

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 90, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE IV, EXCAVATIONS, DIVISION 2, PERMIT, TO ADD A NEW SECTION 90-117 TO ESTABLISH A MINIMUM DEPTH FOR THE PLACEMENT OF UTILITY LINES IN CITY RIGHT OF WAY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

WHEREAS, in preparation for refurbishing some of the City streets, city staff has discovered that some existing utility lines will need to be relocated because they were installed at insufficient depths creating both a safety hazard and an impediment to road reconstruction; and

WHEREAS, as a home rule municipality the City has the authority to direct how utilities place lines under the City's right of way.

NOW THEREFORE BE IT ORDAINED, by the City Council of Seguin, Texas:

SECTION ONE. The Seguin Code of Ordinances, Chapter 90, Streets, Sidewalks, and Other Public Places, Article IV, Excavations, Division 2, Permit, is amended by adding a new Section 90-117 to read as follows:

**Section 90-117. Requirements for installation of utility lines.**

a. All public and private utility lines including, but not limited to, gas, telephone, cable, and telecommunication lines that are installed within or under any city right of way or street, shall be placed so that the uppermost surface of the utility line is at least twenty-four (24) inches below the existing surface.

b. The minimum depth established above in subsection (a) shall apply to any subdivision in the City's extraterritorial jurisdiction that is subject to the City's Unified Development Code.

SECTION TWO. In accordance with Section 3.10 of the Seguin City Charter, this Ordinance shall become effective upon ten (10) days following passage on second reading.

SECTION THREE. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

SECTION FOUR. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

PASSED AND APPROVED on first reading this 3<sup>rd</sup> day of May, 2016.

PASSED AND APPROVED on second reading this 17<sup>th</sup> day of May 2016.

ATTEST:

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DON KEIL, Mayor

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Thalia Stautzenberger, City Secretary