

ORDINANCE NO. 061126-01

AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 36 UTILITIES, ARTICLE II WATER; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of La Vernia adopted Ordinance No. 111308-04, which has since been codified in Chapter 36 of the City's Code of Ordinances; and

WHEREAS, the City Council finds it necessary to amend Sec. 36-209. Rates, Sec. 36-212. Due date and payment location, Sec. 36-216. Discontinuance of service; notice, Sec. 36-217. Delinquent water bills and meter removal fee, Sec. 36-229. Separate meter for each residence or building in new service of the Code of Ordinances; and

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:

**Section 1.
Utility Regulations Amended.**

Chapter 36 Utilities, Article II Water, of the City of La Vernia's Code of Ordinances is hereby amended as reflected in the document attached hereto as **Exhibit "A"**.

**Section 2.
Severability**

If any section, subsection, paragraph, or sentence, clause, phrase, or word in this Ordinance, or application thereof, to any person or circumstance is held invalid such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

**Section 3.
Cumulative**

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

**Section 4.
Effective Date**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF JUNE 2026.

Gary Gilbert, Mayor
City of La Vernia

ATTEST:

Madison Farrow, City Secretary
City of La Vernia

Exhibit "A"

ARTICLE II. WATER

DIVISION 1. GENERALLY

Sec. 36-201. Drought contingency plan adopted.

The city's drought contingency plan, on file in the office of the city secretary-treasurer, is made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the city.

(Ord. No. 109-08-00, § 1, 8-10-2000; Ord. No. 102419-04, § 2(Exh. A), 10-24-2019)

Secs. 36-202—36-205. Reserved.

DIVISION 2. WATER SERVICE

Subdivision I. In General

Sec. 36-206. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Backflow preventer means an anti-siphon device to prevent backflow of water from customer's system to the city water system.

Corporation stop means a device or valve placed by the city on the city's side of its meter for exclusive use of the city.

Cross connection means a physical connection or other arrangement through which a potable water system may be contaminated by back siphonage or backflow.

Customer in line stop means a valve placed on the customer side of meter for use by the customer.

Meter means the instrument installed to measure the volume of water delivered.

Potable water means water which is satisfactory for drinking, culinary and domestic purposes, and meets the requirements of the health authority having jurisdiction.

Pressure regulator means a device to regulate the pressure of water from the city's water system to the customer's system.

Rate means every compensation, tariff, charge, fare, toll, rental, and classification or any of those items demanded, observed, charged, or collected whether directly or indirectly by any retail public utility for any service, product and any rules, regulations, practices, or contracts affecting that compensation, tariff, charge, fare, toll, rental, or classification.

Water main means a water supply pipe for public or community use.

Water service pipe means the pipe from the water main or other water supply source to the property served.

(Ord. No. 111308-04, § I, 11-13-2008)

Sec. 36-207. Penalties.

- (a) *Civil and criminal penalties.* The city shall have the power to administer and enforce the provisions of this division as may be required by governing law. Any person, firm, or corporation violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations.
- (b) *Criminal prosecution.* Any person, firm, or corporation violating any provision of this division shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this division is violated shall constitute a separate offense. An offense under this division is a class C misdemeanor.
- (c) *Civil remedies.* Nothing in this division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this division and to seek remedies as allowed by law, including but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates the division or to require specific conduct that is necessary for compliance with the division;
 - (2) A civil penalty up to \$1,000.00 a day, when it is shown that the defendant was actually notified of the provisions of the division and, after receiving notice, committed acts in violation of the division or failed to take action necessary for compliance with the division; and
 - (3) Any and all other available relief allowed by law.

(Ord. No. 111308-04, § VII, 11-13-2008)

Sec. 36-208. Establishment and regulation of fees.

All fees herein described will be established by the city council by resolution and referred hereinafter as the water fee schedule.

(Ord. No. 111308-04, § II, 11-13-2008)

Sec. 36-209. Rates.

