & 15	5,002	CCF# 2014-9506	BOLIVAR HOLDINGS, LLC
6	16	2,463	V. 2357, P. 77	TOMMY L. BELCHER AND CAROLYN BELCHER
11	1 & 2	3,277		HOLLINGSWORTH MANUFACTURING COMPANY
11	9	199	CCF# 2009-79110	FRANK & ROBIN HACKER



### 150' SANITARY EASEMENT

This survey is certified to the City of Sanger. This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 3-6-2014. There are no visible or apparent intrusions or protrusions except as shown hereon.

NOTE: This survey has been performed without the benefit of a Schedule A&B, Title Report or Title Binder.

NOTE: Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and are based on the North American Datum of 1983, 2011 Adjustment, and GPS observations.



### WELLS # 2 & 3

JOB # 140126  
 DRAWN BY: H.C.I.  
 DATE: 3-14-2014  
 R.P.L.S.  
 KENNETH A. ZOLLINGER  
 NOTES:  
 3-18-2014: revised locations for

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 DENTON, TX 76205  
 (940)382-3446  
 www.kazsurveying.com

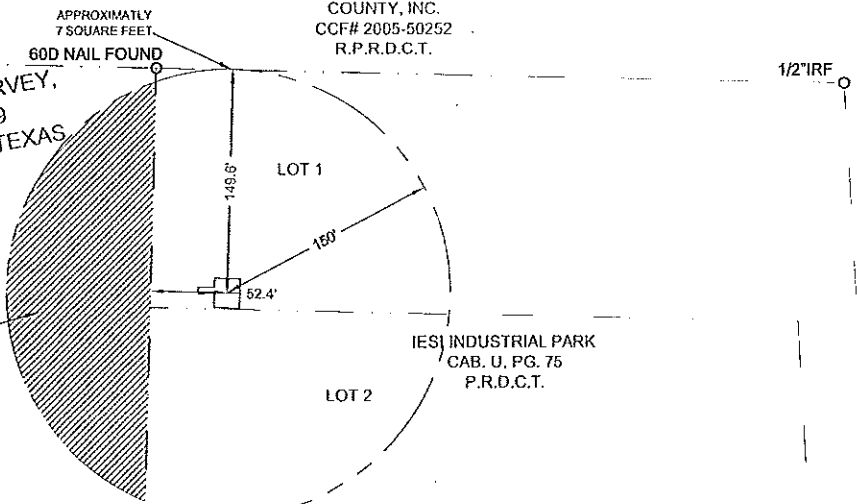
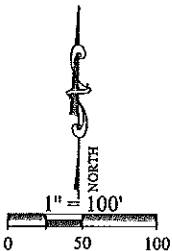
- = BENZONUCK
- = BURIED VERIZON BOX
- = CABLE RISER
- = ELECTRIC RISER
- = ELECTRIC TRANSFORMER
- = FIRE HYDRANT
- = GAS METER
- = LIGHT POLE
- = POWER POLE
- = PROpane TANK
- = SEWER MANHOLE
- = TELEPHONE RISER
- = BURIED ELECTRIC BOX
- = BURIED CABLE SIGN
- = WATER METER
- = WATER VALVE
- BL = BUILDING LINE
- D.E. = DRAINAGE EASEMENT
- D.U.E. = DRAINAGE/UTILITY EASEMENT
- FF. = FINISHED FLOOR
- PI.E. = PUBLIC UTILITY EASEMENT
- U.E. = UTILITY EASEMENT
- W.F.C.P. = METAL FENCE CORNER POST
- W.F.C.P. = WOOD FENCE CORNER POST
- EP.O.S. = BURIED FIBER OPTIC SIGN
- GPS = GAS PIPELINE SIGN
- L = 1" = 1" FLAT OR REEF CALL
- CI = CONTOURING INSTRUMENT
- IRF = IRON PEG FOUND
- CAI-NS = CAPPED IRON PEG SET
- CAF-IR = CAPPED IRON PEG TOYS
- = PAPE FENCE
- = WIRE FENCE
- = WOOD FENCE
- = CHAIN LINK FENCE
- = PRECAST CONCRETE CURB FENCE
- = CONCRETE
- = BRICK

A TRACT OF LAND  
DESCRIBED IN A DEED TO  
HOLLYHILL BARUCH  
COUNTY, INC.  
CCF# 2005-50252  
R.P.R.D.C.T.

