

ORDINANCE # 244

AN ORDINANCE OF THE CITY OF BEVIL OAKS, TEXAS AND PERMITTING SMOKE TESTING FOR ALL DRAINAGE WORKS WITHIN THE CITY LIMITS OF THE CITY OF BEVIL OAKS, JEFFERSON COUNTY, TEXAS AND PROVIDING A PENALTY FOR VIOLATIONS.

WHEREAS, the City Council of the City of Bevil Oaks finds that it is necessary from time to time to test the various wastewater and storm water drainage facilities within the city limits of the City of Bevil Oaks, Texas;

WHEREAS, the City Council of the City of Bevil Oaks finds that the health, welfare and safety of the citizens of the City of Bevil Oaks, Texas, requires the City Council permit its duly authorized utility contractors to conduct smoke testing of the drainage facilities within the City.

WHEREAS, the City Council of the City of Bevil Oaks has investigated and determined that it would be advantageous and beneficial to the citizens of the City to enact as set forth below.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS:

Section 1:

- A.** Any connection with the sanitary sewer system or storm water drainage system in the City of Bevil Oaks shall comply with all applicable building codes and regulations of any type imposed by any county, state or federal regulations and be required to maintain the integrity of any connection to the City's sanitary sewer system or storm water drainage system through plumbing connections to prevent improper connections or the infiltration and intrusion of rainwater.
- B.** The City through its authorized contractors ("The City") shall be permitted to confirm the integrity of its sanitary sewer system through the use of smoke testing or other commercially acceptable testing methods
 - i.** The City shall provide no less than one (1) week's notice of intent to test through the use of door hangers, written letters, newsletter notices or other means calculated to provide actual or constructive notice to the owner/occupier or utility users.
 - ii.** Should such testing reveal actual or potential breaches of the sanitary sewer system or storm water drainage system, the City shall be entitled to enter onto private property for purposes of immediately notifying the owner/occupier or utility user, including the use of paint or other temporary marker designed to identify potential breaches.
 - iii.** The City shall maintain photographic proof of any actual or potential breach.
 - iv.** The City shall notify the owner/occupier or utility user in writing of any actual or potential breaches of the sanitary sewer system or storm water drainage system and provide a time period of one (1) to ninety (90) day(s) to remedy any such breach.

- C. Any property owner/occupier or utility user shall remedy any actual or potential breach within the time period provided in the written notice.
- D. Any property owner/occupier or utility user shall present adequate documentary proof to the Utilities Clerk or authorized representative during normal business hours that any breach was cured within the time period provided in the written notification from the City. Such proof may include, but is not limited to the following items:
 - i. Before, during and after photographs of actual work on the noted breach;
 - ii. An invoice from a licensed plumber detailing the work performed on the noted breach.

Section 2.

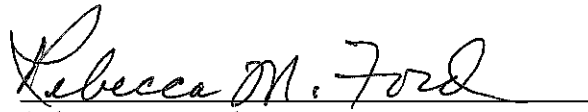
- A. It shall be unlawful for any person to fail to correct a breach of the sanitary sewer system or storm water drainage system after notice has been provided in writing pursuant to Section 1;
- B. PENALTY PROVISION: Any person, firm, corporation or business entity that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding two thousand dollars (\$2,000.00) if the violation relates to the public health and sanitation, otherwise the fine shall be a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation shall constitute a separate offense. The City of Bevil Oaks retains all legal rights and remedies available to it pursuant to local, state and federal law.


Section 3.

- A. **SEVERABILITY OF PARTS OF ORDINANCE.** If any section, subsection, sentence, clause or phrase of this Ordinance, or the application of the same to a particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portion of this Ordinance and to such end the various portions and provisions of this Ordinance are declared to be severable.

PASSED AND APPROVED AND EFFECTIVE FROM this 27th day of May, 2015.

ATTEST:


Rebecca M. Ford, Mayor
City of Bevil Oaks, Texas


City Secretary
City of Bevil Oaks