Monthly rates shall hereafter be in effect for all connections within or without the corporate limits of the city. All bills shall be subject to a ten percent penalty if not paid on or before the ~~tenth~~ fifteenth day of the month following the month for which water service was provided. Temporary metered water service will follow the same billing rates, billing and payment cycles as permanent water meters. The rates and charges for the consumption of water by users of the city water system shall be as provide for in the water fee schedule.

(Ord. No. 111308-04, § III(1), 11-13-2008)

Sec. 36-210. Effective date.

- (a) The city council may change the rates and charges at any time. Following the approval by city council of the amended rates and charges and the effective date, the city shall post the changes in rates and charges at city hall, and publish the rates and charges in the local newspaper.
- (b) As provided in 30 Tex. Admin. Code part 1, chapter 291, subchapter B, water customers receiving water service outside the boundaries of the city shall receive by mail or hand delivery an individual written notice that each affected ratepayer is eligible to appeal the rate change within 30 days after the date of the final approval of the rate change. The notice must include, at a minimum, the effective date of the new rates, the new rates, and the location where additional information on rates can be obtained. If ten percent of the customers outside the city limits protest rate changes, the Texas Commission on Environmental Quality (TCEQ) shall have appellate jurisdiction.

(Ord. No. 111308-04, § III(2), 11-13-2008)

Sec. 36-211. Water deposit; confirmation of ownership or lease.

- (a) A utility deposit shall be deposited with the city before water service will be furnished to the customer. The deposit shall not accrue interest. The deposit is required to secure the full and faithful performance by the customer to the provisions of this division. The deposit shall not constitute an advance payment of the final bill. The deposit fees shall be as provided for in the water fee schedule.
- (b) The utility billing office will require account holders to provide proof of identity through a state-issued driver's license, state-issued identification card, or other identification with a photograph to verify the identity of the applicant for service. Residential utility accounts shall be established in the names of the individuals owning or leasing the residence. The utility billing office may require applicants to provide proof of ownership or a lease of the premises for which service is requested. The utility billing office may take action to confirm the ownership or lease of the premises, and will terminate service with 14 days' prior written notice to any customer who establishes service and who is not the owner or lessee of the residence.

(Ord. No. 111308-04, § III(3), 11-13-2008)

Sec. 36-212. Due date and payment location.

All payments for water service shall be due and payable at city hall, on or before the ~~tenth day~~ fifteenth day (15) of the month following the month in which water was furnished.

(Ord. No. 111308-04, § III(4), 11-13-2008)

Sec. 36-213. Permit/customer service agreement.

It shall be unlawful for any person or property owner to connect to the city water system or to reconnect after service has been discontinued without first obtaining a permit from the city secretary-treasurer. Each customer must sign the customer service agreement before the city water system will begin service. The service agreement is to notify each customer of the restrictions which are in place to provide protection to the water supply to ensure the safety of the public health and welfare.

(Ord. No. 111308-04, § III(5), 11-13-2008)

Sec. 36-214. Refusal of service.

The city water system may decline to serve an applicant until the applicant has complied with the regulations of the city and the state agencies regulating water utilities. In the event an applicant is refused services, the city water system will inform the applicant in writing the basis of the refusal. The applicant has the right to file a complaint with the Texas Commission on Environmental Quality (TCEQ).

(Ord. No. 111308-04, § III(6), 11-13-2008)

Sec. 36-215. New service charge.

- (a) There will be no charge for the installation of a five-eighths-inch by three-fourths-inch meter where service already exists. There will be a charge for the cost of meters that are one inch and above where service already exists. The fees shall be as provided for in the water fee schedule on file in the office of the city secretary-treasurer. Where no service exists and taps must be made for five-eighths inches up to and

including two-inch meters the fees will be as listed in the water fee schedule on file in the office of the city secretary-treasurer.

- (b) All meters in excess of two inches will be installed by a private utility contractor or a licensed plumber under the supervision of the city licensed water and wastewater operator and will be subject to the material installation inspection fee referenced in water fee schedule on file in the office of the city secretary-treasurer. All meters are property of the city upon installation and acceptance.

