

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF YORK ) **ORDINANCE** \_\_\_\_  
 )  
 CITY OF TEGA CAY )

**AN ORDINANCE TO ADOPT CHAPTER 54, ARTICLE V OF THE CITY’S CODE AS IT RELATES TO THE INSTALLATION, CONSTRUCTION, AND USE OF PRIVATE WELLS**

**WHEREAS**, the City of Tega Cay desires to continuously provide safe, reliable, and regulated water and sewer services to its residents and properties within the city limits.

**WHEREAS**, private wells are not subject to the EPA’s National Primary Drinking Water Regulations, leaving them vulnerable to contamination.

**WHEREAS**, the installation of private wells in areas served by the City increases the risk of cross-connection, backflow, and contamination of the City’s treated water supply, in turn threatening compliance with state and federal drinking water and environmental regulations.

**WHEREAS**, allowing private wells where City services are available undermines the City’s investment in water infrastructure, reduces utility revenue needed for maintenance and expansion, and may contribute to groundwater depletion; and

**WHEREAS**, the City Council of the City of Tega Cay finds it necessary to regulate and prohibit private wells in areas served by the City water system to protect public health, ensure environmental integrity, and maintain compliance with state and federal regulations.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Tega Cay, duly assembled, do hereby adopt Chapter 54, Article V, with the following:

**ARTICLE V. – PRIVATE WELLS**

**Sec. 54-23. – Definitions.**

- *Municipal water and sewer services* means the public water distribution and wastewater collection systems operated by the City of Tega Cay, including all areas where such services are available for connection or are provided under a service agreement.
- *Private well* means any piping, excavation, borehole, or driven point constructed for the purpose of extracting groundwater for domestic, irrigation, or any other use, including individual residential wells regulated under SCDES Regulation R.61-44.
- *Available* means that municipal services can be extended to a property at standard connection fees without extraordinary infrastructure costs, as determined by the City Manager or designee, typically within 200 feet of existing mains.

**Sec. 54-24. – Connection Requirements and Variances.**

- a) All improved properties shall be connected to Municipal water and sewer services unless a temporary variance is granted.
- b) A temporary variance may be granted by the City Manager, or his/her designee, upon written application demonstrating that municipal services are unavailable due to geographic or infrastructural constraints.
- c) Any variance must comply fully with SCDES permitting (R.61-44), and include certified backflow prevention to reduce cross-contamination risk.
- d) Any private well approved under a variance must be decommissioned and connected to municipal services within 90 days of availability, at the property owner's expense.
- e) No variance shall be granted if the well poses a risk of contamination, groundwater depletion, or interference with the municipal system, as determined by the City Manager, or if a hydrogeological assessment shows risk of adverse impacts. Without limiting the foregoing, no variance shall allow any connection to the Municipal water or sewer system.

**Sec. 54-25. – Prohibitions.**

- a) Except as set forth herein, it shall be unlawful to install, construct, drill, maintain, or use a private well on any property within the City of Tega Cay where City water and sewer services are available or provided.
- b) No cross-connection, interconnection, or backflow arrangement between a private well and the City's water system shall be permitted, regardless of the presence of a backflow prevention device
- c) No private intake, pump, or withdrawal system utilizing surface water, including lake water, shall be connected directly or indirectly to the Municipal water or sewer system.

**Sec. 54-26. - Existing irrigation wells.**

Nothing contained in this Article shall preclude the continued operation of irrigation wells existing prior to the adoption of this Article that are not connected to the Municipal water or sewer system.

**Sec. 54-27 Decommissioning.**

All wells installed, constructed, drilled, maintained, or used in violation of this Article must be decommissioned within 180 days, in accordance with SCDES Regulation R.61-71 (Well Standards). Proof of abandonment shall be provided to the City.

**Sec. 54-28. – Enforcement.**

- (a) The City Manager, or his/her designee, is authorized to enforce this article through inspections, notices of violations, and when necessary, issuance of orders to cease operations and /or to decommission wells.
- (b) Penalties:

1. First offense: Civil penalty of \$500.00 plus investigation and decommissioning costs.
2. Subsequent offenses: Civil penalty of \$500.00, plus investigation and decommissioning costs along with suspension of utility services until compliance.
3. The City may also seek injunctive relief in York County Circuit Court and recover attorney's fees and costs.

(c) Each day of violation constitutes a separate offense. The City may report violations to SCDES for action under R.61-44 or R.61-71.

(d) These penalties are in addition to those provided elsewhere in Chapter 54 and the Code of Ordinances, City of Tega Cay, South Carolina.

**FIRST READING:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

*Enacted this \_\_\_\_\_ day of \_\_\_\_\_ 2026, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.*

*Signature Page to Follow*

**SIGNED:**

**CITY OF TEGA CAY**

[SEAL]

\_\_\_\_\_  
Carmen Miller, Mayor

\_\_\_\_\_  
Thomas S. Hyslip, Mayor Pro Tempore

\_\_\_\_\_  
Brian D. Carter, Council Member

\_\_\_\_\_  
Heather Jones, Council Member

**ATTEST:**

\_\_\_\_\_  
Charlie Funderburk, City Manager

*Certificate of Adoption*

*I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2026.*

\_\_\_\_\_  
*Casey O'Brien, Municipal Clerk*