

## ORDINANCE NO. 1035

### AN ORDINANCE REQUIRING SUMP PUMP INSPECTIONS PRIOR TO TRANSFERRING WATER SERVICE

WHEREAS, the City of El Paso is experiencing ongoing and increasing problems with the residents of the City of El Paso placing storm water into the El Paso sanitary sewer system through illegal sump pump hook-ups located in the basements of residences; and

WHEREAS, many homeowners are not aware of the requirements of sump pump discharges, and many residences have sump pumps unintentionally and unknowingly discharging into the sanitary sewer system; and

WHEREAS, the problem of increased sump pump discharges into the sanitary sewer system is now causing homes to have sewer back-ups in the basements of residences which endanger the health and welfare of the occupants, and cause extensive required repairs and maintenance expenses to basements; and

WHEREAS, the City of El Paso finds it in the best interest of the citizens of El Paso to increase the awareness of this issue and enforce compliance; and

WHEREAS, the City intends to utilize education, investigations, and inspections to ensure better enforcement and compliance of the present City requirements involving the sump pumps located in the City of El Paso; and

WHEREAS, one of the methods of enforcing compliance is to determine whether each home transferring water service to a new occupant or owner is in compliance with the sump pump discharge regulations of the El Paso Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of El Paso as follows:

**SECTION ONE:** Chapter 302, WATER AND SEWERS, of the El Paso Municipal Code is hereby amended by adding §302-53 regarding the transfer of water service of a residence whenever the water and sewer service is transferred from a homeowner to a new homeowner or from an occupant of the residence to a new occupant. The new §302-53 shall read as follows:

#### **§302-53(a) - Transfer of Water Service and Sewer Service Contingent Upon Receipt of Proof of Compliance of Sump Pump Discharge**

Before the City will transfer the water service or sewer service to a new owner or occupant of a residence located within the City of El Paso, the new homeowner or occupant shall provide City proof that all sump pumps of the residence are properly installed and are not illegally discharging into the sanitary sewer system of the City of El Paso. This proof of compliance of proper discharge of the sump pump shall be accomplished by a written certification by a licensed plumber who has inspected the plumbing system within the last 60 days and found the residence to be in complete compliance with the El Paso Municipal Code as it relates to storm water discharge from sump

pumps, or from a certification of the Director of Public Works of the City of El Paso, or any City employee authorized by the Director of Public Works, indicating they have inspected the plumbing system and found it to be in compliance. A certification form shall be prepared and distributed by the City Clerk for use in certifying compliance.

#### **§302-53(b)**

Notwithstanding the provisions of §302-53(a) above, no certification of compliance shall be required to be submitted by the new homeowner or occupant if any of the following exceptions occur:

i. The owner certifies that there is no sump pump located in the basement of the residence. In the event a sump pump is in the basement but is currently inoperable, a certificate of compliance shall still be required.

ii. A certification has previously been furnished to the City within the last 36 months, indicating that the sump pump is properly discharged.

#### **§302-53 (c)**

In the event the sump pump is determined to be not in compliance with the discharge requirements, the new occupant or homeowner shall be permitted 30 days to bring the system in compliance with the sump discharge requirements, and in the event the homeowner or occupant fails to bring the system in compliance within 30 days, such homeowner shall be subject to the fines and penalties set forth in the Water and Sewer chapter of the El Paso Municipal Code with a fine of not less than \$100 nor more than \$750, and each day in which such violation continues shall be deemed a separate offence. All fines and penalties shall be assessed against the owner of the residence as the owner shall be deemed to be responsible for the proper discharge of the sump pump or pumps whether the residence is the personal residence of the homeowner or a rental residence. During the 30 day compliance period, the new occupant or homeowner may obtain water and sewer service to the residence if such occupant or homeowner agrees to become in compliance during this period.

#### **§302-53 (d)**

The City Clerk of the City of El Paso shall maintain an accurate written record of each residence located in the City of El Paso where sump pumps are known to exist, showing the date of any certifications received by the City that the sump pump has been inspected and is found to be in compliance with the El Paso Municipal Code requirements.

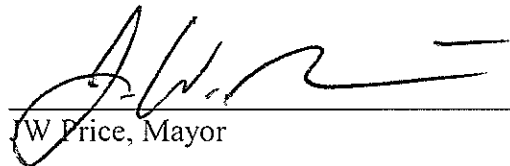
§302 53 (e)

Upon request by any homeowner, the City of El Paso Director of Public Works, or any of his authorized agents who are employees of the City of El Paso shall, upon request by the homeowner or occupant, and without charge to the homeowner or occupant, inspect the sump pump to determine whether it is properly discharged in compliance with the El Paso Municipal Code.

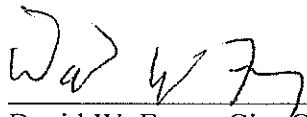
**SECTION TWO:** This ordinance shall take effect upon its passage, approval and publication in pamphlet form as provided by law.

PASSED and APPROVED this 17th day of August, 2020.

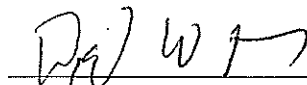
APPROVED:

  
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J.W. Price, Mayor

ATTEST:

  
\_\_\_\_\_  
David W. Fever, City Clerk

PASSED by the City Council on the 17th day of August, 2020.  
APPROVED by the Mayor on the 17th day of August, 2020.  
PUBLISHED in pamphlet form on the 18th day of August, 2020.

  
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David W. Fever, City Clerk