(Ord. No. 111308-04, § III(7), 11-13-2008)

Sec. 36-216. Discontinuance of service; notice.

- (a) The city may terminate water service and disconnect a customer from the water system when the customer:
 - (1) Fails to pay the monthly bill for water and any associated late fees, when due, by end of business the day before disconnect day. Disconnect day will be on the 24th of the month or the Monday following the 24th, if the 24th falls on a Friday, Saturday, Sunday, or holidays.
 - (2) Discharges acids or chemicals which may damage the sewer lines or treatment process.
 - (3) Discharges any wastewater which is not of a quality sufficient to be treated by the city's wastewater treatment plant.
 - (4) Discharges waste or wastewater that is in violation of the permit issued by the city.
 - (5) Discharges wastewater at an uncontrolled or variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system.
- (b) The city shall serve persons discharging in violation of this section with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.
- (c) Accounts not paid in full by the due date shall be considered delinquent on the next business day following the due date.

(Ord. No. 111308-04, § III(8), 11-13-2008)

Sec. 36-217. Delinquent water bills and meter removal fee.

- (a) If a customer fails to pay a monthly bill when due, the city shall give written notice to the customer of such failure including a disconnect notice with date of disconnect. If the customer does not make payment in full including penalties by end of business the day before disconnect day, the water service will be disconnected. If the public works employee travels to the service location with the intent to disconnect service, even if water is not turned off, the reconnect fee will apply.
- (b) Water service by the city shall not be provided to a location where water has previously been provided, whether such service was voluntarily or involuntarily terminated, until the person requesting such service has paid a fee for reconnection to the system in the amount as provided for in the water fee schedule on file in the office of the city secretary-treasurer.
- (c) In the event that the water meter is removed by the authority of the city for unauthorized use of the water meter, an additional penalty fee as provided for in the water fee schedule on file in the office of the city secretary-treasurer will be charged. This penalty shall not be charged to any customer who is temporarily absent from home and who notifies the water department in advance of such temporary absence.
- (e) Any unpaid utility charges, penalties, fees, and other amounts due to the city may be collected by any lawful means, including but not limited to referral to a collection agency, filing of a lien where authorized by law, or other legal remedies available to the city.

(Ord. No. 111308-04, § III(9), 11-13-2008)

Sec. 36-218. Returned check charge.

- (a) Customers paying water bills by check or bank draft that are returned to the city by the depository for any reason shall be subject to a handling fee as provided for in the water fee schedule on file in the office of the city secretary-treasurer. In addition to the fee specified herein, should any customer tendering payment of a water bill with a returned draft or check fail to cover said draft or check with a negotiable instrument or cash acceptable to the city within ten days of notification of such returned draft or check, such customer shall be subject to having the water meter removed and the additional fee for such removal as specified herein charged to the customer's account. Delinquent water bills may also be collected by suit in a court of competent jurisdiction.
- (b) The city will permanently refuse acceptance of checks or bank drafts from customers who incur two check or bank drafts that are returned to the city for any reason.

(Ord. No. 111308-04, § III(10), 11-13-2008)

Sec. 36-219. Failure to receive a bill.

Failure of any customer to receive a bill for water does not excuse nonpayment and shall in no way extend the grace period provided for in this division. All penalties shall apply.

(Ord. No. 111308-04, § III(11), 11-13-2008)

Sec. 36-220. Customer complaints and disputes.

If a customer or applicant for service lodges a complaint, the city water system will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the city water system's response, the city must advise the complainant that they have recourse through the Texas Commission on Environmental Quality (TCEQ) complaint process. Pending resolution of a complaint, the Texas Commission on Environmental Quality (TCEQ) may require continuation or restoration of service.

(Ord. No. 111308-04, § III(12), 11-13-2008)

Sec. 36-221. Service within the city.

