

ORDINANCE NO. 20070125-007

AN ORDINANCE AMENDING TITLE 15 OF THE CITY CODE TO ADD CHAPTER 15-11 RELATING TO PRIVATE SEWER LATERAL LINES; CREATING AN OFFENSE; AND REPEALING ARTICLE 10 OF CHAPTER 15-10 OF THE CITY CODE RELATING TO WASTEWATER LEAKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

(A) The Council finds that:

- (1) defective private lateral sewer lines have resulted in the discharge of sewage onto public and private property creating a public health and safety hazard;
- (2) defective private lateral sewer lines result in significant water inflow and infiltration into the City's sanitary sewer system contributing to sewage overflows and cause the City to incur substantial cost each year for additional wastewater treatment; and
- (3) the United States Environmental Protection Agency issued an administrative order requiring the City to take measures to prevent sewage overflows from the City's sanitary sewer system.

(B) The Council finds that it is in the public health, welfare and interest to:

- (1) test and inspect private lateral sewer lines;
- (2) require repair of defective private lateral sewer lines; and
- (3) require maintenance of private lateral sewer lines.

PART 2. Title 15 of the City Code is amended to add a new Chapter 15-11 to read:

CHAPTER 15-11. PRIVATE LATERAL SEWER LINES.

§ 15-11-1 APPLICABILITY.

This division applies to property that receives water or wastewater service from the Austin Water Utility.

§ 15-11-2 DEFINITIONS.

In this division:

- (1) DIRECTOR means the director of the Austin Water Utility.
- (2) PRIVATE LATERAL means the segment of the sanitary sewer system located on private property that connects a residence or business to the City's sanitary sewer system.

§ 15-11-3 OWNER MAINTENANCE REQUIRED.

The owner of property containing a private lateral shall maintain the private lateral. Maintenance under this section includes:

- (1) clearing obstructions from the private lateral;
- (2) repairing a defect in the private lateral that allows the introduction of extraneous flow or debris into the sanitary sewer system;
- (3) repairing a defect in the private lateral that allows the discharge of sewage on the property; and
- (4) keeping a manhole cover in place or a clean out cap tight and in place.

§ 15-11-4 TESTING AND NOTICE OF DEFECTIVE PRIVATE LATERAL.

- (A) The city manager may periodically perform special tests to confirm the integrity of the sanitary sewer system, including smoke testing, dyed water testing, air testing, hydraulic testing, closed circuit television inspection, and other testing and inspection techniques approved by the city manager.
- (B) The city manager may enter private property to inspect or test a private lateral.
- (C) The city manager shall give the property owner not less than 24 hours written notice before city personnel enter private property to conduct an inspection or test, unless:
 - (1) city personnel are conducting an investigation of a complaint or responding to a customer request to test or inspect a private lateral; or
 - (2) sewage is exposed on the property in a manner that creates a potential public health hazard.
- (D) The city manager may identify defects in a private lateral that allow extraneous flow or debris to enter the private lateral or the discharge of sewage on the

property, or a condition that may interfere with the proper operation of the private lateral.

(E) A defect under this section may include:

- (1) evidence of pipe or joint deterioration;
- (2) root intrusion into a pipe that separates a pipe joint or enlarges an existing crack;
- (3) a misaligned pipe segment, sag, or lack of positive gradient;
- (4) a lack of a necessary cleanout cap or manhole cover;
- (5) a downspout, drain, or other connection that allows storm water or other extraneous water to enter the sanitary sewer system; or
- (6) a flaw that allows the discharge of sewage on the property or the introduction of extraneous water into the sanitary sewer system.

(F) Except as provided in Section 15-11-5(B) (*Repair or Replacement Required; Standards*), if the city manager identifies a defective private lateral or a condition that interferes with the proper operation of the private lateral, the city manager shall send the property owner written notice of the defect or condition, including a statement that the private lateral must be replaced or repaired, or the condition corrected, not later than the 120th day after the date of the notice.

