

ORDINANCE 2005-O-022

AMENDING THE CITY OF LAREDO CODE OF ORDINANCE CHAPTER 28, STREETS, SIDEWALKS, AND PUBLIC PLACES ARTICLE II, EXCAVATIONS, DIVISION 2, PERMIT- SECTION 28-31, REQUIREMENTS; EXCEPTIONS OF THE CODE OF ORDINANCE OF THE CITY OF LAREDO, THEREBY REQUIRING THAT ALL CONSTRUCTION PROJECTS IMPACTING THE PUBLIC RIGHT-OF-WAY SHALL FOLLOW THE UTILITY COORDINATION PROCESS IN ACCORDANCE TO THE UTILITY PLANNING AND COORDINATION GUIDE PRIOR TO SECURING A PERMIT FOR CONSTRUCTION, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City of Laredo, through mutual agreement with utilities and other entities, has been requiring for the last five years that all projects impacting the public right of way follow a utility coordination process in order to properly identify all utilities in advance in order to minimize project delays and damages to utilities; and

WHEREAS, this ordinance amendment will require that all projects that will have impact on the public R.O.W., shall have to follow the Utility Coordination Process as specified in Utility Planning and Coordination Guide prior to the issuance of construction permits, and;

WHEREAS, the City Council is in agreement that it is in the best interest of the city that all projects that will impact the public right of way shall follow the Utility Planning and Coordination Guide before securing a permit,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

SECTION I.

Amending Chapter 28, Streets, Sidewalks and Public Places, Article II, Excavations, of the Code of Ordinances of the City of Laredo by specifically amending Section 28-31, Requirements; Exceptions, requiring that all projects that will have an impact on the public right of way shall follow the Utility Planning Coordination Guide prior to acquiring a construction permit.

SECTION 28-31. Requirements; exceptions

- (a) It shall be unlawful for any individual, *partnership*, corporation, public service company *or any other entity*, under any circumstances whatsoever to make any cut or excavation in any street, alley, sidewalk, curb, curb and gutter, drainage structure or appurtenances in a public right-of-way or public easement without first obtaining a written permit from the city engineer. *Prior to applying for a construction permit; it shall be required that all projects that will have impact on the public R.O.W. follow the Utility Coordination Process in accordance to the Utility Planning and Coordination Guide and obtain a letter of completion of the process from the Utility Coordination office.* Application for a permit must be made at least forty-eight hours (48) hours prior to the proposed activity unless an emergency exists in which case work shall be undertaken by the individual corporation or public service company to safeguard public safety and public welfare, and such corporation or company shall notify the city engineer's office as soon as it is practical to do so.
- (b) Any work to be performed within the state highway right-of-way shall be constructed in compliance with the following conditions:
 - (1) The applicant shall secure a permit from the Texas Department of Transportation.
 - (2) The permit will go through the office of the city engineer for his review and approval.
 - (3) The city engineer's approval of the permit does not waive the permittee from paying a permit fee or from adhering to the requirements set forth by the TxDot.
 - (4) The activity area shall be subject to joint inspection by the TxDot and by the city engineer.
- (c) Any governmental agency, individual, firm, corporation or public service company who is under contract to perform work with the city and has stipulated in the contract agreement that the work performed shall be bonded and warranted for a period of one year, shall not be required to secure a written permit from the city engineer.
- (d) Any individual, firm, corporation or public service company desiring to construct, erect, install or relocate utility poles in or upon any public easement or public street right-of-way shall not be required to secure a written permit from the city engineer.
- (e) Any individual, firm, corporation or public service company desiring to cut or excavate a trench eight (8) inches wide or less in the pedestrian way of a public street without causing damage to any sidewalk or driveway shall not be required to secure a written permit from the city engineer.
- (f) Permits shall be issued in triplicate, with the original to be kept by the city engineer, one copy to be given to the applicant, and a copy to be given to the department of public works.

SECTION II: SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or for any other reason unenforceable, the validity of the remaining portion of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Laredo in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity and all provisions are declared severable for that purpose.

SECTION III: PUBLICATION

This ordinance shall become effective upon its passage following the date of publication required pursuant to the provisions set for in Section 2.09 (d) of the City Charter.

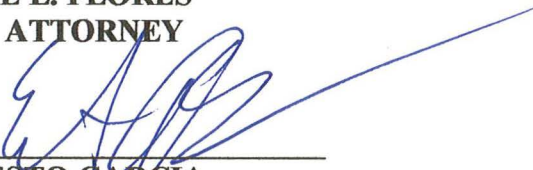
APPROVED BY THE MAYOR ON THIS 24th **DAY** January, 2005.


ELIZABETH G. FLORES
MAYOR

ATTEST:


GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

By: 
ERNESTO GARCIA
ASST. CITY ATTORNEY

COUNCIL COMMUNICATION

DATE 01/24/05	SUBJECT: FINAL READING OF ORDINANCE 2005-O-022 AMENDING THE CITY OF LAREDO CODE OF ORDINANCE CHAPTER 28, STREETS, SIDEWALKS, AND PUBLIC PLACES ARTICLE II, EXCAVATIONS, DIVISION 2, PERMIT – SECTION 28-31, REQUIREMENTS; EXCEPTIONS OF THE CODE OF ORDINANCE OF THE CITY OF LAREDO, THEREBY REQUIRING THAT ALL CONSTRUCTION PROJECTS IMPACTING THE PUBLIC RIGHT-OF-WAY SHALL FOLLOW THE UTILITY COORDINATION PROCESS IN ACCORDANCE TO THE UTILITY PLANNING AND COORDINATION GUIDE PRIOR TO SECURING A PERMIT FOR CONSTRUCTION, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.	
INITIATED BY: Larry Dovalina, City Manager		STAFF SOURCE: Roberto Murillo, P.E., Traffic Safety Director Lucio A. Garcia, Manager of Operations
PREVIOUS COUNCIL ACTION: None.		
BACKGROUND: In the past, public and private utilities in Laredo were experiencing problems in providing service to developing areas of the City of Laredo and its Extra-Territorial Jurisdiction. Damages to lines and disruption of services were occurring regularly. Delays to construction were common, streets were being paved one day, but then cut for utility lines the next day. Communication gaps obviously existed among the participants in the development process. This translated into coordination problems between developers, the consulting engineers, city departments and public and private utilities from the project's inception through the construction phase. Traditionally, the consulting engineer submitted design plans that included street geometric and layouts, tentative grades, along with proposed storm sewer locations and grades. Usually, the water and wastewater plans were also included. However, the remaining utilities such as electric, gas, telephone and cable television did their own design without the benefit of the consultant's plan. Because several different contractors were involved in the construction, damage to utilities already in place frequently occurred creating both unsafe and uneconomical situations. Standards for the location of utility lines within street right-of-way and easements in proposed developments were inadequate, ill defined, and seldom enforced. Lack of an established construction sequence for the various utilities also compounded the problem. The city staff and various utility companies began to seek ways to improve the coordination between the utilities and establish standards for location, design, and construction of utility mains and service. The objective was to coordinate the movements of lines in streets to prevent disruption of municipal and utility company service and to eliminate down time affecting the contractors.		
FINANCIAL IMPACT: None.		
COMMITTEE RECOMMENDATION:	STAFF RECOMMENDATION: Staff recommends approval of this ordinance.	