

ORDINANCE NO. 2023-28

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS AMENDING SECTION 42.145 (A) (1) AND SECTION 42.145 (A) (5) OF THE SAGINAW CITY CODE GOVERNING PRIVATE WATER WELL DEPTH AND PUMPING CAPACITY; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A CUMULATIVE CLAUSE, PROVIDING A SAVINGS CLAUSE, PROVIDING A PENALTY CLAUSE; PROVIDING A PUBLICATION CLAUSE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of Saginaw, Texas recognizes the need to regulate private water wells and pumping devices to ensure the safety and welfare of its residents; and

WHEREAS, the City Council has determined that the amendments contemplated herein are in the best interest of the public health, safety, morals and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, THAT:

SECTION 1.

Section 42.145 (a) (1) of the Saginaw City Code is hereby amended to read as follows:

“(1) The well hole shall not have a maximum depth in excess of 200 feet from the ground surface, unless otherwise approved by the City Council.”

SECTION 2.

Section 42.145 (a) (5) of the Saginaw, Texas City Code is hereby amended to read as follows:

“(5) The pumping device used to raise water from the well shall not have a maximum height of more than seven feet above ground level and shall not have a maximum pumping capacity in excess of 30 gallons per minute, unless otherwise approved by the City Council.”

SECTION 3.

All other provisions of Section 42.145 shall remain in full force and effect.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid

judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code, as amended, and the Subdivision Ordinance of the City of Saginaw, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of the Subdivision Ordinance of the City of Saginaw, or any other ordinances affecting private water well drilling and operations which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

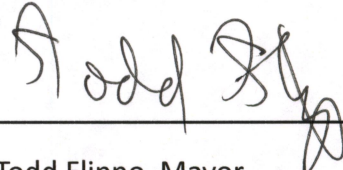
SECTION 8.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

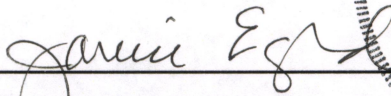
SECTION 9.

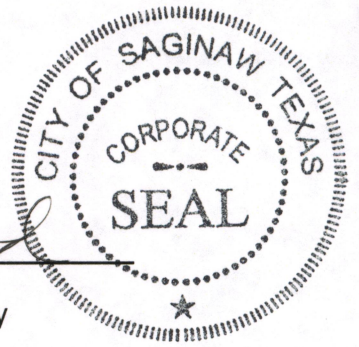
This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS 3RD DAY OF OCTOBER 2023.



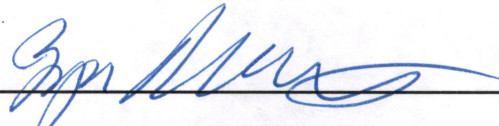
Todd Flippo, Mayor


Janice England, City Secretary



EFFECTIVE: 10-12-2023

APPROVED AS TO FORM AND LEGALITY:


Bryn Meredith, City Attorney