

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY OF AMES, TEXAS PROHIBITING THE REMOVAL OF CLEAN-OUT CAPS IN SEWER LINES; DECLARING THE REMOVAL OF CLEAN-OUT CAPS A PUBLIC NUISANCE; PROVIDING FOR EXCEPTIONS AND AFFIRMATIVE DEFENSES; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR EACH VIOLATION AND MAKING EACH DAY OR PORTION OF A DAY THAT A VIOLATION CONTINUES A SEPARATE VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the removal of clean-out caps on sewer lines to allow sewage to run on the ground or to allow rain water to drain into clean-outs located in sanitary sewer lines can create serious public health and safety problems, cause violations of environmental regulations and can damage the sanitary sewer system; and

WHEREAS, the City Council finds it in the public interest to prohibit the removal of clean-out caps except in certain circumstances.

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

Section 1:

Removal of Clean-out caps prohibited

"The sewer lines of buildings and other structures shall be maintained free from defects and leaks and be capable of performing the functions they were designed to perform. All clean-outs shall at all times be properly capped and all caps shall be free of any holes, cracks or other defects that would allow rain or storm water to enter into the sanitary sewer system or wastewater to leak from the sewer line. It shall be unlawful for any person or persons to remove a clean-out cap to allow wastewater to run on the ground or into a drainage ditch or storm sewer, or to allow water from the yard or surrounding area to drain into the sanitary sewer system.

Section 2:

Exceptions and affirmative defenses.

It is an exception from the prohibition against removal of clean-out caps on sewer lines and an affirmative defense hereto that:

- (a) The removal of the clean-out cap is necessary for the proper maintenance or repair of the sewer line including without limitations, the removal of a clean-out cap by a licensed plumber, a roto-rooter service or other similar maintenance or plumbing repair service; or
- (b) The removal of the clean-out cap is necessary to prevent damage to the sewer line or the sanitary sewer system; or
- (c) The removal of the clean-out cap is authorized by the City Mayor or his designee.

Section 3:

Removal of clean-out caps declared a public nuisance

- (a) The failure to cap all clean-outs or to maintain clean-out caps free from any holes, cracks or other defects or to maintain the sewer lines of buildings within the corporate limits of the City free from defects or leaks so as to allow sewage to run on the ground and/or into a drainage ditch or storm sewer, or to allow rain water or storm water from the yard or surrounding area to drain into the sanitary sewer system, except in the circumstances set forth under Section 2, is a threat to public health and sanitation, is detrimental to the public health, safety and welfare and is a public nuisance.

(b) The City shall have the right to summarily abate the public nuisance without notice and hearing due to the immediate threat such spillage of sewage or entrance of storm water into the sanitary sewer system is to the public health, safety or welfare. The City Mayor, or his designee, shall send written notice setting forth all the city's costs of abating the nuisance to the property owner as shown on the tax records of Liberty County, Texas. If the offending property owner does not pay the costs of the abatement within thirty (30) days of the receipt of the notice, the City may assess all costs of abating the nuisance against the property owner, record a lien on the property in the real property records of Liberty County, Texas and enforce the lien in accordance with applicable law.

Section 4:

Penalty

Any person, firm, corporation or other legal entity violating any provisions of this Ordinance shall, upon conviction, be fined not more than \$500. Each day the violation continues shall be a separate offense.

Section 5: This Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
Ames, this 21<sup>st</sup> day of January, 2016.

  
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John White, Mayor

*(Seal of the City of Ames, Texas is partially visible in the background)*

ATTEST:

  
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Lillie Bernard, City Secretary