

ORDINANCE NO. 2017-18

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 74, UTILITIES, ARTICLE III, SEWER AND SEWAGE DISPOSAL, SECTION 74-127, MAINTENANCE RESPONSIBILITIES OF CITY AND PROPERTY OWNER; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 14, 2017, Venice City Council directed staff to prepare an ordinance so the customer is only responsible for maintenance of a sewer line from the residence to clean out or property line; and

WHEREAS, this ordinance modifies sanitary sewer maintenance responsibilities of city and property owner in Chapter 74.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. Chapter 74, Utilities, Article III, Sewer and sewage disposal, Section 74-127, Maintenance responsibilities of city and property owner, is amended to read as follows:

Sec. 74-127. Maintenance responsibilities of city and property owner.

- (a) *Existence of a sanitary sewer cleanout:* If a sanitary sewer cleanout approved by the utilities department does exist at the property line, the city shall be responsible for maintenance of a building sewer from the sanitary sewer main to the cleanout at the property line. ~~or near the right-of-way, maintenance of the sewer service lateral from the city's sewer main to and including the cleanout shall be the responsibility of the city, and maintenance of the sewer service lateral between the cleanout and facility it serves shall be the responsibility of the customer.~~
- (b) *Absence of a sewer cleanout:* If no sanitary sewer cleanout approved by the utilities department exists at the property line, then the city shall be responsible for maintenance from the sanitary sewer main to the property line. ~~or near the right-of-way, maintenance of the sewer service lateral shall be the responsibility of the customer from the dwelling all the way to its point of connection to the city's sewer main.~~
- (c) *Construction of sewer cleanout:* The utilities department encourages sewer customers to consider the installation of an approved sewer cleanout on the customer's sewer service lateral in order to facilitate removal of blockages and to more easily delineate maintenance

responsibilities. In order for a new sewer service line cleanout to be eligible for approval both the cleanout and the sewer service lateral between the cleanout and the city's sewer main must be clearly demonstrated to be in good working condition and accepted by the utilities department.

- (d) *Location of cleanout may vary:* In order for a sanitary sewer cleanout to be readily accessible for maintenance activities, it may be necessary for its location to be modified. For a newly constructed cleanout the customer should obtain approval of the cleanout location prior to its construction. For an existing cleanout where accessibility of the cleanout has become impractical or impossible due to construction or placement of physical features by the customer, responsibility for maintenance of the service line from the cleanout to the sewer main shall revert to the customer until the customer has remedied the cleanout access issue to the satisfaction of the utilities department.
- (e) *Sewer mains and services not in rights-of-way:* While most city sewer mains are located within a street right-of-way, some are located within utility easements. For sewer service to city sewer mains within easements the application of the term "right-of-way" and "easement" shall be interchangeable.

SECTION 2. Severability. If for any reason a provision of this ordinance or the application thereof to any person, group of persons, or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the ordinance are severable.

SECTION 3. Effective Date. This Ordinance shall take effect immediately upon its adoption, as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 13TH DAY OF JUNE 2017.

First Reading: May 23, 2017

Final Reading: June 13, 2017

Adoption: June 13, 2017

John Holic, Mayor

Attest:

Lori Stelzer, MMC, City Clerk

*The City of Venice Code of Ordinances is amended as follows
with ~~strike through text~~ identifying deletions and underlined text indicating additional language.*

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, a meeting thereof duly convened and held on the 13th day of June 2017, a quorum being present.

WITNESS my hand and the official seal of said City this 13th day of June 2017.

Lori Stelzer, MMC, City Clerk

Approved as to form:

City Attorney

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with ~~strike through text~~ identifying deletions and underlined text indicating additional language.*