CITY OF CELINA, TEXAS
ORDINANCE 2011-05

AN ORDINANCE OF THE CITY COUNCIL OF CELINA, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 13: UTILITIES; ESTABLISHING REGULATIONS FOR THE CONSTRUCTION AND/OR DRILLING OF WELLS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING FOR A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a Home Rule Municipality located in Collin County and Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and the Celina City Charter; and

WHEREAS, the City Council has investigated and determined that it would be in the best interest of the City of Celina, Texas (Celina) and its inhabitants to establish regulations for the construction, location and/or drilling of wells within Celina and its Extraterritorial Jurisdiction (ETJ); and

WHEREAS, the City Council finds that establishing regulations relating to the construction, location and/or drilling of wells and water systems in Celina and its ETJ, if same is connected or could be connected to either Celina's approved distribution system, will help protect the health, safety and welfare of the citizens of Celina.

WHEREAS, the City Council of the City of Celina in compliance with the laws of the State of Texas and the ordinances of the City, have given the requisite notices, and have held public hearings and afforded a full and fair hearing to all interested persons.

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

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3

AMENDMENT

3.01 That Chapter 13: Utilities of the Code of Ordinances, City of Celina, Texas is hereby amended to add the following:

"Article 13.07 Drilling and Well Regulations

Section 13.07.001 Definitions

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Approved Water Supply Source. The City's potable water system.

Approved Distribution System. The City's complex of facilities, installations, methods, and procedures designed to receive, store, maintain, distribute, and control the flow of a liquid or gas material between the point of receipt into the City's system and the point of issue to end users.

Air Gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical, physical separation must be at least twice the diameter of the water supply outlet, but never less than 1.0 in.

Auxiliary Water Supply. Any water supply other than the Approved Water Supply Source, including water from another public water supply or from a natural source including, but not limited to, wells, cisterns, springs, rivers, streams, used waters, or industrial fluids.

Backflow. The reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of a potable water supply from any sources other than the Approved Water Supply Source.

Backflow Prevention Assembly. An assembly which, when properly installed between the Approved Distribution System and at or near the point where the supply source enters the premise. For the purposes of this Ordinance the only approved assembly shall be a Reduced Pressure Backflow Assembly ("RPBA").

Backflow Prevention Assembly Tester. An individual licensed in accordance with Texas Commission on Environmental Quality ("TCEQ") rules, as amended, for the purpose of testing Backflow Prevention Assemblies.

Celina or City. The City of Celina, Texas and its duly authorized representatives.

City Engineer. A registered Professional Engineer in the State of Texas or a Consulting Engineer providing authorized services to Celina.

Contamination. An impairment of the quality of the Approved Distribution System or a private auxiliary water supply by the introduction or admission of any foreign substance that degrades the quality and which creates an actual or potential hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, or waste.

Cross-Connection. A point in the plumbing system where the Approved Distribution System is connected directly, or has the potential of being connected, to an outside source or substance that is not part of the Approved Distribution System. This connection may be temporary or permanent, potential or actual, indirect or direct.

Director of Public Works. Person or other designated authority charged with the administration and enforcement of this Ordinance.

Domestic Use. A well providing potable water or other material directly to a premise.

Existing Work. A well or water system which had been installed prior to the effective date of this Ordinance.

Health Hazard. A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, and spread of disease or has a probability of causing such effects if introduced into the approved distribution system.

Non-Potable water. A water supply, which has NOT been approved, for human consumption by a regulating person.

Overhaul. Work performed on a well that is not considered routine maintenance.

Person. Any individual, firm, partnership, association, corporation, company or organization of any kind.

Physical Separation. A physical break or means of division between an approved distribution system and a private distribution system, with the minimum distance between systems being 12 inches. This pertains to any liquid or gas well and distribution system.

Plumbing Inspector. Any person hired by Celina for the purpose of inspecting work and installation in connection with health and safety laws as provided in, or referred to in this ordinance. Such person shall have a valid licensed by the Texas State Board of Plumbing Examiners (TSBPE) in accordance with the Texas Plumbing License Law (Texas Occupation Code § 1301.001 et seq., as it exists or may be amended.)

Potable water. A water supply, which has been approved for human consumption by a regulating person.

Premises or Property. Any property real, improved or personal that is connected to the Approved Distribution System.

Premises Isolation. The practice of protecting the approved distribution system by installing a backflow prevention assembly at or near the point where liquid or gas enters the premise.

Public Sewer. A pipe which carries wastewater, storm or surface water and groundwater controlled by Celina.

Reduced Pressure Backflow Assembly (RPBA). An assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit includes properly located resilient-seated test cocks and two tightly-closing resilient-seated shutoff valves at each end of the assembly.

Septic Tank. A watertight receptacle which receives the discharge of a drainage system or part thereof, which is designed and constructed so as to separate solids from the liquid, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank through a drain field, disposal or perforated piping.

Service Connection. The terminal end of a service connection from the Approved Distribution System (i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of

delivery to the customer's water system). If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter.

