

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 15-11 RELATING TO REQUIREMENTS FOR PRIVATE LATERAL SEWER LINES.

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

PART 1. City Code Sections 15-11 (*Private Lateral Sewer Lines*) is amended to read:

§ 15-1-2 DEFINITIONS.

(1) **DIRECTOR** means the director of the Austin Water Utility or his designee.

PART 2. City Code Section 15-11-4 (*Testing and Notice of Defective Private Lateral*) is amended to read:

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

(A) The [~~City Manager~~] Director 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~~] Director.

(B) The [~~City Manager~~] Director may enter private property to inspect or test a private lateral.

(C) The [~~City Manager~~] Director 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~~] Director 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) 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]~~ Director identifies a defective private lateral or a condition that interferes with the proper operation of the private lateral, the ~~[City Manager]~~ Director 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.

(G) A property owner may appeal the notice of failure or condition by providing a written statement of appeal and video evidence to the Director within 10 calendar days after the date of the notice of the failure or condition. Within 7 calendar days after the appeal is received, the Director will view the evidence and send a notice of the decision. If the appeal is not granted, the 120-day time frame of the notice of the failure or condition will begin on the date of the Director's notice of decision. If the appeal is granted, the notice of the failure or condition will be rescinded.

PART 3. City Code Section 15-11-6 (*Post-Repair and Post-Replacement Inspection and Testing Requirements*) is amended to read:

§ 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]~~ Director 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]~~ Director to correct the defect.

PART 4. City Code Section 15-11-7 (*Financing Program; Application*) is amended to read:

§ 15-11-7 FINANCING PROGRAM; APPLICATION.

- (B) A property owner may apply for assistance from the program by filing an application with the ~~[director]~~ Director on the form prescribed by the ~~[director]~~ Director.
- (C) If a property owner complies with the application requirements, the ~~[director]~~ Director may authorize the owner to obtain financing under the program.

PART 5. City Code Section 15-11-8 (*Offense*) is amended to read:

§ 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]~~ Director in the ~~[director]~~ Director's written notice of the defect or as required by Section 15-11-5(B) (*Repair or Replacement Required; Standards*).

PART 6. City Code Chapter 15-11 (*Private Lateral Sewer Lines*) is amended to renumber Section 15-11-11 (*Cumulative Remedies*) as Section 15-11-15 and to add a new Section 15-11-11 to read as follows:

§ 15-11-11 CITY ACTION TO CORRECT VIOLATION.

- (A) If the property owner fails or refuses to repair or replace the private lateral, or correct the condition, described in the notice, the City may repair or replace the private lateral or correct the condition. The City may:
- (1) contract for the repair, replacement, or correction; and
 - (2) expend City funds; and
 - (3) charge the owner for work performed by the City; and
 - (4) either
 - (a) assess the actual costs against the property; or
 - (b) if the property owner is the utility customer, apply a charge to the customer's utility bill.

1 **PART 7.** City Code Chapter 15-11 (*Private Lateral Sewer Lines*) is amended to add new
2 Sections 15-11-12, 15-11-13, and 15-11-14 to read as follows:

3 **§ 15-11-12 ASSESSMENT AND LIEN.**

4 The Director may file a lien statement against the property as provided by Section
5 342.007 (*Assessment of Expenses; Lien*) of the Texas Health and Safety Code for work
6 performed and expenses incurred by the city under Section 342.006 (*Work or*
7 *Improvements by Municipality; Notice*) of the Texas Health and Safety Code. If the City
8 assesses the actual costs against the property, the property owner, within five years after
9 the date of that assessment, must pay the City the amount that the City paid for the
10 completed work, plus simple interest at an amount of 10 percent a year. If the property
11 owner does not pay the assessment during the five-year period, the City may enforce the
12 lien on the property in the same manner in which it is authorized by law to enforce the
13 lien for a paving or other assessment.

14 **§ 15-11-13 CHARGE.**

15 The Director may apply a charge to the property owner's utility bill for work
16 performed and expenses incurred by the city under Section 15-11-11 (*City Action to*
17 *Correct Violation*). The charge shall be prorated over a five-year period. The provisions
18 of Chapter 15-9 (*Utility Service Regulations*), Article 9 (*Invoice and Payment*
19 *Requirements*), shall apply to this provision.

20 **§ 15-11-14 EMERGENCY ABATEMENT.**

21 In addition to the corrective action authorized by Section 15-11-11 (*City Action to*
22 *Correct Violation*), the Director may take emergency action to abate or eliminate a
23 condition or circumstance that poses an immediate danger to the public health, safety, or
24 welfare.
25
26

PART 8. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____ **ATTEST:** _____
 Karen M. Kennard Jannette S. Goodall
 City Attorney City Clerk