

AN ORDINANCE AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES PROHIBITING NEW WATER WELLS, REPEALING AND REPLACING ARTICLE 13.03 PRIVATE WATER WELLS, ARTICLE 13.04 WATER SERVICE, AND ARTICLE 13.05 SEWER SERVICE AND REPLACING WITH NEW ARTICLES 13.03, 13.04, AND 13.05.

WHEREAS the City of Leon Valley provides water and sewer services to its residents; and

WHEREAS in order to provide water and sewer service fairly and equally, regulations must be set in place; and

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

1. That the following sections of Article 13 of the City Code be repealed and replaced as follows:

ARTICLE 13.03 PRIVATE WATER WELLS

Sec. 13.03.001 New Water Wells Prohibited; Drilling Permit Required

It shall hereafter be unlawful for any person, association of persons, firm, or corporation to repair, correct, abandon and/or plug a well, or to engage upon such work, within the limits of the City, or to employ anyone else to engage in such work, without first applying for and securing a permit from the City. Such permit may be granted to any person, association of persons, firm or corporation who or which files with the City the application hereinafter provided for, and pays the fee hereinafter required, and complies with all other requirements hereinafter set forth. All permits shall be executed in triplicate, one copy to be delivered to the applicant and two copies to be retained by the City. It shall hereafter be unlawful for a new water well to be drilled within the City limits, with the exception of a local or state government, or for irrigation purposes. The property owner, or his agents or assigns, shall abide by all applicable rules and regulations of the Texas Commission on Environmental Quality and the Edwards Aquifer Authority for the drilling of a new well.

Sec. 13.03.002 Inspection of property prior to drilling

It shall be the duty of the City to cause to be inspected by the city engineer the property where any well is to be drilled, sunk, dug, or bored, and to refuse the issuance of a permit to drill, sink, dig, or bore a well in a place which does not meet the required standards as to drainage and other sanitary conditions.

Sec. 13.03.003 Application for permit

Every application for a permit for the drilling, construction, repair and correction, abandonment and/or plugging of a well shall state the name of the well, and shall state the name and address of the owner thereof; the purpose for which the permit is desired, which shall be one

or more of the acts just mentioned; the definite location of the well or proposed well; its approximate depth; and, if for a permit for the drilling or construction or repair and correction of a water well, the estimated amount of water to be or which is pumped daily, monthly or annually, and the use or uses for which the water will be or is required; if for a permit for the drilling or construction or for the repair and correction of a well, the proposed method of drilling or construction, or the proposed method of repair and correction, and the kind of equipment to be used; and, in all cases, the name of the contractor, if done through a contractor, whom the owner desires to drill or construct, repair and correct, or do the work pursuant to an abandonment of a well in compliance with this article.

Sec. 13.03.004 Exceeding depth specified in permit

It shall be unlawful for any applicant who obtains a permit to construct a well of a certain depth to extend such well to a depth exceeding the depth provided for in such permit without first obtaining an additional permit therefor.

Sec. 13.03.005 Enforcement

(a) The City shall have the power:

- (1) To have made examinations of all wells within the limits of the City, whether privately owned or otherwise;
- (2) To have made at any time the necessary analyses and/or tests of water therefrom;
- (3) To direct City employees go upon the land and property of the owner or owners of wells for that purpose;
- (4) To require the owner or owners to furnish all information requested concerning the wells, including, in the case of new wells, complete logs of the well showing depth to and depth through all geologic formations encountered;
- (5) To supervise the construction, repair, abandonment and plugging of wells and the operation of the same.

(b) The City shall keep a register of all wells within the limits of the City, which shall show the owner, the location and the date of construction of each well, its depth and diameter, the purpose for which the well was constructed and, if abandoned, the date of such abandonment.

(c) All acts authorized to be done by the City may be performed by such persons as may be authorized by the city manager to act for him.

