

ORDINANCE NO. 103

AN ORDINANCE OF THE CITY OF TUSCOLA, TEXAS ADOPTING REGULATIONS CONCERNING SEWER SYSTEM MAINTENANCE; REQUIRING CUSTOMERS TO MAINTAIN LATERAL SEWER LINES AND SEWER CLEANOUTS AND CAPS; PROVIDING A PENALTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tuscola (the "City") is a Type A general law municipality operating pursuant to the laws of the State of Texas;

WHEREAS, the City operates a sewer system pursuant to Section 552.001(b) of the Texas Local Government Code and "may regulate the system in a manner that protects the interests" of the City as authorized by that Section;

WHEREAS, pursuant to Section 552.001(d) of the Texas Local Government Code, the City may require the use of certain lines, pipes, and appliances in operation of its sewer system and "may inspect those facilities and appliances, require that they be kept in good condition at all times, and prescribe the necessary rules, which may include penalties, concerning them"; and

WHEREAS, the City Council of the City finds that it would aid in the efficient operation of the City's sewer system to require customers of the sewer system to be responsible for the upkeep of sewer caps and sewer lateral lines of customer property.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCOLA, TEXAS THAT the following provisions are hereby enacted as the Sewer System Maintenance Ordinance of the City of Tuscola, Texas:

Section 1. Recitals Incorporated. The recitals set forth above are hereby adopted and incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Operation of Sewer System.

(a) The City is authorized to construct, maintain, and operate a sewer system pursuant to Section 552.001 of the Texas Local Government Code and as authorized by the Texas Commission on Environmental Quality.

(b) The City is authorized to access the sewer collection system, as defined in Section 3(a), through dedicated City rights-of-way and easements, as applicable. Pursuant to state law, persons accessing the rights-of-way or performing other construction within the City must call 811 to notify the City and other utility providers of such work so that lines can be marked.

(c) The City is also authorized to require the use of certain equipment by customers of its sewer system and require that equipment to be maintained by customers pursuant to Section 552.001 of the Texas Local Government Code and that authorization forms the basis for this Ordinance.

Section 3. Responsibilities of Customer.

(a) **Building Lateral.** The property owner connecting to the City's sewer system is responsible for installing and maintaining the building lateral. For purposes of this section, the "building lateral" is the pipe that conveys raw wastewater and connects the plumbing of a structure to a collection system pipe. A building lateral is not part of a collection system. A "collection system", for which the City is responsible for maintaining, is "pipes, conduits, lift stations, force mains, and all other constructions, devices, and appurtenant appliances used to transport domestic wastewater to a wastewater treatment facility".

(b) **Cleanout.** The property owner connecting to the City's sewer system is responsible for installing and maintaining a sewer cleanout on the building lateral located on the owner's property. Such responsibility includes ensuring that the cleanout is covered by an intact and operational cap.

(c) **Inspections.** The City may perform inspections to enforce this Ordinance.

Section 4. Penalty. Any person who shall violate any of the provisions of this Ordinance or who shall fail to comply therewith or with any of the requirements thereof shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine up to \$2,000.00. Each day shall violation be permitted to exist shall constitute a separate offense.

Section 5. Enforcement. In addition to or in lieu of pursuing a criminal penalty under Section 4, the City may enforce this Ordinance as follows:

(a) The City may provide written notice that a person is in violation of this Ordinance and allow the person ten (10) days to correct the violation or submit a plan for correction, if the correction cannot reasonably be performed within ten (10) days.

(b) If such violation continues after this period and no suitable correction plan has been submitted to the City, the City may have the water service for the subject property disconnected. In such cases, the person in violation of this Ordinance shall be responsible for paying a \$15.00 disconnect fee and a \$15.00 reconnect fee to the City if the violation is corrected and water service is restored.

(c) If a person continues to violate this Ordinance after water service has been disconnected, the City may cap the lateral service line to the person's property to protect the City's sewer system. If a lateral line is capped pursuant to this Section, the person violating this Ordinance shall be responsible for the City's actual cost in capping the line and will be responsible for paying the City an additional tap fee if sewer service is reconnected.

Section 6. Repeal. Any prior ordinance or ordinance provision, as may be applicable, is hereby repealed to the extent that such ordinance or provision of an ordinance conflicts or contradicts the amendments and provisions enacted herein.

Section 7. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining

portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. Effective Date. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication of the caption and penalty clauses of the Ordinance in a newspaper of general circulation within the City, as required by law.

PASSED, APPROVED and ADOPTED this the 8th day of April, 2024.