

**ORDINANCE NO. 1470-2026**

**AN ORDINANCE AMENDING CHAPTER 13 "UTILITIES" OF THE RIVER OAKS CODE OF ORDINANCES (2020) REVISING DIVISION 3 "WASTEWATER SERVICE POLICY" SPECIFICALLY IN SECTION 13.02.076 "MAINTENANCE OF CUSTOMER BUILDING DRAINS". REPEALING THE FORMER ORDINANCES IN CONFLICT THEREOF; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, under the current Wastewater Service Policy, pursuant to Section 13.02.076 "Maintenance of Customer Building Drains", building drains are defined as the wastewater discharge line from the residence or commercial building to the connection with the city's main sewer line; and

**WHEREAS**, with main sewer lines primarily being located in the city street, any contractor or homeowner would currently be required to excavate in the street, which would require additional bonding requirements and pursuant to the fee schedule ordinance would require an additional street cut fee at \$25 per foot, which for a 20-foot street cut would amount to an additional \$500 that would be ultimately passed along to the property owner; and

**WHEREAS**, City Staff further find that to replace the street and meet city street standards should be done by city street crews and not an individual or contractor that is not accustomed to meeting those standards which in time may result in a street that is subject to failure; and

**WHEREAS**, the City Staff further find and are of the opinion that it should be the city's responsibility to maintain the building drain lines that are located within the street from the prevailing edge of the street to the city's wastewater main line; and

**WHEREAS**, the City Council has concluded after due and careful consideration concurring with the City Staff to revise the wastewater utility policy with the adoption of this ordinance amending the River Oaks Code of Ordinances (2020) by defining the customers building drain to be from the residence to the prevailing edge of the street, which is a line parallel or approximately parallel to the street measured perpendicularly.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:**

**SECTION 1.**

With the adoption of this ordinance, Article 13.02 "Utility Policy", Division 3 "Wastewater Service Policy", specifically in Section 13.02.076 "Maintenance of Customer Building Drains of the River Oaks Code of Ordinances (2020) as adopted and as amended shall be revised to now read as follows:

"Section 13.02.076 "Maintenance of Customer Building Drains"

- (a) Building drains are defined as the wastewater discharge line from the residence or commercial building to the prevailing edge of the street which is a line parallel or approximately parallel to the street measured perpendicularly.

- (b) City sewer mains are defined to mean the main trunk line located in the city right-of-way designed to receive sanitary wastewater from a residence or commercial building and transport such wastewater to the wastewater treatment facilities controlled or contracted for by the city.
- (c) It is the responsibility of the customer to contact the city prior to contacting a drain cleaner or plumber in regards to customer building drain stoppages in order that the city crews can verify if the stoppage is in the customer's building drain or in the city sewer main. The city has 24-hour emergency personnel on call in order to answer such complaints.
- (d) The customer is responsible for the cleaning of the building drain from the house or commercial building to the city sewer main.
- (e) The city is not responsible for paying any plumbing bills for drain cleaning charged to the homeowner for services rendered of individual building drain lines. The city is responsible only for Individual building drain lines that collapse in the street right-of-way.
- (f) In the event that the blockage is on the customer building line, it is the responsibility of the homeowner to have the blockage removed. If for any reason the homeowner has a reason to believe that the blockage is not on the customers side, the homeowner can request the city to excavate and uncover the city's line on the City's side to identify where the blockage is located. Once the city identifies the problem area the customer shall be notified by a city representative. If the problem is not on the city's side, it shall be the responsibility of the homeowner to have it repaired and the costs associated with services performed by the city including labor, machinery, street replacement and dirt work shall then become the responsibility of the homeowner to reimburse the City for the costs incurred by the City.
- (g) The owner shall insure that a plumbing permit was taken out by a Responsible Master Plumber prior to the building drain being altered or replaced and/or including, but not limited to any other changes made to their existing plumbing system that require permitting and the installation shall be performed and installed by a state-licensed plumber that is licensed by the plumbing examiners board of the state unless the property owner provides proof that it is their legal homestead. A property owner is not required to be licensed to perform plumbing on their own property if it is their legal homestead providing, he/she obtains a homeowner plumbing permit to do so."

## **SECTION 2. CUMULATIVE CLAUSE**

This Ordinance shall be Cumulative of all provisions of Ordinances and of the River Oaks Code of Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances or Code, in which case the conflicting provisions of such Ordinances or Code are hereby repealed.

## **SECTION 3. SEVERABILITY CLAUSE**

It is hereby declared to be the intentions of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 4. SAVINGS**

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City of River Oaks Code of Ordinances (2020), as amended, or any other ordinances affecting Utility Policy procedures which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.  
PENALTY**

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2020) as adopted and as amended; whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

**SECTION 6.  
REPEALING CLAUSE**

With the adoption of this ordinance, all ordinances or provisions previously adopted that are in conflict hereof, shall be repealed in their entirety.

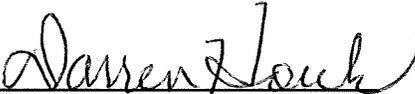
**SECTION 7.  
PUBLICATION**

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

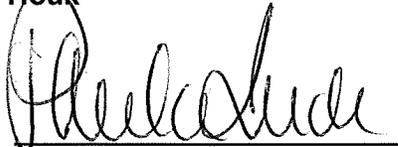
**SECTION 8.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF JANUARY 2026.**

  
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Mayor Darren Houk

ATTEST:

  
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Paula Luck  
City Secretary