Sec. 13.03.006 Plugging, sealing and casing

(a) Every well hereafter constructed, whether drilled, dug or excavated, shall be securely plugged and sealed or cased in such manner that the waters be confined to the stratum so that no water from one stratum can by reason of the construction of the well come in contact with

waters from another stratum. The casing shall be set in the top of the Edwards Limestone formation from which water is to be taken and shall be cemented in place by a suitable method to be approved by the City, to the end that cement be forced up around the outside of the casing from the bottom of the casing to the surface of the ground so that all waters found in the strata, except that from which water is to be used, shall be sealed off one from the other by the cement, or, if a better method than cementing shall be scientifically developed to accomplish the purpose mentioned, such better method may be prescribed by the City in lieu of cementing. The casing used shall be new or used grade A and of weight per foot not less than the following, or the equivalent thereof:

Size of Casing	Minimum Weight per Foot
7 inch	20 pounds
8 inch	28 pounds
10-3/4 inch	32 pounds
12-1/2 inch	47 pounds
15-1/2 inch O.D.	60 pounds
18 inch O.D.	80 pounds
20 inch O.D.	89 pounds

(b) The casing shall be mechanically continuous from the point of setting in the bottom of the well to a point not less than 12 inches above ground level and shall be so installed as to make impossible any leakage as against any pressure which may be encountered.

(c) If the casing is of two or more diameter sizes, the different sizes shall be connected with threaded nipples or be sealed with rubber, cement, or lead, or by some other manner satisfactory to the City.

Sec. 13.03.007 Defective wells

Every well, whether dug or drilled, now constructed or which may hereafter be constructed, which for any reason does not completely prevent the mixing of water or other liquid from above and below the source of the City's water supply with the water in the source of the City's water supply, or which for any reason would tend to pollute or contaminate any other well or the water in the source of the City's water supply, shall be considered a defective well, and the City may have caused an examination to be made of any well suspected of being defective, and if said examination indicates, in the opinion of the city engineer, that the well is a probable source of contamination of the City water supply or any other well, or that the water from said well is unsafe for human consumption, shall issue written instructions to the owner or his agent in charge of such well or the property upon which it is situated, for correcting the defects to comply with the provisions of this code, and prescribe a time which, in his judgment, under all circumstances, is reasonable and within which such instructions shall be complied with. It shall be unlawful for the owner or owners or operators of such defective well to fail to comply with such instructions within the time limit prescribed by the City.

Sec. 13.03.008 Abandoned wells

(a) For the purpose of this article, an abandoned well is:

- (1) A defective well which, in the judgment of the city engineer, cannot be corrected to comply with the requirements of this article; or
- (2) A well which has been continuously out of use for a period of two years or longer.

(b) Whenever any well has not been in active use for more than two years, the owner or operator of the same shall report said fact to the City. Every abandoned well shall be filled and plugged with such materials and in such manner as, in the judgment of the city engineer, 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. Such filling and plugging shall be done under the supervision of the city engineer, and at the expense of the owner of such well. Whenever the City 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 article, the City shall notify the owner or agent in charge of said well, or of the property upon which it is situated, that such well is abandoned and shall instruct the owner or agent in charge to fill and plug such well in accordance with this article, and the owner or operator of such well shall comply with such order within sixty days after the date of same. Should the owner or agent in charge fail to so comply within such period, or if, after using reasonable diligence, should the City fail to locate the owner or agent in charge of such well, or of the property upon which the well is situated, the City representatives may go on the land or property upon which the well is situated and fill and plug same in the manner required by this article. Whenever it becomes necessary for the City to have filled and plugged any abandoned well, the owner or agent in charge thereof shall be liable to the City for the cost of doing such and shall pay the same upon demand.

Sec. 13.03.009 Nuisances

Any well or other opening now constructed, or which may hereafter be constructed, penetrating the underground water supply and which pollutes any other well, or the City's water supply, is hereby declared a nuisance, and on notice to the owner of such well, or to the operator thereof, or to his agent in charge of the well, or of the property on which it is situated, issued by the City, said nuisance shall be abated by the owner within ten (10) days from date of such notice by filling and plugging the well or opening in the manner provided for in this article for abandoned wells, and if he shall fail to abate such nuisance within said time, or if, after exercising reasonable diligence, the City is unable to locate the owner or his agent, the City shall have the right to authorize a representative to go on the land or property upon which the well is situated and abate said nuisance in the manner provided, and the owner thereof shall be liable to the City for the cost of such work and shall pay the same upon demand.

Sec. 13.03.010 Minimum depth and size

It shall be unlawful for any person, association of persons, firm or corporation to drill or otherwise construct within the limits of the City any water well or any other well to a depth of less than one hundred feet into the Edwards Limestone formation, and such well must be

cased with a steel casing as heretofore provided of an inside diameter of not less than eight inches so that such well may be properly cleaned for sanitary and health measures and be large enough for sanitary examination.

