

CITY OF LAVON, TEXAS
ORDINANCE NO. 2021-05-02

Amendment – Underground Utilities Requirement

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 10, ARTICLE 10.04 “RIGHT-OF-WAY MANAGEMENT” OF THE CODE OF ORDINANCES TO AMEND SECTION 10.04.017 “GENERAL STANDARDS FOR RIGHT-OF-WAY USE AND CONSTRUCTION”, TO REVISE AND CLARIFY SUBSECTION (C) (1) “UNDERGROUND CONSTRUCTION AND USE OF POLES”; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERANCE CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Section (c) “Underground construction and use of poles” in Section 10.04.017 “General standards for right-of-way use and construction” of the Code of Ordinances provides standards and regulations regarding the installation of aboveground and underground construction in the right-of-way; and

WHEREAS, the City Council finds that refining and clarifying the regulation of the standards substantially advances the public health, safety, and general welfare of the citizens of Lavon, Texas.

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

Section 1. Incorporation of Recitals. The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

Section 2. Amendment. The City of Lavon Code of Ordinances, Section 10.04.017 (c)(1) is hereby amended in its entirety as follows:

(1) All utility companies operating in the City of Lavon, Texas are required to place and locate new pipes, lines, wire, equipment, facilities, and other appurtenances underground within the present and future public right-of-way, streets, avenues, alleys, public grounds, easements, and ways for the purposes of laying, maintaining, constructing, operating, and replacing the same for the supplying of public utilities to the citizens of the City of Lavon. Placing facilities underground does not preclude the use of ground-mounted appurtenances. In areas where existing facilities are aerial, the agency or public infrastructure contractor may modify the overhead facilities which may result in the addition of in-line facilities for the purpose of providing underground service from the overhead facilities. Related equipment, such as pedestals, must be placed in accordance with the city's applicable ordinance requirements and rules, including all visibility easement requirements.

Section 3. Conflict Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 4. Savings Clause. It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 18th day of May 2021.



Vicki Sanson

ATTEST:



Rae Norton