REUBEN BEBEE SURVEY,  
ABSTRACT # 29  
DENTON COUNTY, TEXAS

A TRACT OF LAND  
DESCRIBED IN A DEED TO  
EAGLE FARMS, INC.  
VOL. 972, PG. 1  
D.R.D.C.T.

APPROXIMATELY  
19,983 SQ. FEET  
OR 0.45 ACRES



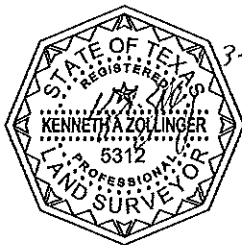
BURLINGTON NORTHERN SANTA FE RAILROAD

### 150' SANITARY EASEMENT

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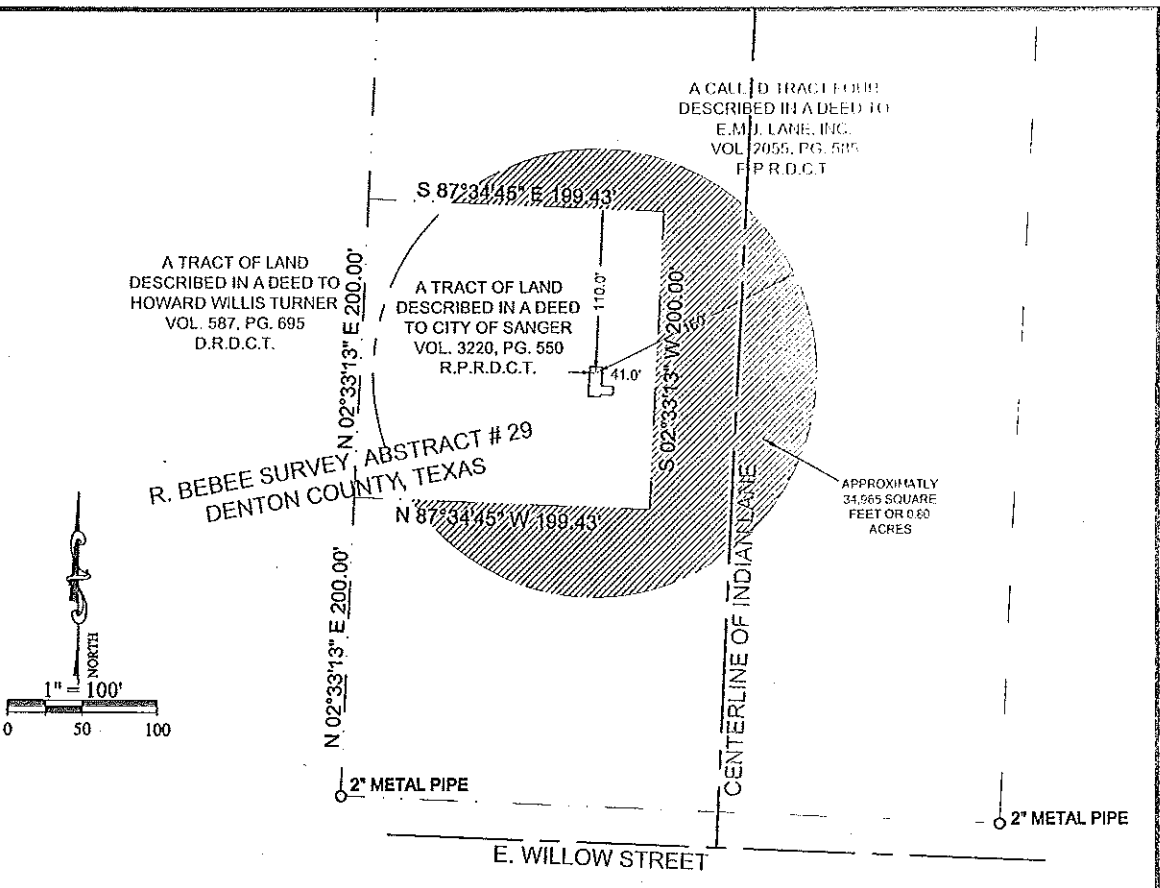


WELL # 7

JOB # 140126  
DRAWN BY: H.C.I.  
DATE: 3-14-2014  
R.P.L.S.  
KENNETH A. ZOLLINGER  
NOTES:

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- = BENCHMARK
- = BURIED VERDON BOX
- = CABLE ROVER
- = ELECTRIC P/SER
- = ELECTRIC TRANSFORMER
- = FIRE HYDRANT
- = GAS METER
- = LIGHT POLE
- = POWER POLE
- = PROPANE TANK
- = SEWER MANHOLE
- = TELEPHONE P/SER
- = BURIED ELECTRIC BOX
- = BURIED CABLE SIGN
- = WATER METER
- M = WATER VALVE
- BL = BUILDING LINE
- DE = DRAINAGE BASEMENT
- DUE = DRAINAGE/UTILITY BASEMENT
- FF = FINISHED FLOOR
- PIE = PUBLIC UTILITY EASEMENT
- UE = UTILITY EASEMENT
- MP = METAL FENCE CORNER POST
- WCP = WOOD FENCE CORNER POST
- BFS = BURIED FIBER OPTIC SIGN
- GRS = GAS PIPELINE SIGN
- I = 1" PLAT OR REED WALL
- CH = CONTROL POINT ADJUMENT
- IRP = IRON ROD FOUND
- CAP = CAP IRON ROD SET
- CAP IRP = CAP IRON ROD FOUND
- = PIPE FLAG
- = PIPE FENCE
- = WOOD FENCE
- = METAL FENCE
- = WOOD SHEATHING W/ FENCE
- = CONCRETE
- = ROCK
- = BRICK
- = ASPHALT



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NOTE: Bearings shown hereon are referenced to the Texas Coordinate System of 1983, North Central Zone (4202), and are based on the North American Datum of 1983, 2011 Adjustment, and GPS observations.



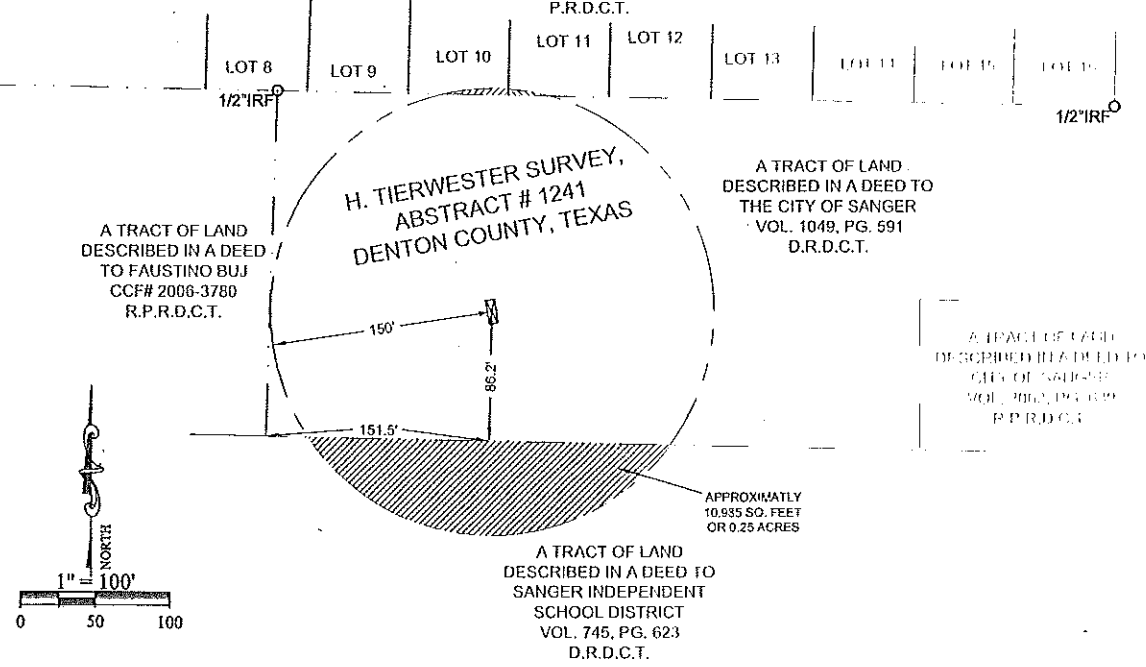
WELL # 6  
 JOB # 140126  
 DRAWN BY: H.C.I.  
 DATE: 3-14-2014  
 R.P.L.S.  
 KENNETH A. ZOLLINGER  
 NOTES:

**KAZ**  
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 DENTON, TX 76205  
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 www.kazsurveying.com