ARTICLE 13.04 WATER SERVICE

Sec. 13.04.001 Franchise required for supplying water

It shall be unlawful for any person, association of persons, firm or corporation, except as may now exist, to supply water to any other lot or lots for any purpose whatsoever, regardless of ownership, whether or not they own the lot to be supplied, in the City, unless such person, association of persons, firm or corporation shall have a written contract with the City to supply water to its inhabitants. Except as otherwise authorized by this Chapter, all persons within the City limits of the City of Leon Valley must be connected to either the City of Leon Valley water system or the San Antonio Water System. All new water service connections shall be made to the City of Leon Valley water system, unless connection to the San Antonio Water System is deemed more suitable by the City Engineer. This section does not apply to the retail sale of water, or to property being serviced by operational private water well at the time of adoption of this Chapter.

Sec. 13.04.002 Certificate of Occupancy required prior to furnishing service

It shall be unlawful for any owner, officer, manager, agent, servant, or employee of any public utility or other supplier of water and water service to the public to hereafter supply water to or provide water service for any person, firm or corporation within the City upon proof first furnished in writing by said person, firm or corporation of the issuance to him, or it, in each case, of a certificate or permit of occupancy and compliance under the provisions of this code, respecting the premises for which water and water service is sought.

Sec. 13.04.003 Monthly Use Charge

Monthly use charges for water, water service, water supply, Edwards Aquifer Conservation Plan, meter and other connection equipment and supplies, shall apply as adopted in Appendix A Fees of the City Code.

Sec. 13.04.004 Deposit Required

A monetary deposit is required to establish water service. Fees for this deposit are as adopted in Appendix A of the City Code. The deposit is based upon the size of meter (s) being installed or used. Additional deposit charges may be incurred should water service be disconnected for non-payment. Active military personnel and customers that provide a letter of credit from a previous water company confirming a payment history of no late payments for the preceding twenty four billing periods may be granted a deposit waiver.

Sec. 13.04.005 Responsibility for Payment

The owner, renter, agent, firm, or corporation being supplied water service is responsible for payment of all water system charges as adopted in Appendix A of the City Code. Failure to pay these charges may result in disconnection of service and additional penalties.

Sec. 13.04.006 Water Service Disconnection

The water service customer is responsible for making all timely water service payments. Unpaid delinquent charges are subject to penalties as prescribed by the City. Utility service may be discontinued due to nonpayment. When service to an existing connection has been suspended, the City will not re-establish service unless and until a signed Contract for Water and Sewer Service has been received. The City may require an additional deposit of a sum, sufficient to the City, to ensure payment of final charges. Water service may also be disconnected for failure to obtain annual inspection of, repairs to, or maintenance of any required air-gap or backflow prevention device, or for failure to comply with the Plumbing Code as adopted by the city.

Sec. 13.04.007 Access to Property

The owner, renter, agent, firm or corporation responsible for payment of the water service grants to the City access to the property on which the meter is placed, at all reasonable times for the purpose of inspecting, repairing, removing, or exchanging of City equipment, and for the purpose of detecting water leaks. The owner, renter, agent, firm or corporation will promptly abate any violation of City regulations discovered by such inspections. The City may suspend utility service until repairs to water leaks and/or sewer overflows are made.

Sec. 13.04.008 Restricted Access to City Equipment

The owner, renter, agent, firm or corporation responsible for water service to a property will not permit anyone except City employees to operate, tamper with, attempt to repair, or in any way interfere with any City-owned equipment installed on the premises, and agrees to be legally responsible for damages to any City equipment.

Sec. 13.04.009 Water Line Responsibilities

The City is responsible for repairs to meters and related City owned water lines and mains. The owner, renter, agent, firm or corporation is responsible for repairs and maintenance to privately owned water lines from the meter to the interior of the private property and any structures. The customer is responsible for the protection and care of the water meter and water meter box which provides service to his property and further shall pay for any damages to these facilities. The customer is required to supply a suitable main water supply shut off valve to be placed in the line from the meter to the property. The shut off valve shall be located on the private water supply line.