Testing or Reporting Deficiencies. Incomplete or inaccurate backflow prevention assembly test results or reports filed with Celina pursuant to this Ordinance, use of inaccurate gauges; or the use of improper operational certification methods.

Water main. A water-distribution pipe for public or community use.

Water Purveyor. The operator of a potable water system supplying at least 15 service connections or servicing at least 25 individuals at least 60 days out of the year.

Wells. Bored wells, dug wells and drilled wells developed into the underground soils, which are used to extract a solid, liquid or gas from the underground soils. Wells are prohibited unless approved under the provisions of this ordinance.

Section 13.07.002 Licensing Requirements. Construction of wells shall be performed only by an insured and bonded company holding a valid well drillers license issued by the State of Texas. The license number shall be displayed during construction at the site of the work. The number shall be clearly readable from the nearest traveled public roadway. Well drillers must hold a current contractor registration with the City and be in good standing. In addition, the approved permit issued by the City shall be displayed during construction at the site of the work and remain on site until a final inspection is obtained.

Section 13.07.003 Permits and Inspection.

1) *When Permit Required.* It shall be unlawful to construct a well or to overhaul a well without first securing a well permit.

2) *When Permit Not Required.* Permits are not required for routine maintenance of preexisting wells, as determined by the City Engineer or Director of Public Works or his or her designee. It is the well driller's responsibility to notify the City Engineer or Director of Public Works or his or her designee of routine maintenance so a determination may be made on whether or not a permit is required.

3) *Permits Not Transferable.* Each permit issued under this ordinance shall be personal to the permittee. No such permit shall be assigned or transferred to another person, and no person shall permit another person to obtain a permit in his or her name or permit any new well construction or overhaul work to be performed under his/her permit other than a person authorized to do the same.

4) *False Statement or Bad Faith.* Any person who shall willfully make any false statement in order to obtain a permit shall be guilty of a misdemeanor and subject to the penalty provided herein. Bad faith or unreasonable delay in the performance of work under this ordinance shall be deemed a sufficient reason for suspension of the permit of the well driller so offending and no further permit shall be issued until such act of bad faith or unreasonable delay has been corrected. Well drillers in violation of any ordinance governing contractor registration requirements may be suspended or have their registration revoked.

5) *Issuance of Permit.* The Building Official or his or her designated representative, shall issue all permits in accordance with the provisions and requirements of this Ordinance. Incomplete applications shall be rejected or denied. All applications for permits shall be on the approved application form and provide the following information:

a) Company name, address and telephone number of the well driller;

b) Well drillers license number and Celina assigned contractor registration number;

c) Name, address, legal description and telephone number of property owner;

d) Company name and Celina assigned contractor registration number of electrical contractor;

e) Company name and Celina assigned contractor registration number of plumbing contractor;

f) Company name and Celina assigned contractor registration number of irrigation contractor (if applicable);

g) Company name and Celina assigned contractor registration number of back flow prevention assembly tester;

h) Plan, specifications, manufacturer's cut sheets and diagrams in sufficient detail to allow the reviewing person to determine whether a proposed well meets the minimum standards as determined by this ordinance and all other local, state and federal regulating agencies;

i) A plan of the property that shows the location of the proposed well, all buildings, septic tanks, drain fields and other significant structures. The plan shall also show the location of structures and adjacent property if within ten (10) feet of the property line;

j) Detailed description of what the well will be used for;

k) Any other information deemed necessary by Celina.

6) *Duration of Permits.* Every permit issued under the provisions of this Ordinance shall expire ninety (90) days after the date issued. In every case where a permit is expired, a new permit shall be obtained before any work is resumed.

7) *Inspections and Tests.* The City Engineer or Director of Public Works or their designees shall have the right, at any time, to enter the property for the purpose to inspect a well and ensure compliance with this ordinance. In addition, the City Engineer or Director of Public Works or their designees shall have the right to enter the property at any time in the future for the purpose of inspection to ensure that there are no cross-connections. Reasonable notice will be given to the property owner prior to entrance of the property.

   A 120v Ground Fault Circuit Interrupting ("GFCI") receptacle shall be installed immediately adjacent to the well equipment to allow for maintenance work on the equipment or the use of a freeze protection device.

   When applicable, the following inspections shall be required on all wells drilled within Celina or its ETJ:

   a) *Plumbing Rough* - to verify initial connections to the well and distribution system(s);

   b) *Plumbing Final* - to verify the required physical separation of the private system from the approved distribution system, as well as the completed connections to the well and private distribution system(s);

   c) *Electrical Underground (EUG)* - to verify trench depth and proper wire is used (size & type);

   d) *Electrical Final* - to verify disconnects are installed and appropriate panel box in place (weather tight);

e) Upon completion of the well, the well driller shall furnish the City Engineer, Public Works Director or his/her designee with a copy of the driller's report and a copy of the water analysis. Any well that is not completed shall be sealed and considered a plugged or an abandoned well in accordance with rules, regulations and statues of the State of Texas;

f) A Backflow Assembly Test Report, on a City approved form, shall be submitted annually, within twelve months, from the last test. Only a state licensed, City registered, Backflow Prevention Assembly Tester (BPAT), shall perform the test.