All water service pipes connected to existing water mains within the city limits shall be installed at the expense of the customer requesting such service. These water service pipes shall be of a type and size specified by the city. Upon completion of installation, these pipes shall become the property of the city. All water meters shall be installed on the property line adjacent to the city street.

(Ord. No. 111308-04, § III(13), 11-13-2008; Ord. No. 081309-03, § 1, 8-13-2009)

Sec. 36-222. Service outside the city.

There will be no extension of city-owned and -operated water or sewer utilities to any area outside the corporate city limits until said property is annexed into the city limits. Any extension to city owned and operated water and sewer utilities will be accomplished at the customer's expense. All water and sewer lines will be of a size and type specified by the city and will become city property after completed and approved by the city. Service shall commence after the utility deposit, new connection fee, and installation charge for all utility extensions are paid in full.

(Ord. No. 111308-04, § III(14), 11-13-2008)

Sec. 36-223. Bulk water sales.

Purchase of bulk water sales must include a completed request form providing accurate billing information. All bulk water sales will be invoiced and payment must be remitted within 30 days of invoice. All bulk water bills will be subject to a ten percent penalty if not paid within 30 days of invoice. All future bulk water sales will be suspended until the account and penalties are paid in full. Delinquent bulk water bills may also be collected by suit in a court of competent jurisdiction. The rate schedule for bulk water sales is provided in the water fee schedule on file in the office of the city secretary-treasurer.

(Ord. No. 111308-04, § III(15), 11-13-2008)

Sec. 36-224. Fire hydrant meters.

The city shall provide fire hydrant meters as temporary meters. Use of a hydrant meter requires completion of a use agreement stating that the meter will be returned to the city in the same condition as the time of installation and a deposit as provided in the water fee schedule on file in the office of the city secretary-treasurer. Fire hydrant meters will be installed by city water department personnel or under the supervision of city water department personnel. Loss or damage of the meter will result in a replacement fee as provided in the water fee schedule on file in the office of the city secretary-treasurer.

(Ord. No. 111308-04, § III(16), 11-13-2008)

Sec. 36-225. Nonliability of city for failure of water supply.

- (a) If for any reason the city may become unable to supply water to the customers of the city, within or without the city, or to the municipality for the prevention or suppression of fire, the city shall in no manner be liable for damage by reason of any failure of the water system to supply water to any customer of the water system, or to any person whose property may have been destroyed by fire, or otherwise damaged.
- (b) The city shall not be liable for any damages resulting from leakage, breakage or malfunction of pipes resulting from an act of God or from any other cause not resulting from the negligence of the utilities.

(Ord. No. 111308-04, § III(17), 11-13-2008)

Sec. 36-226. Meter charges estimated when access prohibited.

If a meter reader is, in the opinion of the city water department, unable to procure a reading of the meter due to restricted access of the building being locked, vacant, the occupant not permitting entrance, entrance to the premises is made precarious by a vicious dog or otherwise, or easy access to the meter is obstructed in any manner whatsoever, the charges may be estimated for the amount not to exceed double the normal charge. If the customer does not remedy the condition and should the customer further refuse to pay the estimated bill, the city shall have the right to disconnect the service in accordance with section 36-216.

(Ord. No. 111308-04, § III(18), 11-13-2008)

Sec. 36-227. Delivery of water.

Water from the city water system shall be delivered by the city through its water mains only to customers at whose premises water meters are installed.

(Ord. No. 111308-04, § III(19), 11-13-2008)

Sec. 36-228. Each meter constitutes separate service.

Each meter installed at any premises shall constitute a separate service and all deposits, installation fees, service charges, billing rates, and penalties shall apply.

(Ord. No. 111308-04, § III(20), 11-13-2008)

Sec. 36-229. Separate meter for each residence or building in new service.

