

AN ORDINANCE PROHIBITING THE INSTALLATION OR USE OF DOMESTIC WATER WELLS WITHIN THE CITY LIMITS OF THE CITY OF KRESS, TEXAS, CONTAINING A CLAUSE PROVIDING FOR CONTINUED USE OF DOMESTIC WATER WELLS IN USE AT THE TIME OF ADOPTION OF THIS ORDINANCE; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; AND CONTAINING A SAVINGS CLAUSE

WHEREAS, On the 11 day of January, 1984, the City Council met in accordance with the laws of the State of Texas and considered the need for an ordinance prohibiting the use of private domestic water wells within the city limits of Kress, Texas, and,

WHEREAS, the City Council finds that passage of an ordinance prohibiting installation or use of private domestic water wells within the city limits would be in the public interest and promote the health, safety, morals, and general welfare of the general public; and,

WHEREAS, all conditions precedent required by law for enactment and adoption of this ordinance have been met;

NOW THEREFORE

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

That installation and use of domestic water wells within the city limits of Kress, Texas, is prohibited except as provided for herein. Such prohibition extends to use of domestic water wells now existing, except as otherwise provided for herein, reconstruction or repair of domestic water wells installed prior to the adoption of this ordinance and domestic water wells to be constructed after the adoption of this ordinance.

In the event that there exists, at the date of adoption of this ordinance, a domestic water well which is in current use by a citizen of the City of Kress, then such use shall be allowed to continue so long as the use of such well is for domestic purposes only, is by the same person or family that is using such well at the date of adoption of this ordinance, and so long as such use is not discontinued for a period of three consecutive months. In the event that use of an existing domestic water well is discontinued for a period of three consecutive months or, in the event that the person or family using such well at the date of adoption of this ordinance ceases to use such well for domestic purposes, then the provisions of this ordinance prohibiting the use of domestic water wells shall apply unless permission for continued use of such well is given by the City Council of the City of Kress, Texas.

Any person who shall violate any of the provisions of this ordinance or who shall fail to comply therewith or with any of the requirements thereof, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and shall be fined not more than \$200.00 and each day such violation shall be permitted to exist shall be construed to constitute a separate offense. The owners and occupants of the building or premises or part thereof where anything in violation of this ordinance shall exist shall each be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided.

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged or for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council, in adopting this ordinance, that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, paragraph, subdivision, clause, phrase or provision of this ordinance.

PASSED AND APPROVED FIRST READING THIS THE 6th. DAY OF February  
1984.

PASSED AND APPROVED SECOND READING THIS THE 5th. DAY OF March  
1984.

APPROVED:

Rennett Hughes  
Mayor, City of Kress, Texas

ATTEST:

Laurie Watkins  
City Clerk, City of Kress

AFFECTIVE DATE: March 5, 1984