

ORDINANCE NO. 3981-02-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 16, ARTICLE II, DIVISION 5, PRIVATE RESIDENTIAL SEWER SERVICE LINE CLEANING, OF THE LEWISVILLE CITY CODE, BY AMENDING THE REGULATIONS AND PROCEDURES FOR CLEANING AND REPAIRING PRIVATE RESIDENTIAL SANITARY SEWER SERVICE LINES; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to the Lewisville City Code, Chapter 16 are necessary.

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

SECTION 1. Chapter 16, Section 16-99 of the Lewisville City Code is hereby amended by deleting the current language in its entirety and in its place inserting the following new language:

Sec. 16-99. Cleaning and Repair of Private Residential Sanitary Sewer Service Lines.

- (a) The property owner/occupant is responsible for cleaning/clearing all stoppages in the private residential sanitary sewer service line from the house to the tap at the city sewer main. The city will not clean/clear any stoppages located in the private sanitary sewer service line regardless of the location of the stoppage.
- (b) The property owner/occupant is responsible for all repairs, including emergency repairs, to the private residential sanitary sewer service line from the house to the house side edge of the sidewalk if a sidewalk is present, or to the house side edge of the street pavement/back of curb if no sidewalk is present. If the residential sanitary sewer service line runs into the alley, the property owner/occupant is responsible for all repairs from the house to the house side edge of the alley pavement.

- (c) The city will schedule and investigate reported private residential sanitary sewer service line defects that are located between the house side edge of the sidewalk, the house side edge of the street pavement/back of curb, or the house side edge of the alley pavement, and the city sewer main. If the city confirms that there is a defect in the private residential sanitary sewer service line, located between the house side edge of the sidewalk, street pavement/back of curb, or alley pavement and the city sewer main, the city will schedule and complete repairs to the service line at no cost to the property owner/occupant.

SECTION 2. Chapter 16, Section 16-100 of the Lewisville City Code is hereby amended by deleting the current language in its entirety and in its place inserting the following new language:

Sec. 16-100. Procedure

- (a) The property owner/occupant is responsible for cleaning/clearing all private residential sanitary sewer service line stoppages.
- (b) If the property owner/occupant determines via camera inspection by a licensed plumber, or by other valid means, that there is a defective service line pipe located between the house side edge of the sidewalk, street, or alley pavement and the city sewer main, the owner/occupant or their plumber should contact the city to schedule an inspection.
- (c) The city may reverify property owner/occupant camera inspection report. If there is no functional clean out connection near the street for access to the service line, the property owner/occupant, who must be at least 18 years of age or older, must sign a consent/release form provided by the city before the city can perform the reverification camera inspection using the clean out near the house. The property owner/occupant is responsible for locating any clean out, or installing one if one does not exist. City employees shall not enter onto private property to perform any work to locate the clean out or make any alteration to the clean out. If the camera inspection confirms the location of the defect within the edge of the sidewalk, street or alley pavement, the city will schedule and complete repairs at no cost to the owner/occupant.
- (d) The maintenance and repair of private residential sanitary sewer service lines is the responsibility of the property owner. All city codes and ordinances must be followed regarding repair work.

SECTION 3. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 5. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$500.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect on March 1, 2013, which is after publication as required by law.

SECTION 7. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 4th DAY OF
FEBRUARY, 2013.**

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY