

CITY OF LAREDO ORDINANCE NO. 2018-O-031

AMENDING CHAPTER 28, ARTICLE IX PUBLIC RIGHT OF WAY MANAGEMENT; AMENDING SECTION 28-165, DEFINITIONS; AMENDING SECTION 28-174, PERMIT REQUIRED; CLARIFYING SECTION 28-215, FEES; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR PUBLICATION, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City is charged with maintaining control of and access to the Right of Way in order to protect the health, safety and welfare of its citizens and;

WHEREAS, it is desirable to adopt regulations that will provide the City greater control over the Right of Way in City streets; and

WHEREAS, substantial public funds have been invested to build, maintain and repair the City Streets that are held as an asset on trust for its citizens, it is necessary to protect the structural integrity of the streets and safeguard the value of this public investment for the benefit of City residents; and

WHEREAS, entities making and benefiting from an excavation in a City street also should comply with standards and requirements for compaction, backfill and pavement restoration and resurfacing that ensures the best possible restoration of the paved surface over and adjacent to the trench; and

WHEREAS, the amendments proposed herein provide for the orderly and healthful development of the City of Laredo; and,

WHEREAS, the City Council finds it difficult for existing homeowners to hire a registered contractor to construct a driveway or sidewalk on a residential local streets with low traffic volumes; and,

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

ARTICLE IX PUBLIC RIGHT OF WAY MANAGEMENT

Section 1: Amending SEC. 28-165 DEFINITIONS

(c) APPLICANT means an owner, authorized agent of an owner, or a homestead owner, who submits an application for a Permit under these provisions of the City Code.

(h) PERMITEE means any Person, homestead owner (for the purpose of driveway and sidewalk permits of existing homes located on residential local streets with low traffic volumes only) or Right of Way User (including its authorized agents and representative) to whom a Permit is issued to Excavate a Right of Way.

(cc) RIGHT OF WAY-(ROW) USER means a Person, its successors and assignees, that uses the Right of for purposes of work, Excavation, provision of Services, or to install, construct, maintain and repair Facilities thereon, including, but not limited to, landowner and Services providers or a homestead owner (for the purpose of driveway and sidewalk permits of existing homes located on residential local streets with low traffic volumes only).

Section 2: Amending SEC. 28-174 PERMIT REQUIRED

It is unlawful for any Person, its agents, servants, employees or a homestead owner (for the purpose of driveway and sidewalk permits of existing homes located on residential local streets with low traffic volumes only) to dig, plow, blast, make cuts, openings, bore, excavate or use the Right of Way for any purpose without first having made application and obtained a Permit. It is unlawful for any Person, its agents, servants, employees or a homestead owner (for the purpose of driveway and sidewalk permits of existing homes located on residential local streets with low traffic volumes only) to make or cause to be made any Excavation in or under the surface of any Right of Way for the installation, repair or removal of any Facilities or for any other purpose without first obtaining from the Director a Permit in compliance with this Chapter.

B) At the time of the Permit is issued the Applicant shall pay a non-refundable Application Fee in an amount as provided for in this Chapter, except franchise or access fee payee of the City shall be exempt from the payment of such application fee. Homestead owners (for the purpose of driveway and sidewalk permits of existing homes located on residential local streets with low traffic volumes only) shall provide a legal document to hold the City of Laredo harmless from accidents, death or any incident thereto.

Section 3: Amending SEC. 28-215 FEES

- A) PERMIT APPLICATION FEE – There is a non-refundable Permit application fee of (\$50.00) fifty dollars. Permits shall be issued or denied within five (5) days. There is an Expedited Application Fee of (\$250.00) Two-Hundred Fifty dollars for Permits which shall be issued or denied within two (2) days. The fees are paid by an Applicant when a permit is issued. The fees are charged for administration and input of Permit data. An expedited permit may be requested upon a showing good cause, including but not limited to a pending order for service that cannot be met by means of existing Facilities of the ROW User. In such event an expedited Permit may be requested and shall be issued or denied within two (2) days of application.
- B) INSPECTION FEE – The work allowed by each Permit shall be subject to inspection and approved by the Director. There is a non-refundable Inspection fee of two hundred dollars (\$200.00) for the first connection and fifty dollars (\$50.00) for each additional connection (water, sewer,

drainage/storm sewer, street, etc.). The Department shall conduct a minimum of three inspections during regular working hours. The fee shall be paid at the time of application for a Permit. Inspections may be performed on any and all Excavations, at the discretion of the Director, based on previous performance of the Utility Owner, location of Excavation, type of work and/or construction methodology. Overtime inspection fees are incurred at a rate of \$40.00 per hour Monday thru Friday and \$70.00 per hour on Saturday, Sundays and holidays. Residential driveways and sidewalks are exempt from the two hundred dollars (\$200.00) inspection fee.

Section 4: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 5: This ordinance shall become effective as and from the date of publication specified in Section 4.

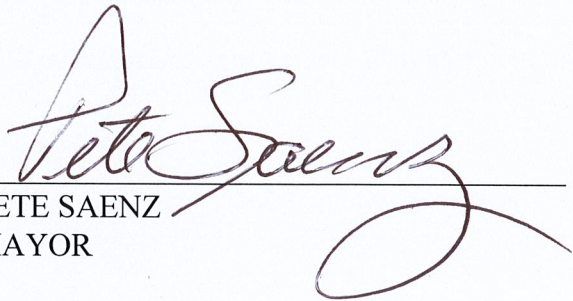
Section 6: Severability

If any provision, section subsection, sentence, clause, or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council 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 or another portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 7: Open Meeting

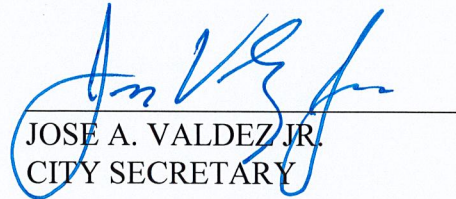
The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the city hall of the City for the time required by law preceding this meeting as required by the Open Meeting Law, Article 6252-17, Texas Revised Civil Statutes Annotated; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter approves and confirms such written notice and the contents and posting hereof.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
20th DAY OF February, 2018.



PETE SAENZ
MAYOR

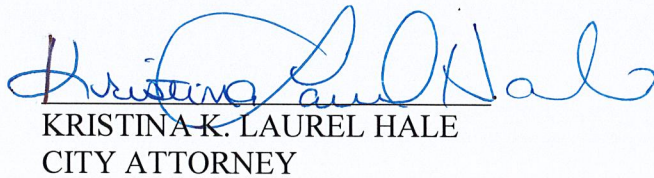
ATTEST:



JOSE A. VALDEZ JR.
CITY SECRETARY



APPROVED AS TO FORM:



KRISTINA K. LAUREL HALE
CITY ATTORNEY

City Council-Regular

Meeting Date: 02/20/2018

Initiated By: Ramon Chavez, Executive Director of Public Services

Staff Source: Victor J. Linares, P.E. Acting Director Building Development Services Department

SUBJECT

2018-O-031 Amending Chapter 28, Article IX Public Right of Way Management; Amending Section 28-165, Definitions; Amending Section 28-174, Permit Required; Clarifying Section 28-215, Fees; Providing for a Repealing Clause; providing for publication, severability, and effective date.

VENDOR INFORMATION FOR COMMITTEE AGENDA

N/A

PREVIOUS COUNCIL ACTION

The City Council held a public hearing and introduced approval of this ordinance on February 5, 2018.

BACKGROUND

The City must maintain control of all access of the Public Right of Way to protect the health, safety and welfare of the citizens. The Public Right of Way is utilized for streets, drainage and placement of utilities. The control of new construction and repairs of streets is necessary to ensure the safety of the motoring public. The City staff controls the number of street cuts by coordinating all projects with all Right of Way users and will make all users comply with standards and requirements for compaction, backfill and pavement restoration. The City staff will safeguard the traveling public and employees working in the Public Right of Way by Mandating Traffic Control plans when needed.

COMMITTEE RECOMMENDATION

N/A

STAFF RECOMMENDATION

Staff supports approval of this ordinance.

Fiscal Impact

Fiscal Year:

Budgeted Y/N?:

Source of Funds:

Account #:

Change Order: Exceeds 25% Y/N:

FINANCIAL IMPACT:

N/A

Attachments

2018-O-031

Washer/dryer n/d, upstairs, gated, 5410 Marcella, swimming pool area. Owner Financed option. 956-645-9091

Townlake Apts.
2Bed, 2Bath, CAH, upstairs W&D hkps, water incl. 1207 Hillside, 10,000 down, \$78,000. (956)724-2264

Owner Finance
2nd floor, 2bd/1ba, remodeled, walking distance Mall Del Norte, 412 Gale #16, (956)284-9858 Luis

LEGALS 250

2.2 Ac. Hwy 359, Comercial Corner, All or part. 102 Floral Blvd. Zoning B-3, Gonzalo Farias (956) 237-7478

60 to 75 Acre Tracts. Mangana Hein rd. 10 mi. From 83 South, Electricity, great hunting, Owner Finance \$2,750/acre. Gonzalo Farias (956)237-7478

ATTENTION HUNTERS! FOR SALE
90-acre ranch just outside of Oilton, TX. Contact Gloria Tellez, Realtor, Allison James of Texas, (956)645-8928 gtellez@stx.rr.com

and FREE cable & internet (coming soon). Rent: \$750/ mo., 1st month free with paid security deposit of \$750. Sorry no pets. Contacts: 956-999-5298, 956-235-0978 or joemanproperties@yahoo.com

1Bedroom, Couple Only! Very Nice \$500. + \$400Dep. water paid, 911 Rosario St.(956) 724-6430

1bd, liv rm., refrig, stove, water paid, 1 person, \$475 mo + \$250 dep., 1709 Iturbide call: 722-8875.

801 OKANE
1 and 2 bedrooms, 1 bathroom, washer and dryer hkps. Call: 956-712-2527

Apts for rent 1 or 2 bedrm, call for info 722-2491 Mon - Fri 9am -6pm, 1616

Calle del Norte apt #48 **PROMOTION HALF OFF ON FIRST MONTH RENT ON 1 BEDROOMS ONLY!!

Big 2bed/2bath, CAH \$850Mth + Dep. No pets! 4219 Tilden - (281)450-1549

Move-in Special
2 and 3 Bedrooms, close to Mall del Norte, fridge, stove, w/d hkps, water paid (956) 712-2527

NORTH LAREDO 2/Bd, 2/Bth, Gated, near schools, near HEB, \$900
Wright Realty (956) 718-4008

North Laredo
2 bedrooms, 1 bathroom. 421 Hilltop. behind Target. Call: 956-712-2527

Now Leasing 1 & 2 Bedroom Apt & 1 /1.5 Townhome available. Northside W/D, granite countertops, private patio, all tile, water & cable paid, 771-2892

HOUSES FOR RENT 97
113 Miraflores St. 4 bedrooms, 2 bathrooms. Rent \$600.00 Dep. \$250.00 Homes in Zapata Texas. Newly Remodeled Call: (956) 718-2892 to pick up an application and for more info.

3bed/2bath call Wright @718-4008

Condo For Rent, 8216 Casa Verde Rd. (Northside) 2bd/2ba, gated, swimming pool, \$1,050Mth Carla (956)744-8246 KW RE

ROOMS FOR RENT 106

Recamara Independiente con cocineta, a/c, Minas, \$525./\$325.dep. biles incluidos. 723-4747

MOBILE HOMES FOR RENT 112

3bedroom / 2bath at 2904 Cortez, \$850/month, \$850 deposit. RENTED

OFFICE SPACES FOR RENT 118

709 E. Calton, 1400 sq ft Professional Office, \$1550mth + Dep. Gina Mejia Realtor (956)740-6266

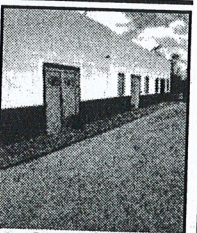
1008 E. Hillside, 2600 sq ft stand alone Commercial building, \$3200Mth + Dep Gina Mejia Realtor 956-740-6266

Office / Studio For Rent, 2,650 sq ft. 956-722-2491 Mon - Fri 9am -6pm, 1616 Calle del Norte apt #48

Office space 900 s.f. on 2212 McDonnell. 722-2705 Mrs. C Reyna or 832-984-1275 Javier

Office Suites for Lease, 6510 Polaris, Units Available, Great offices for Realtors, Billing & Insurance Companies. Contact for information Karla Cepeda. (956) 606-6088

COMMERCIAL RENTALS 120



Commercial Office For Rent, 9005 Mines Rd., High Traffic Area. For information Call 956-206-6237

Corner Commercial Property, Located at San Bernardo, Zone B-3, 2600 sq ft. \$1,800. Mth. Carla (956)744-8246 KW R.E.

FREE:

REGT \$400. site, Regi Great 2M/2

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fee is 95c 9!

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LIVES PLIES

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