

A G E N D A



Recommendation for Council Action

Austin City Council

Item ID

21183

Agenda Number

66.

Meeting Date:

3/21/2013

Department:

Austin Water Utility

Subject

Conduct a public hearing and consider an ordinance amending City Code Chapter 15-11 relating to private laterals.

Amount and Source of Funding

There is no unanticipated fiscal impact.

Fiscal Note

A fiscal note is not required.

**Purchasing
Language:**

**Prior Council
Action:**

**For More
Information:**

Bart Jennings, 972-0118; Denise Avery 972-0104

**Boards and
Commission
Action:**

Recommended by the Water and Wastewater Commission.

MBE / WBE:

Related Items:

Additional Backup Information

A private lateral is the wastewater line that connects a building to the City's wastewater system. A private lateral is not owned by the City. Austin Water performs investigations of private laterals for City retail wastewater customers when there is a wastewater overflow on private property or when there is a problem with the City's wastewater system that could affect or be affected by private laterals. Defects in private laterals can cause wastewater overflows in the City's wastewater system due to the intrusion of roots or inflow and infiltration of ground water.

The City's Land Development Code, Chapter 15-11, requires property owners to properly maintain private laterals and provides for the City's investigation of private laterals and for enforcement actions. A property owner is notified by the City and given 120 days to remedy a defect identified by the City. Property owners are notified of a City grant program through Neighborhood Housing for income-eligible persons (Commercial and Multi-family properties are not eligible). Property owners are given notice after the 90th day of the 120-day period that at the end of the 120th day the City will seek municipal court action if the private lateral has not been repaired.

The amendment proposes the following changes to Chapter 15-11:

1. Add provisions to allow the City to contract to repair or replace the private lateral or correct the condition, and to place a lien on a property (in cases when the building/residence is a rental) or place a charge on the property owner's monthly City water utility bill; and
2. In cases where a charge is applied, the charge will be pro-rated over 5 year period with 10% annual interest. The charge can be paid in a lump sum (with no interest paid) or within 5-year period (interest paid as accrued). In cases where a lien is applied, the lien amount will accrue 10% annual interest

The proposed process anticipates municipal court action prior to implementation of these actions, but allows flexibility to vary from that order. The proposed amendment will allow the City to ensure private lateral defects are repaired.