- (a) For any service hereafter installed, each individual residence, dwelling or building making connection with the city water system shall have a separate meter, and no new connection shall be made by the city unless such individual residence or building is separately metered.
- (b) However, in lieu of separate meters as required in subsection (a) of this section, an apartment building, recreational vehicle (RV) park, office building, religious institutions, or shopping center may be permitted to receive water through one meter if approved by ~~the city council~~ the city administrator or their designee. In existing cases where more than one residence, dwelling, or building is served by a single meter, the entire amount of water consumed and registered through such meter shall be billed to the person, firm, or corporation owning or managing such building or apartment and shall include an additional minimum fee for each residence, dwelling, or unit in the apartment building, office building, or shopping center.

(Ord. No. 111308-04, § III(21), 11-13-2008)

Sec. 36-230. Right to entry of officer, right to shut off water for repair.

Every customer of the city water system agrees by requesting city water service that the city, or anyone acting under the direction of the city shall at reasonable times be permitted to enter the premises or building in which water is used. It is expressly agreed and must be understood that the city reserves the right at any time to shut off the water in the mains for the purpose of repairs, service, and making connections or extensions to the same, and for cleaning same, and in so doing the city shall not be liable in any manner for damages.

(Ord. No. 111308-04, § III(22), 11-13-2008)

Sec. 36-231. Incorporation of division.

All provisions of this division shall be deemed to be incorporated in every contract between the city and its customers, and each customer shall be charged with the knowledge of such provisions, and, by applying for and accepting water from city, to have assented to the provisions hereof.

(Ord. No. 111308-04, § VI, 11-13-2008)

Secs. 36-232—36-235. Reserved.

Subdivision II. Regulating the Use of Water Service

Sec. 36-236. Water service connection.

No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems (TCEQ) and this division. The city shall discontinue water

service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the Texas Commission on Environmental Quality (TCEQ) rules and this division.

(Ord. No. 111308-04, § IV(1), 11-13-2008)

Sec. 36-237. Backflow prevention assembly installation, testing and maintenance.

- (a) All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow assembly tester.
- (b) All backflow prevention assemblies shall be installed and tested in accordance with the manufacture's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection (Manual M14) or The University of Southern California Manual of Cross-Connection Control.
- (c) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the city within five working days of the test, repair or overhaul of each backflow prevention assembly.
- (d) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, University of Southern California Manual of Cross-Connection, current addition, or ordinances of the city, whichever is more stringent.
- (e) Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or the University of Southern California's Manual of Cross-Connection Control, current addition. The original calibration form must be submitted to the city within five working days after calibration.
- (f) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality (commission).

(Ord. No. 111308-04, § IV(2), 11-13-2008)

Sec. 36-238. Stop valves.

- (a) The city water department shall require a corporation stop valve to be placed in each service line before the meter for the exclusive use of the city.
- (b) The city water department shall require a customer in line stop valve for the use of the customer on the customer's side of the meter. This valve shall be installed and maintained by the customer at the customer's expense.

(Ord. No. 111308-04, § IV(3), 11-13-2008)

Sec. 36-239. Pressure regulators.

In certain service areas the city water department may also require customers to install a pressure regulator on the customer's side of the service line after the meter to regulate pressure received from the city's water system to the customer's system. If there are changes to the water supply system made by the city that requires the need for a pressure regulator on the customer's service line, the city will one time install the regulator at no cost to the customer. Thereafter the pressure regulator becomes the property of the customer and maintained by the customer at the customer's expense.

(Ord. No. 111308-04, § IV(4), 11-13-2008)

Sec. 36-240. Tap in water main or water service pipe.

- (a) A connection fee as provided for in the fee schedule provided in the water fee schedule on file in the office of the city secretary-treasurer is hereby set and established to be paid by any person, firm, or corporation making application to the city, for water service, when such service has not previously been provided or made available to the tract or parcel of land, building or structure, prior to the making of such application. The fee herein established shall be paid by the applicant at the time of the making of the application, and when paid by the applicant and when the application has been approved by the city such payment and approval shall authorize the applicant to tap into the water system of the city for the purposes of setting a meter to gauge the rate of consumption from said system at the property designated and specified in said application.
- (b) All water taps and connections to the main or any service pipe shall be made by the city or by a private utility contractor or licensed plumber approved by the city and will be subject to the material installation inspection fee referenced in water fee schedule on file in the office of the city secretary-treasurer.

(Ord. No. 111308-04, § IV(5), 11-13-2008)

Sec. 36-241. Customer service inspections.

- (a) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.
- (b) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
 - (1) Plumbing inspectors and water supply protection specialists that have been licensed by the state board of plumbing examiners.
 - (2) Certified waterworks operators and members of other water related professional groups who have completed a training course, passed an examination administered by the commission or its designated agent, and hold a current endorsement issued by the commission.
- (c) The customer service inspection must certify that:
 - (1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
 - (2) No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a

service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.

- (3) No connection exists which allows water to be returned to the public drinking water supply.
 - (4) No pipe or pipe fitting which contains more than eight percent lead be used for the installation or repair of plumbing at any connection that provides water for human use.
 - (5) No solder or flux which contains more than 0.2 percent lead be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.
- (d) A customer service inspection must occur in the following situations:
- (1) New construction.
 - (2) Material improvement, correction, or addition to the private water distribution system (defined as plumbing work that requires a permit and involves a major modification to the private water distribution system). The private water system refers to the facilities on the owner's side of the meter.
 - (3) When the water supplier believes that a cross connection or other potential contamination hazards exist. In this case, the city must provide written justification to the customer for requiring an inspection by specifically identifying the threat that is believed to exist.
 - (4) Residential lawn irrigation systems unless installed by a licensed irrigator or plumber.
- (e) Customer service inspections not required:
- (1) Existing connections (unless a situation in subsection (d) of this section applies).
 - (2) Temporary connections and those involving construction.
 - (3) Transfer of service.
 - (4) Mobile and manufactured homes and recreational vehicles (for exceptions See Texas Commission on Environmental Quality (TCEQ) Regulatory Guide Water Supply Division RG-206, December 2001).
 - (5) Swimming pools (unless a situation in subsection (d) of this section applies).

(Ord. No. 111308-04, § IV(6), 11-13-2008)

Sec. 36-242. Private fire hydrants and maintenance.

- (a) Where required by the fire department, or insurance companies for adequate fire protection on private premises, property owners shall be permitted to install and maintain private fire hydrants. All hydrants shall conform to current city standards and shall be approved by the city prior to installation. The owners shall grant the city permission to inspect, flow and paint the hydrant. If the need for fire hydrant repairs is discovered during a periodic inspection by city, the property owner will be notified of the necessary repairs and instructed to complete the repairs at the owner's expense, within 30 calendar days. At the end of the 30-day period, a follow-up inspection of the fire hydrant will be performed by the city. If the indicated repairs have not been completed, the city may undertake the necessary repairs, including the installation of a new fire hydrant, and bill the property owner for all costs incurred plus an additional \$250.00 penalty for failure of the property owner to make the repairs.
- (b) Failure to reimburse the city for all expenses incurred and penalties levied may result in discontinuation of both domestic and fire protection water service.
- (c) Hydrants that are dedicated to the city will become property of the city and will be maintained by the city.

(Ord. No. 111308-04, § IV(7), 11-13-2008)

Sec. 36-243. Tampering with or injury to water system.

- (a) It shall be unlawful for any person, firm or corporation to tamper with, injure or deface any hydrants, stop cocks, standpipes, or other city water system fixtures, or use or take from the city water system any water except in accordance with the rules and regulations governing such system, or use or injure water pipes, or any other property whatsoever, belonging to the city water system, except as permitted by the regulations of the city council and of this article.
- (b) No person, firm, or corporation shall tamper with any water meter connected to the water system of the city for the purpose of preventing the meter to register water flowing from the water main to the service line or to cause damage to such meter. The presence of any damaged or destroyed meter resulting in the diversion of water or prevention of its free passage and registration by the meter shall constitute *prima facie* evidence of knowledge on the part of the person owning or having custody and control of the premises where such meter is located that he or she tampered with such meter and is guilty of a misdemeanor.