Section 13.07.004 Construction Requirements.

1) *Casing.* A casing of steel or other approved material shall be provided to prevent caving of the formations penetrated and also to ensure protection of the liquid or gas supply from contamination by material from shallow strata. The wall shall be cased from the bottom of the drilled hole to twenty four (24) inches above the finish grade or more if required to keep surface water from entering casing. The well casing shall be cemented in place and sealed to protect the underground water formation from potential contamination resulting from surface water or individual waste disposal systems *(i.e.* septic tanks).

2) *Well seal.* The annular space between the drilled hole and the well casing shall be sealed with concrete or grout for a depth of at least ten (10) feet above the liquid or gas producing formation. The casing shall be covered at the ground with a concrete slab no less than twenty-four (24) inches by twenty-four (24) inches by twelve (12) inches. The top of the slab shall protrude six (6) inches above finished grade and shall be sloped away from the casing. The top of the casing shall be provided with a suitable well seal to prevent contamination of the well. If a vent is provided on the casing, it shall be equipped with an elbow turned downward and screened with a 16-mesh screen.

3) *Disinfection of Wells and Equipment.* Upon completion of the well, but before it is placed into service, the well and equipment shall be disinfected by the use of chlorine (powdered, tablet or solution).

4) *Water Samples.* After the chlorine has been flushed, a sample of water shall be analyzed for purity. If used for human consumption, the well shall not be placed into service until the water has been tested and found to be suitable for human consumption.

5) *Abandonment of Wells.* Permanently abandoned wells shall be filled with cement grout or concrete. Abandoned wells shall not be used for the disposal of wastewater, septic tank effluent or other wastes.

6) *Screening.* The substance bearing formation shall be screened to control, among other similar conditions, the flow or production of sands and formation materials.

Section 13.07.005 Applicability of State Regulations. The regulations of the TDLR and the Texas Water Well Drillers Act, as existing or as may be amended and as they pertain to the construction of wells, shall be and are hereby incorporated into this Ordinance and must be strictly complied with.

Section 13.07.006 Domestic Use. No well shall be used to supply any liquid or gas to a premise when that premise has direct connection to the City's approved distribution system.

Section 13.07.007 Irrigation Use. Any irrigation water well must be constructed in accordance with the provisions of this ordinance. No irrigation water well shall be used for domestic (potable

water) use. No irrigation water well shall be shared without complying with the following requirements:

1) The owner of an existing water well, or proposed water well, shall furnish a notarized letter to Celina that includes their name, address and legal description of the property. The letter shall include the names, addresses and legal descriptions of all properties wishing to tie on to the well. The letter shall state that the owner and all affected properties acknowledge and understand the well is for irrigation use only and not domestic (potable water) use.
2) All properties currently tied or wishing to tie on to an existing or proposed well shall:
   a) Hire a state licensed, City registered plumbing or irrigation contractor and obtain the necessary permits.
   b) Permits shall expire ninety (90) days after the date issued. In every case where a permit is expired, a new permit shall be obtained before any work is resumed.

Section 13.07.008 Location. Wells shall be constructed no closer to property lines or significant structures as defined below:

1) Front, Rear and Side yard setbacks as defined by the final plat or current zoning district for the subject property;
2) Primary Buildings: ten (10) feet;
3) Power lines: thirty (30) feet;
4) Septic tanks and drain fields: one hundred fifty (150) feet;
5) Septic tanks and drain fields: fifty (50) feet; if well is cement encased.
6) Septic spray heads/soil absorption area: eighty (80) feet;
7) Barns and animal pens: one hundred, fifty (150) feet;
8) Permanent derricks and towers: no closer than forty (40) feet to side property lines.

Section 13.07.009 Sewer Charges. Celina is required to charge for water discharges into the public sewer on the basis of actual quantity of water discharged. The method of determining this quantity is based on the water meter readings; therefore the following shall apply:

1) Wells used only for yard or irrigation watering and other uses not connected with the sanitary sewer: No change in sewer charges is required.
2) Wells used in such a manner that all or a portion of the well water enters the public sewer: A city approved meter must be installed and accessible to meter readers. Sewer charge shall be based on the current approved rate structure.

Section 13.07.010 Cross Connections. There shall also be a complete physical separation of at least twelve (12) inches between the Approved Distribution System and any private system.

Section 13.07.011 Debris, etc. on Public Rights-of-Way. There shall be no debris, dirty water, mud or any other refuse dumped and/or discharged onto public rights-of-way. The drilling operation of any well shall control and dispose of, among other things, all drilling, cuttings, mud and water so as not to create a mud pit or disposal operation at the well site."

3.02 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4
CUMULATIVE REPLEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiate or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5
SAVING CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any all violations of this provision of any other ordinance affecting the City's Code of Ordinances, Chapter 13: Utilities, which have secured 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 maybe prosecuted until final disposition by the court.

SECTION 6
SEVERABILTY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in while in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7
PUBLICATION

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 8
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 9
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 10th day of January, 2011.

Jim Lewis, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

[SEAL]