Sec. 13.04.010 Interruption of Service

The owner, renter, agent, firm or corporation responsible for water service will agree to hold the City harmless for any interrupted or diminished water service due to water system repairs or due to the effects of drought management practices.

Sec. 13.04.011 Water Supply Safety

The City is responsible for assuring reasonable protection of the water supply from contamination or pollution from improper plumbing practices. All installation and repairs to a water supply shall be performed by a state licensed plumber and all work performed shall be inspected by the City Building Official or Plumbing Inspector. There shall be no direct connection between the public water supply and any potential source of water contamination. Potential sources of contamination shall be isolated from the public water supply system by the installation of an air gap or reduced pressure zone backflow prevention device. Such devices are to be inspected by a licensed plumber or licensed backflow prevention servicer annually. The customer is responsible for the installation, inspection, testing, repairs, and maintenance of such devices. No cross connection between the public water supply and a private water system is permitted. Any potential threat by cross connection shall be eliminated at the service connection by the installation of an air gap or reduced pressure zone backflow prevention device. No connection which allows water to be returned to the public water supply is permitted. No pipe or pipe fitting which contains more than 0.2% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

Sec. 13.04.012 Meter Regulations

Except as herein provided, all water shall be furnished on a metered basis and a separate meter shall be installed for each family dwelling, business establishment, or property served with water. There shall be no dual connections or more than one user on a single meter, with the exception of apartments. Apartment complexes will be metered per building, with the exception of landscape watering meters. A separate meter may be requested and installed for landscape watering purposes.

Sec.13.04.013 Rates Equal and Uniform

No free or reduced rate service shall be allowed and all water service connections shall be charged at rates as adopted by the City.

Sec. 13.04.014 Bulk Water

Temporary bulk water meters are allowed as a part of new construction or for short term water service purposes. Bulk water meter permits are required and fees for bulk meter deposits and bulk water are as adopted by City code.

ARTICLE 13.05 SEWERS

Sec. 13.05.001 Connection

(a) **Required.** Every residence, place of business, or other building or place where persons reside, congregate, or are employed, which abuts a street in which there is a public sanitary sewer, or the lot or tract of land which is at any point within three hundred feet (300') of a public sanitary sewer, within the City, shall be connected to the sewer, by the owner or agent of the premises, in the most direct manner possible, and with a separate connection for each home, building or place. Neither the building inspector nor any City official shall ever issue a building permit or a certificate of compliance and occupancy (whether on new construction or existing construction) as required under this code unless there has been full compliance with this provision, which is hereby declared to be necessary for the public health.

(b) **Permit.** A permit fee shall be charged for connection of the plumbing fixtures of any house, residence, structure or building equipped with one or more plumbing fixtures to any sewer line or pipe connected with or destined to be connected with the sanitary system of any franchisee of this City or to the sewer system of the City of San Antonio, and connection of such fixtures, without first paying said fee and obtaining such permit is hereby declared to be an offense.

(c) **Penalty.** The connection of any plumbing fixture in any building to a sanitary sewer line in the City connected to any franchisee of this City or to the sewer system of the City of San Antonio without first paying said fee and obtaining such permit is hereby declared to be an offense

Sec. 13.05.002 Monthly use charge

A monthly charge is hereby made against each and every user of sewer service in the City under the sewer service contract with the City of San Antonio.

Sec. 13.05.003 Permit for discharging waste through manhole or other opening

It shall be unlawful for any person or company to discharge, or to permit or bring about the discharge, of any liquid or substance whatever into any part of the sanitary sewer system of the City through a manhole opening, storm drain, or otherwise, without having first secured a written permit from the City for the specific discharges made. The City shall only issue such permits after the applicant has submitted a written application therefor describing in detail the discharges desired to be made: the substances, quantities, dates, times, places, and means. In addition, the applicant must submit to the City proof in writing that the applicant has the permission of the regional sewer authority, the City of San Antonio, to make the requested discharges. All permits otherwise issued are void and discharges made pursuant thereto shall constitute violations hereof.”

2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

3. This ordinance shall become effective upon adoption, and with publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 15th day of December, 2015.

APPROVED



CARMEN SANCHEZ
MAYOR PRO-TEM

Attest: 

SAUNDRA PASSAILAIGUE TRMC
City Secretary



Approved as to Form: 

PATRICK BERNAL
City Attorney