

ORDINANCE NO. 844

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 20, "UTILITIES," ARTICLE VIII "UTILITY AND TELECOMMUNICATIONS FACILITIES WITHIN THE RIGHT-OF-WAY" BY ADDING A NEW SECTION 20-350 "ROAD CLOSURE PERMIT REQUIRED"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has previously adopted provisions governing utilities in the public rights-of way, including without limitation streets, roadways, and alleys within the City; and

WHEREAS, the City desires to update those provisions to incorporate provisions to require a permit for any construction work of any type by a utility that will require closure of all or any portion of a city street, roadway, or alley;

WHEREAS, the permit requirement is designed to ensure that a traffic control plan is approved and implemented to lessen the impact of such construction work on vehicular and pedestrian traffic within the City; and

WHEREAS, the City Council of the City of Everman finds it to serve the health, safety and general welfare of the City to approve this ordinance requiring a road closure permit for such utility work in the public rights-of-way within the City;

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

SECTION 1. That Chapter 20, "Utilities", Article VIII "Utility and Telecommunications Facilities Within the Right-of-Way" be and it is hereby amended by adding a new section 20-350 "Road Closure Permit Required; Fee" to read as follows:

"Sec. 20-350. – Road Closure Permit Required.

- (a) A person or entity shall obtain a road closure permit prior to performing any excavation, construction, relocation, removal, installation, repair, or maintenance of facilities within the public right-of-way which, for purposes of this Article, shall include without limitation streets, roadways, and alleys within the City, whenever that work will require or is reasonably anticipated to require the closure (temporary or permanent) of all or any portion of a street, roadway, or alley within the City. Work that obstructs or is reasonably anticipated to obstruct the flow of vehicular traffic on a street, roadway, or alley for any period of time will require a road closure permit.
- (b) Prior to commencing work which will require a road closure permit, the applicant shall submit to the Public Works Director:
 - 1. the road closure permit application which identifies the utility, the work to be performed, the location of the proposed work, and the dates and times of the proposed work,

2. a traffic control plan in a form approved by the Public Works Director;
and
 3. a signed statement that the work will be conducted in accordance with the traffic control plan.
- (c) The application and traffic control plan must be approved by the director and the permit issued before the work commences and the work must be performed in compliance with the approved traffic control plan and permit.
- (d) When performing work required by emergency conditions, the person or entity shall notify the city's police dispatcher, as promptly as possible, and the dispatcher shall notify the director of public works. The director shall determine if any city employee shall be required to be present for traffic control during emergency repairs. The person performing the emergency work shall submit to the city as soon as practicable, a reasonably detailed description of the work performed in the right-of-way and the traffic control plan that was utilized, if any."

SECTION 2. All ordinances of the City of Everman, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Everman, Texas, on this the 14th day of October, 2025.

APPROVED:

Ray Richardson, Mayor

ATTEST:

Mindi Parks, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
4917-9992-4586, v. 1