<ul style="list-style-type: none"> <li>⊙ = EENCHM/FX</li> <li>⊙ = EXPOSED VERTICAN BOX</li> <li>⊙ = CABLE RISER</li> <li>⊙ = ELECTRIC RISER</li> <li>⊙ = ELECTRIC TRANSFORMER</li> <li>⊙ = FIRE HYDRANT</li> <li>⊙ = GAS METER</li> <li>⊙ = LIGHT POLE</li> <li>⊙ = POWER POLE</li> <li>⊙ = PROPANE TANK</li> <li>⊙ = SEWER MANHOLE</li> <li>⊙ = TELEPHONE RISER</li> <li>⊙ = BURIED ELECTRIC BOX</li> <li>⊙ = BURIED CABLE SIGN</li> <li>⊙ = WATER METER</li> <li>M = WATER VALVE</li> <li>BL = BUILDING LINE</li> <li>DE = DRAINAGE EASEMENT</li> <li>DUE = DRAINAGE/UTILITY EASEMENT</li> <li>FF = FINISHED FLOOR</li> <li>PUE = PUBLIC UTILITY EASEMENT</li> <li>U.E. = UTILITY EASEMENT</li> <li>WFCP = WOOD FENCE CORNER POST</li> <li>WVCP = WOOD FENCE CORNER POST</li> <li>BFOS = BURIED FIBER OPTIC SIGN</li> <li>GPS = GAS FIVE EASEMENT</li> <li>L = FLAT OR DEED CALL</li> <li>CH = CONTROLLING INSTRUMENT</li> <li>ISP = IRON ROD/IRON SET</li> <li>CAP. RS = CAPPED IRON ROD SET</li> <li>--- = 4" FEE FENCE</li> <li>- - - = 2" WISE FEE FENCE</li> <li>- - - = WOOD FENCE</li> <li>--- = 1/2" CHAIN LINK FENCE</li> <li>--- = WOODPOST CONCRETE FENCE</li> <li>--- = 4" EP HEAD UTILITY</li> <li>--- = CONCRETE</li> <li>--- = WOOD</li> <li>--- = ROCK</li> <li>--- = BRICK</li> </ul>	<p>COPYRIGHT 2014, KAZ SURVEYING, INC.</p>	<p>© 2014 All Rights Reserved</p>
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LOT	SQ. FT.	DEED	OWNER
10	149	CCF# 2011-115450	MICHAEL L. COZAD
11	77	CCF# 2013-114854	SAUL T. CARDONA AND LUCIA F. CARDONA

BLOCK C  
SERENDIPITY PLACE, PHASE 1  
CAB. T, PG. 358  
P.R.D.C.T.

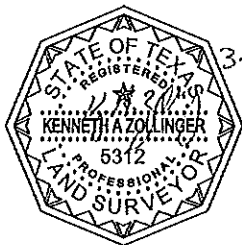


### 150' SANITARY EASEMENT

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WELL # 5

JOB # 140126  
DRAWN BY: H.C.I.  
DATE: 3-14-2014  
R.P.L.S.  
KENNETH A. ZOLLINGER  
NOTES:  
3-18-2014: removed eastern location/lot

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DENTON, TX 76205  
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B = BENCH MARK	⊗ = GAS METER	⊙ = BURIED ELECTRIC BOX	D.U.E. = DRAINAGE/UTILITY EASEMENT	⊗ = BURIED FIBER OPTIC SIGN	⊗ = CAPED IRON ROD FOUND
⊙ = BURIED METEORON BOX	⊗ = LIGHT POLE	⊙ = BURIED CABLE SIGN	FF = FINISHED FLOOR	⊗ = GAS PIPE SIGN	⊗ = CONCRETE
⊙ = CABLE RISER	⊗ = POWER POLE	⊙ = WATER METER	P.U.E. = PUBLIC UTILITY EASEMENT	⊗ = PLAT OR CDED CALL	⊗ = WOOD FENCE
⊙ = ELECTRIC RISER	⊗ = PROPANE TANK	⊙ = WATER VALVE	U.E. = UTILITY EASEMENT	⊗ = CONTROLING INSTRUMENT	⊗ = WOOD FRAME
⊙ = ELECTRIC TRANSFORMER	⊙ = SEWER MANHOLE	⊙ = BUILDING LINE	W.C.P. = METAL FENCE CORNER POST	⊗ = CHARLIE'S FENCE	⊗ = WOOD FENCE
⊙ = RFE/IRIANT	⊙ = TELEPHONE RISER	D.E. = DRAINAGE EASEMENT	W.C.P. = WOOD FENCE CORNER POST	⊗ = CAPED IRON ROD SET	⊗ = WOOD FENCE