(Ord. No. 111308-04, § IV(8), 11-13-2008)

Secs. 36-244—36-249. Reserved.

Subdivision III. Water wells

Sec. 36-250. Compliance with rules and regulations; authority to restrict use.

Water wells in the city limits and in the extraterritorial jurisdiction of the city are under the authority of the Evergreen Underground Water Conservation District and must comply with the rules and regulations established by the state water code and the Evergreen Underground Water Conservation District. The city as a municipality has authority to restrict pumping, extraction, or use of groundwater as provided in the V.T.C.A., Local Government Code §401.005 by persons other than retail public utilities, as defined by V.T.C.A., Water Code § 13.002.

(Ord. No. 111308-04, § V(1), 11-13-2008)

Sec. 36-251. Restriction on pumping, extraction, or use of groundwater.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Exempt purposes means water to be used by an individual, a family, or household for:

- (1) Drinking water and cooking;
 - (2) Washing;
 - (3) Irrigating a garden or orchard, if the produce of the garden or orchard is to be consumed by the individual, family, or household;
 - (4) Watering animals used in operating a farm or animals being raised as food for the individual, household or family; and
 - (5) Wells drilled, completed, equipped and used in accordance with V.T.C.A., Water Code § 36.117, shall be exempt from the spacing, drilling and production permit requirements.
- (b) The drilling of water wells used to produce water for exempted purposes as defined by the Evergreen Underground Water Conservation District as an exempted well is allowed with the issuance of a permit from

the city and remittance of the permitting fees provided in the water fee schedule on file in the office of the city secretary-treasurer.

- (c) Wells with casing six inches or larger or wells not considered to be "exempted" by the Evergreen Underground Water Conservation District shall not be drilled in the city limits of the city.

(Ord. No. 111308-04, § V(2), 11-13-2008)

Sec. 36-252. Wells annexed into the city.

Owners of properties with water wells existing on properties annexed into the city may continue usage of the wells and shall not be required to connect to the city water system. All wells will remain the property of and responsibility of the property owner. The city assumes no liability for the quality and safety of the water produced by the private wells.

(Ord. No. 111308-04, § V(3), 11-13-2008)

Secs. 36-253—36-260. Reserved.

DIVISION 3. CUSTOMER SERVICE INSPECTIONS

Sec. 36-261. Customer services inspector—Contract for services.

The city may contract for the services of a customer service inspector for the conducting of customer service inspections as provided for herein.

(Ord. No. 072208-01, § 1, 7-22-2008)

Sec. 36-262. Same—Duties.

The customer service inspector must:

- (1) Certify that no direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly;
- (2) Certify that no cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap of a minimum of one foot or more is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester;
- (3) Certify that no connection exists which allows water to be returned to the public drinking water supply is permitted;
- (4) Certify that no pipe or pipe fitting which contains more than eight percent lead may be used for the installation or repair of plumbing at any connection that provides water for human use;
- (5) Certify that no solder or flux which contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection;

- (6) File with the city secretary-treasurer or the director of public works the original customer service inspection form provided by Texas Commission on Environmental Quality (TCEQ) within five working days of the completion of the inspection; and
- (7) In the event of a failed inspection, notify the director of public works as soon as possible if the noncompliance is an immediate threat to the public water supply.

(Ord. No. 072208-01, § 2, 7-22-2008)

Sec. 36-263. Required.

An inspection must occur in the following situations:

- (1) New construction.
- (2) Material improvement, correction, or addition to the private water distribution system (defined as plumbing work that requires a permit and involves a major modification to the private water distribution system). The private water system refers to the facilities on the owner's side of the meter.
- (3) When the water supplier believes that a cross connection or other potential contamination hazards exist. In this case, the city must provide written justification to the customer for requiring an inspection by specifically identifying the threat that is believed to exist.
- (4) Residential lawn irrigation systems unless installed by a licensed irrigator or plumber.

