

AN ORDINANCE MAKING ILLEGAL THE USE FOR HUMAN CONSUMPTION OF WATER FROM A PRIVATE WATER WELL WITHIN THE CORPORATE LIMITS OF THE TOWN OF ORCHARD, TEXAS: PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE: DECLARING VIOLATION A NUISANCE: PROVIDING A MANNER FOR NOTICE AND ABATEMENT OF SAID NUISANCE: AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORCHARD, TEXAS:

SECTION 1: That it shall be unlawful for any person, partnership, firm, public or private corporation, association, trust, estate, political subdivision or agency, or any other legal entity or their legal representatives, agents or assigns to own, operate or use within the corporate limits of the Town of Orchard, Texas a private water well producing water used for consumption by humans as potable and/or drinkable water.

SECTION 2: That it shall be unlawful to introduce, in any manner, water from any private water well into the municipal water supply system of the Town of Orchard, Texas or to in any manner connect a private water well system with said municipal water supply system of the Town of Orchard, Texas.

SECTION 3: That the provisions of this ordinance shall apply to all of the area lying within the corporate limits of the Town of Orchard, Fort Bend County, Texas as the same exists on the effective date hereof and to areas as may from time to time be annexed thereto.

SECTION 4: That this ordinance shall take effect and be in force from and after its passage and approval and upon the commencement of operation of said municipal water supply system of the Town of Orchard, Texas.

SECTION 5: That all fees and charges for use of municipal water and connections to said municipal water system shall be paid for at the amounts, rates and times as may from time to time be fixed by resolution of the Town of Orchard, Texas.

SECTION 6: That each day in which a violation of this ordinance occurs shall be a separate offense and any person guilty of violating the provisions of this ordinance shall be subject to fine by the Mayor of the Town of Orchard, Texas in an amount not to exceed \$100.00 per offense.

SECTION 7: That any private water well used in such a manner as to violate the terms of this ordinance or which in any manner pollutes or contaminates or tends in the judgment of the Board of Commissioners of the Town of Orchard, Texas to pollute or contaminate or mix with the municipal water system of said Town is hereby declared a nuisance and on notice to the owner of such well or opening, or to the operator or user thereof, or to the agent of either, issued by said Board, said nuisance shall be abated by said owner, operator or user within 10 days from date of such notice and if such person shall fail to abate said nuisance within said time, or if after exercising reasonable diligence, the Board of Commissioners is unable to locate the owner or operator of said well or his or their agent, the said Board of Commissioners shall have the right to go on the land or property upon which said private well is located in person or by agent and take such reasonable measures as necessary to abate said nuisance and the owner or owners thereof shall, jointly and severally, be liable to the Town of Orchard, Texas for the cost of such work and shall

pay the same upon demand, and upon failure to so pay, the Town of Orchard, Texas shall have the right to file a lien on said land for the cost of doing such work in the same manner and with the same effect as is given to mechanics and artisans by the laws of the State of Texas.

Passed and approved this the 26th day of July, 1974.

Jess P. Kosack
Mayor

LaVern Cromans
Commissioner

Florian Alvin
Commissioner

ATTEST:

Jo Ann Demny
Town Clerk
(SEAL)

THE STATE OF TEXAS X

COUNTY OF FORT BEND X

I, JO ANN DEMNY, the duly appointed, qualified and acting Clerk of the Town of Orchard, Texas, hereby certify that the above and foregoing ordinance of the Town of Orchard was passed at a regular meeting of the Board of Commissioners of the Town of Orchard held on the 24th day of July, 1974; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the city hall for at least the three days preceding the day of said meeting; that the Mayor and both Commissioners were present at said meeting and acted as the Board through-out; that said ordinance has been approved by the Mayor and is duly attested by the Town Clerk; and that the same has been duly engrossed and enrolled in the records of the Town of Orchard, Texas.

Executed under my hand and the official seal of the Town of Orchard, Texas, this 26th day of July, 1974.



(SEAL)

Jo Ann Demny
Clerk of the Town of Orchard, Texas