ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY OF LEAGUE CITY, TEXAS, AMENDING CHAPTER 114, "UTILITIES," OF THE CODE OF ORDINANCES TO ADD SECTION 114-6, AUTHORIZING TERMINATION OF WATER SERVICE FOR CERTAIN HEALTH AND SAFETY VIOLATIONS INCLUDING MALFUNCTIONING SEPTIC SYSTEMS; PROVIDING FOR NOTICE, DUE PROCESS, AND APPEAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED THERETO

WHEREAS, the City of League City, Texas (the "City"), is a home-rule municipality with full power of local self-government under Article XI, Section 5 of the Texas Constitution and Chapter 51 of the Texas Local Government Code; and

WHEREAS, the City has a duty under Section 341.013(c) of the Texas Health and Safety Code to enforce sanitation and sewage disposal laws and regulations to protect public health; and

WHEREAS, the City is authorized under Sections 552.001(b) and 551.002 of the Texas Local Government Code to regulate and manage municipal utility systems and to discontinue water service for cause; and

WHEREAS, the continued operation of a malfunctioning septic system poses a direct threat to public health and the City's water supply; and

WHEREAS, the City Council finds it necessary and appropriate to adopt enforcement measures, including the termination of water service, for such violations, subject to notice and due process protections;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The Code of Ordinances is hereby amended to ADD Section 114-6, Article I of the Code of Ordinances of the City of League City entitled "**Termination of Water Service for Health and Safety Violations**" as indicated below:

Section 114-6 – Termination of Water Service for Health and Safety Violations

(a) Authority to Terminate Service. The City may terminate water service to any premises where a malfunctioning septic system discharges sewage or effluent in a manner that constitutes a public

health hazard or violates applicable law. This authority is a valid exercise of the City's police powers to protect public health, safety, and welfare.

(b) Condition of Service. Water service is conditioned on compliance with all applicable public health, environmental, plumbing, and utility regulations. Owners and occupants acknowledge that the City may terminate service for failure to comply with these rules.

(c) Notice and Opportunity to Cure. Before termination, the City will provide written notice to the property owner and any known occupants. The notice will describe the violation, the required corrective action, a compliance deadline of at least ten calendar days (unless an emergency exists), the proposed termination date, and the right to appeal. The City will make reasonable efforts to identify and notify occupants independent of the property owner.

(d) Emergency Termination. The City may terminate water service without prior notice if the violation poses an immediate and substantial threat to public health or the municipal water system, consistent with 30 TAC § 290.46(j). Immediate threats include raw sewage discharge, cross-connection contamination, or other imminent hazards. Service may not be restored until the condition creating the hazard is eliminated.

(e) Appeal Procedure. An appeal may be submitted in writing to the City Secretary within five calendar days of receiving notice. The person appealing may submit documents, photos, or other evidence in support of their position. The City Manager or designee will review the appeal and may hold a hearing or request more information. A written decision will be issued within seven calendar days and is final.

(f) Restoration of Service. Water service will not be restored until the violation is corrected to the City's satisfaction, confirmed by a City inspection or a licensed contractor's certification. All applicable disconnection, reconnection, and administrative fees must be paid in full before service is reinstated.

(g) Alternative Remedies. In lieu of termination, the City may issue a corrective order at the discretion of the City Manager or designee. This remedy may be used independently or in conjunction with service termination.

(h) Limitation of Liability. The City is not liable for any damages resulting from good-faith enforcement under this section. Nothing in this section waives governmental immunity.

(i) Cumulative Remedies. The City's authority under this section is cumulative of all other enforcement tools available under state law, including nuisance abatement, health and safety codes, building code enforcement, Local Government Code Chapter 54, and related legal remedies. Nothing herein shall be construed to limit the City's duty to cooperate with the Texas Commission on Environmental Quality (TCEQ) in matters within its jurisdiction.

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective upon passage.

PASSED first reading the _____ day of _____, 2025.

PASSED AND ADOPTED the ____ day of _____, 2025.

NICK LONG
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL (mv)
City Attorney