(Ord. No. 072208-01, § 3, 7-22-2008)

Sec. 36-264. Not required.

Customer service inspections are not required for the following:

- (1) Existing connections (unless a situation in the previous section applies).
- (2) Temporary connections and those involving construction.
- (3) Transfer of service.
- (4) Mobile and manufactured homes and recreational vehicles (for exceptions See Texas Commission on Environmental Quality (TCEQ) Regulatory Guide Water Supply Division RG-206, December 2001).
- (5) Swimming pools (unless a situation in section 36-263 applies).

(Ord. No. 072208-01, § 4, 7-22-2008)

Sec. 36-265. Determination if inspection needed; fees collection.

The city building official will determine at the time of application for a building permit if property requires a customer service inspection. Fees for the inspection will be collected prior to the issuance of the building permit. It shall be the responsibility of the property owner to coordinate with the customer service inspector to schedule an appointment for the inspection.

(Ord. No. 072208-01, § 5, 7-22-2008)

Sec. 36-266. Inspection, reinspection fees.

A fee schedule for inspection and reinspection fees shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

(Ord. No. 072208-01, § 6, 7-22-2008)

Secs. 36-267—36-279. Reserved.

DIVISION 4. POLLUTION CONTROL NEAR CITY'S PUBLIC WATER SUPPLY WELLS

Sec. 36-280. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Wells means the water wells owned and operated by the city, which are more specifically identified and described in exhibit A on file in the office of the city secretary-treasurer, and made a part hereof.

(Ord. No. 031209, § 2, 3-12-2009)

Sec. 36-281. Penalty.

Any person who shall violate any provision of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$1,000.00. Each day of violation shall constitute a separate offense.

(Ord. No. 031209, § 5, 3-12-2009)

Sec. 36-282. Purpose.

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

(Ord. No. 031209, § 1, 3-12-2009)

Sec. 36-283. Prohibited activities.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improperly constructed water wells means those wells that do not meet the surface and subsurface construction standards for a public water supply well.

- (b) The following activities are prohibited within the designated areas of land surrounding the well:
 - (1) a. Construction and/or operation of any underground petroleum and/or chemical storage tank;
 - b. Liquid transmission pipeline;
 - c. Stock pen;
 - d. Feedlot;
 - e. Dump grounds;

- f. Privy;
 - g. Cesspool;
 - h. Septic tank;
 - i. Sewage treatment plant;
 - j. Sewage wet well;
 - k. Sewage pumping station;
 - l. Drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems;
 - m. Solid waste disposal site;
 - n. Land on which sewage plant or septic tank sludge is applied;
 - o. Land irrigated by sewage plant effluent;
 - p. Septic tank perforated drain field;
 - q. Absorption bed, evapotranspiration bed;
 - r. Area irrigated by low dosage;
 - s. Low angle spray on-site sewage facility;
 - t. Military facility;
 - u. Industrial facility;
 - v. Wood treatment facility;
 - w. Liquid petroleum and petrochemical production, storage, and/or transmission facility;
 - x. Class 1, 2, 3, and/or 4 injection well;
 - y. Pesticide storage and/or mixing facility;
 - z. Abandoned well;
 - aa. Inoperative well;
 - bb. Improperly constructed water well of any depth; and
 - cc. 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 well.
- (2) 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 well.
 - (3) Construction of homes or building upon any area of land within a 150-foot radius of the well is permitted, provided the restrictions described in items subsections (b)(1) and (2) of this section are met.
 - (4) Normal farming and ranching operations are not prohibited by this division provided, however, livestock shall not be allowed within a 50-foot radius of the well.

(Ord. No. 031209, § 3, 3-12-2009)

Sec. 36-284. 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 division.

(Ord. No. 031209, § 4, 3-12-2009)

Sec. 36-285. Required removal.

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

(Ord. No. 031209, § 6, 3-12-2009)