

ORDINANCE NO. 2016-O-12

AN ORDINANCE AMENDING SECTIONS 13.02.003 OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO CHANGE PROCEDURES FOR PLUGGING ABANDONED WELLS; DELETING SECTIONS 4.05.061 THROUGH 4.05.064 OF THE CODE OF ORDINANCES; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Palacios has determined that changes in the manner in which abandoned wells are regulated within the City should be modified and the provisions regarding the permitting for irrigation wells should be deleted as no longer needed; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS:

SECTION 1: That Article 13.02, Section 13.02.003, of the Code of Ordinances of the City of Palacios, Texas is hereby amended to read as follows:

Sec. 13.02.003 Abandoned wells

(1) An abandoned well is any well which has been continuously out of use for a period of two (2) years or longer. Whenever any well has not been in active use for more than two (2) years, the owner or operator of such well shall report the fact to the City Manager or his designee. Every abandoned well shall be filled and plugged with such materials and in such manner as, in the judgment of the City Manager or his designee, will prevent the pollution and contamination of the city's water supply or the contamination of any other well within the limits of the city, and such filling and plugging shall be done under the supervision of the City Manager or his designee, and at the expense of the owner of such well.

(2) Whenever the City Manager or his designee shall receive notice from any source of the existence of an abandoned well which has not been plugged and filled in accordance with the provisions of this subsection, he shall notify *by certified mail* the owner or agent in charge of such well or of the property upon which it is situated that such well is abandoned and shall instruct him to fill and plug such well in accordance with this subsection, and the owner or operator of such well shall comply with such order within sixty (60) days after its date. Should he fail to comply within such period or if, after using reasonable diligence, the City Manager or his designee should fail to locate the owner or agent in charge of such well or of the property upon which the well is situated, the City Manager or his designee may go on and fill and plug such abandoned well in the manner provided, and the owner thereof shall be liable to the city for the cost of such work and shall pay such cost upon demand.

SECTION 2: That Article 4.05, Sections 4.05.061 through 4.05.064, of the Code of Ordinances of the City of Palacios, Texas are hereby deleted in their entirety.

SECTION 3: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

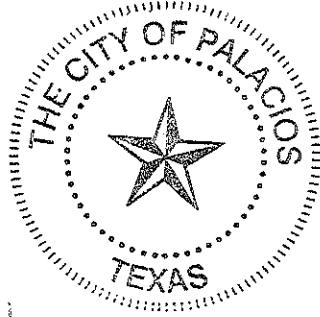
SECTION 4: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5: This Ordinance shall become effective after its approval and adoption upon second and final reading and its publication pursuant to law.

PASSED AND APPROVED on first reading this 15th day of November, 2016.

PASSED, APPROVED AND ADOPTED on second and final reading this 13th day of December, 2016.

CITY OF PALACIOS, TEXAS



GLEN SMITH, Mayor

ATTEST:

Angela Flores

ANGELA FLORES, City Secretary

APPROVED AS TO FORM:

RANDALL B. STRONG, City Attorney

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