§ 15-11-5 REPAIR OR REPLACEMENT REQUIRED; STANDARDS.

- (A) A property owner shall repair or replace a defective private lateral from the property line to the building. The property owner shall pay the appropriate fee and obtain a permit from the City before performing the repair or replacement of a defective private lateral.
- (B) If sewage is exposed on the property in a manner that makes it a potential public health hazard, a property owner must:
- (1) stop the discharge of sewage immediately;
 - (2) remediate the site not later than 24 hours after the owner has notice of the exposed sewage; and
 - (3) complete all necessary repairs or replacement of a private lateral immediately, but not later than the 30th day after the owner has notice of the exposed sewage.

- (C) A person who repairs an existing private lateral or installs a new or rehabilitated private lateral shall perform the repair or installation as prescribed by the Water Utility's wastewater service connection standards and the Plumbing Code.

§ 15-11-6 POST-REPAIR AND POST-REPLACEMENT INSPECTION AND TESTING REQUIREMENTS.

- (A) After a property owner has repaired or replaced a defective private lateral, the city manager shall:
 - (1) inspect the private lateral to determine that it complies with the Water Utility's wastewater service connection standards and the Plumbing Code; and
 - (2) test the private lateral in a manner approved by the director.
- (B) If a private lateral fails the post-repair or post-replacement inspection or test, the property owner shall perform additional repairs as required by the city manager to correct the defect.

§ 15-11-7 FINANCING PROGRAM; APPLICATION.

- (A) The City may establish a private lateral finance program to assist a property owner in financing the repair or replacement of a defective private lateral.
- (B) A property owner may apply for assistance from the program by filing an application with the director on the form prescribed by the director.
- (C) If a property owner complies with the application requirements, the director may authorize the owner to obtain financing under the program.

§ 15-11-8 OFFENSE.

- (A) A property owner commits an offense if the owner fails to repair or replace a defective private lateral in compliance with the Plumbing Code or to correct a condition interfering with the proper operation of a private lateral on or before the date specified by the director in the director's written notice of the defect or as required by Section 15-11-5 (B) (*Repair or Replacement Required; Standards*).
- (B) A property owner commits an offense if the owner fails to stop the discharge of sewage and to remediate the site not later than 24 hours after the owner receives notice from the City of exposed sewage on their property.

- (C) Each day or part of a day during which non-compliance occurs constitutes a separate offense.

§ 15-11-9 CRIMINAL PENALTY.

A person who violates this chapter commits an offense, punishable under Section 1-1-99 (*Offenses; General Penalty*) by a fine not to exceed \$500.

§ 15-11-10 CIVIL PENALTY.

- (A) If a person violates this chapter or fails to take action to comply with this chapter, or federal, state, or local regulations, the city attorney may initiate a suit for:

- (1) civil penalties authorized under Texas Local Government Code Section 54.017 (*Civil Penalty*);
- (2) injunctive relief;
- (3) recovery of expenses, loss, or damage to City property or equipment; and
- (4) other available relief.

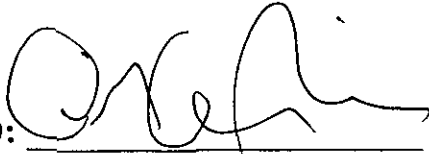
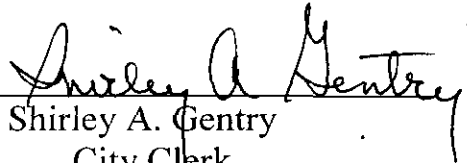
§ 15-11-11 CUMULATIVE REMEDIES.

The remedies authorized under this chapter are cumulative unless specifically prohibited by state or federal regulation.

PART 3. Chapter 15-10, Article 10 (*Wastewater Leaks*) of the Code is repealed.

PART 4. This ordinance takes effect on February 5, 2007.

PASSED AND APPROVED

_____ January 25, 2007 APPROVED:  David Allan Smith City Attorney	§ § § _____ Will Wynn Mayor ATTEST:  Shirley A. Gentry City Clerk
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