

**ORDINANCE NO. 23-07**

**AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 21, “WATER AND SEWERS”, ARTICLE III, “SEWERS”, TO ADD SECTION 21-45, “RESPONSIBILITIES OF PROPERTY OWNER”; REQUIRING PROPERTY OWNERS TO MAINTAIN BUILDING LATERAL LINES AND TO INSTALL CLEANOUTS; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

**WHEREAS**, the City has the power to adopt maintain, operate, and regulate its sewer system pursuant to Section 3.16 of the City Charter; and

**WHEREAS**, the City Commission of the City (the “City Commission”) wishes to clarify the responsibility of homeowners to maintain the lateral service lines connected to the City’s sewer system; and

**WHEREAS**, the City Commission finds that the regulations contained in this Ordinance are in the best interest of the health, safety, and welfare of the citizens of the City and serve to promote the efficient operation and provision of City systems and services.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:**

**I. Amendment to Chapter 21, Article III.** Chapter 21, “Water and Sewers”, Article III, “Sewers” of the Breckenridge Code of Ordinances is hereby amended to add Section 21-45, “Responsibilities of Property Owner”, which shall read as follows:

**Sec. 21-45. Responsibilities of Property Owner.**

(a) Building Lateral. It is the responsibility of the property owner connecting to the City’s sewer system to install and maintain 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. The “connection 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. It is the responsibility of the property owner to install a sewer cleanout on the building lateral located on the owner’s property.

(c) Performance of Work. In performing the owner’s responsibilities under this Section, the owner must use a licensed plumber who has obtained a permit from the City to perform such work, pursuant to Sections 21-29 and 21-30 of this Code.

(d) **Penalty.** A violation of the requirements of this Section shall be punishable pursuant to Section 1-6 of this Code.

**II. Repeal.** Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

**III. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

**IV. Effective Date.** This Ordinance shall become effective immediately upon its adoption and after publication as required by law.

PASSED, APPROVED, AND ADOPTED on this the 28<sup>th</sup> day of March 2023.

ATTEST:

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Bob Sims, Mayor

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Jessica Sutter, City Secretary

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