

ORDINANCE NO. 2020 - 326

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEVERS, TEXAS AMENDING THE CITY'S EXISTING SANITARY SEWER SYSTEM FEE ORDINANCE BY REQUIRING CUSTOMERS TO REPAIR OR REPLACE, AT THE CUSTOMER'S EXPENSE, SANITARY SEWER SYSTEM PUMPS DAMAGED DUE TO DISCHARGE OF PROHIBITED MATERIALS.

WHEREAS, the City of Devers, Liberty County, Texas (the "City") is a Type B general-law municipality and the City Council of the City of Devers, Liberty County, Texas (the "City Council") has the authority to adopt an ordinance, not inconsistent with state law, that the City Council considers proper for the governance of the City pursuant to Texas Local Government Code, Section 51.032; and

WHEREAS, the City provides sanitary sewer service to customers within the City limits; and

WHEREAS, the City Council previously adopted an ordinance establishing fees for damage to the sanitary sewer system due to the discharge of prohibited materials; and

WHEREAS, the City wishes to regulate its sanitary sewer system, including its lift stations, in a manner that protects the interests of the City by amending the existing sanitary sewer system fee ordinance by assessing fees for repairing and cleaning of lift station tanks due to the discharge of prohibited materials into the sanitary sewer system, and by requiring customers to repair or replace, at the customer's expense, lift station pumps damaged due to the discharge of prohibited materials into the sanitary sewer system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEVERS, LIBERTY COUNTY, TEXAS THAT:

SECTION 1. No person shall discharge or cause to be discharged, directly or indirectly, into any public sanitary sewer system any pollutant or wastewater that will cause damage, obstruction or interference with the operation or performance of the City sanitary sewer system including, but not limited to, solids or viscous substances in quantities capable of causing obstruction in the flow in sewers or other interference with proper operation of the City sanitary sewer system. Such prohibited discharges shall include, but are not limited to, cigarette butts, sanitary wipes, needles, syringes and other medical waste, feminine hygiene products, ashes, cinder, sand, mud straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, bulk solids, any water or waste which contains wax, grease, oil, plastic or other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit, thereby contributing to the clogging, plugging, or otherwise restricting the flow of wastewater through the City sanitary sewer system, or any wastewater which causes a hazard to human life or creates a public nuisance.

SECTION 2. There shall be a presumption that debris found in lift station tanks or damage to lift station tanks or pumps due to the presence of substances prohibited in this ordinance was caused by the prohibited discharge of such substances into the City sanitary sewer system by the utility customer whose account is associated with the damaged lift station, but such presumption shall be rebuttable.

SECTION 3. Lift Station Tank Damage and Debris Fee: \$300.00. This fee shall be assessed for any violation of the provisions of this Section which results in debris found in a lift station tank or damage to a lift station tank associated with a utility customer's account, as shown by City records. Each violation of this ordinance shall constitute a separate offense.

SECTION 4. In the event a lift station pump associated with a utility customer's account, as shown by City records, has been damaged due to a violation of this ordinance, the customer shall repair or replace, at the customer's expense, the damaged lift station pump.

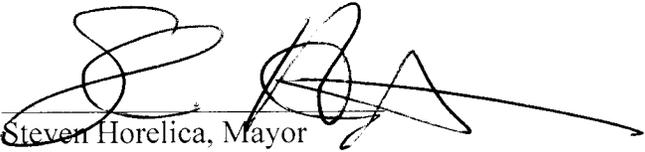
BE IT FURTHER ORDAINED by the City Council of the City of Devers, Liberty County, Texas, that this Ordinance shall become effective upon signature by the Mayor, or, if not signed or vetoed by the Mayor, upon expiration of the time for ordinances to become law without the signature by the Mayor.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above and foregoing ordinance shall be in full force and effect from and after its adoption, approval and publication, as provided by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Devers, this the 8th day of December, 2020.


Steven Horelica, Mayor

ATTEST:


Kristi Ayers, City Secretary