

ORDINANCE NO. 22-488

AN ORDINANCE OF THE CITY OF RICHWOOD, TEXAS, ESTABLISHING LIABILITY FOR THE DAMAGE OF CITY STREETS AND RIGHT OF WAYS DURING THE CONSTRUCTION OF RESIDENTIAL AND COMMERCIAL PROPERTIES; PROVIDING PENALTIES FOR FAILING TO COMPLY WITH THE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the City of Richwood, Texas (the “City”), acknowledge that residential and commercial construction requires the use of City streets and City rights-of-way to transport equipment and labor; and

WHEREAS, the Mayor and City Council of the City of Richwood, Texas, are deeply concerned about potential damages caused to City streets and City rights-of-way during the construction of residential and commercial properties in using various construction equipment; and

WHEREAS, the Mayor and City Council of the City of Richwood, Texas, find there exists a necessity to appoint liability and penalties for damage caused to City streets and City rights-of-way for the construction of residential and commercial properties.

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

Section 1. It is the intent of this ordinance to impose liability for damage caused to City streets and City rights-of-way caused during the construction of residential and commercial properties, to promote, protect and improve the health, safety and welfare of the citizens of the City by requiring damages caused to City streets and City rights-of-way to be repaired in an expedited manner so as to not obstruct traffic flow.

Section 2. Definitions

1. “Construction activity” means and shall include, but is not limited to, the causing or carrying out of any man-made change in any property or facility, whether residential or commercial, through building, erecting, installing, bulkheading, filling, mining, dredging, clearing, paving, grading, excavating, boring, drilling, or the addition, removal or alteration of any facility or any improvement to property, including altering of the size of any facilities, or other similar work or activity, in, over, under, through, along, around or across the rights-of-way or streets within the city limits.
2. “Excavation or Dirt Work” means any man-made formation of a house pad, cavity, hole or hollow by way of any means of digging, plowing, quarrying, uncovering, blasting, scooping, drilling, dredging, bulldozing, relocating or making cuts, openings, borings, tree removal, dirt work, or other actions or processes to form a house pad, cavity, hole or hollow.
3. “Contractor” means and includes, but is not limited to, all persons actually

performing, directing, monitoring, managing or overseeing any construction activity, work or other such similar activity in, over, under, through, along, around or across any streets or rights-of-way within the city limits.

4. "Owner" means any person having financial interests in property or facilities located in, over, under, through, along, around or across streets and rights-of-way in the city, including the person directing the actions of any contractor, paying a contractor, or for whose benefit the actions of the contractor are undertaken.
5. "Rights-of-way" means the surface of, and the space above and below, any and all present and future public thoroughfares, public utility easements, public ways, public grounds, public waterways and, without limitation by the foregoing, any other public property within the corporate limits of the city.
6. "Streets" means the surface of, and the space above and below, any and all present and future public streets, avenues, highways, boulevards, drives, roads, bridges, alleys, lanes, viaducts and all other public roadways within the city limits and any highways, county roads or other public roadways for which the city has an agreement or contract to control, regulate or maintain.
7. "Facility or facilities" means any plant, equipment and property, including, but not limited to, duct spaces, manholes, poles, towers, utility pipes, pipes, conduits, lines, wires, transmission media, underground and overhead passageways or other equipment, structures and appurtenances which are located in, over, under, through, along, around or across the rights-of-way or streets.

Section 3. The contractor and owner carrying on any construction activity, or excavation or dirt work, whether residential or commercial, shall keep all streets and rights-of-way adjacent to such construction activity or excavation, whether residential or commercial, carried on by such contractor or owner in a clean, safe and orderly condition, and unobstructed during all such activities, and shall restore all such streets, rights-of-way, facilities and other structures damaged, altered or injured, in any way, to as good condition as they were before the beginning of such activities, or better.

Section 4. Should any person, being the owner, builder, broker, developer of property within the city limits or contractor, fail to comply with section 3, the City shall have the right, after notice to the owner and contractor, to restore all such streets, rights-of-way, facilities and other structures damaged, altered or injured, in any way, located in, over, under, through, along, around or across the rights-of-way or streets and assess the cost of the repair against either the owner personally, the contractor, or against the property.

Section 5. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 6. If any section, subsection or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 7. That this ordinance shall be in effect immediately upon adoption.

Passed and Approved on this 11th day, April 2022

Steve Boykin, Mayor

ATTEST:

Kirsten Garcia, City Secretary