

ORDINANCE NO. 2024-04-16-01

PUBLIC IMPROVEMENT COORDINATION ORDINANCE

AN ORDINANCE REQUIRING PUBLIC SERVICE PROVIDERS TO CONFORM FACILITIES LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY TO ACCOMMODATE PUBLIC IMPROVEMENT PROJECTS.

WHEREAS, the Village of Vinton (“Village”) in the exercise of its police powers has authority to control the location of facilities in its public right-of-way to the extent reasonably necessary to protect the overall health, safety, and welfare of the public.

WHEREAS, the Village of Vinton has identified the need to exercise its police powers to require public improvement coordination with public service providers having facilities located in its public right-of-way.

WHEREAS, the purpose of this ordinance is to require public service providers to conform their facilities, without cost to the Village of Vinton, whenever the Village has determined that it is reasonably necessary to accommodate the construction, repair, maintenance, removal, or installation of any publicly funded project within or upon the right-of-way to include street construction and widening, water, sanitary sewer, storm drains, street lights, traffic signals or any other public facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VINTON, TEXAS AS FOLLOWS:

- 1. Public Improvement Coordination.** Whenever the Village of Vinton deems it necessary to remove, alter, change, relocate, or adapt the underground or overhead facilities of a public service provider in the public right-of-way due to the reconstruction, widening, or straightening of streets; placement or replacement of water, wastewater, or storm water facilities; installation of traffic signals, traffic signs, and streetlights; or construction of any other municipal improvement project, the public service provider that owns the facilities shall conform its facilities to the project.
- 2. Relocation.** The facilities must be conformed, at the public service provider’s expense, within 90 days after the Village of Vinton issues notice to the public service provider, unless a different conformance schedule for the work is approved by the Village of Vinton.
- 3. Abandonment.** Facilities of a public service provider that are not conformed within the 90 days notice period or within the approved schedule will be deemed abandoned, and the Village of Vinton and any person working under contract with the Village of Vinton, will not be liable for any damage to or destruction or removal of the facilities, or for any interruption or termination of service through the facilities, caused by the activity of the Village of Vinton or its contractors.
- 4. Permit Required.** A person performing construction within the public right-of-way for the Purpose of conforming facilities at the request of the Village of Vinton to accommodate a public improvement project shall obtain a construction permit from the Village and shall be subject to the terms and conditions of the Village of Vinton’s procedures in effect at the time of issuance of the

permit. All such construction shall be performed in accordance with construction plans approved by the Village Engineer.

5. Definitions.

“Conform” means to remove, alter, change, relocate, or adapt the underground or overhead facilities of a public service provider in the public right-of-way in advance of proposed public improvements financed with public funds.

“Facilities” includes, but is not limited to, the plant, equipment, buildings, structures, poles, wires, cables, lines, conduit, mains, pipes, vaults, and appurtenances of a public service provider located within the public right-of-way and includes property owned, operated, leased, licensed, used, controlled, or supplied for, by, or in connection with the business of the public service provider.

“Person” means a natural person, a corporation, a public service provider or its representative, a permittee, a governmental entity or agency (excluding the Village of Vinton or its contractor), a limited liability company, a joint venture, a business trust, an estate, a trust, a partnership, an association, or any other legal entity.

“Public Right-Of-Way” means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or public utility easement in which the municipality has an interest. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications.

“Public Service Provider” means any energy delivery or transport company, telecommunications company, cable company, water utility, storm water utility, or wastewater utility, including any entity engaging in construction pursuant to a franchise agreement or license agreement within the Village of Vinton. The Village of Vinton, or any person working on behalf of the Village under contract, is not included in this definition.

“Village of Vinton” or “Village” means the Village of Vinton, TX, its officers, and employees, or any designated representative.

6. Enforcement and Offenses. A person commits an offense if, in connection with the performance of construction in the public right-of-way, they:

1. Fail to obtain a construction permit from the Village.
2. Fail to have its construction plans approved by the Village Engineer.
3. damage the public right-of-way beyond what is incidental or necessary to the performance of the construction;
4. damage public or private facilities within the public right-of-way;
5. fail to immediately clear debris associated with the construction from a public right-of-way after construction is completed; or

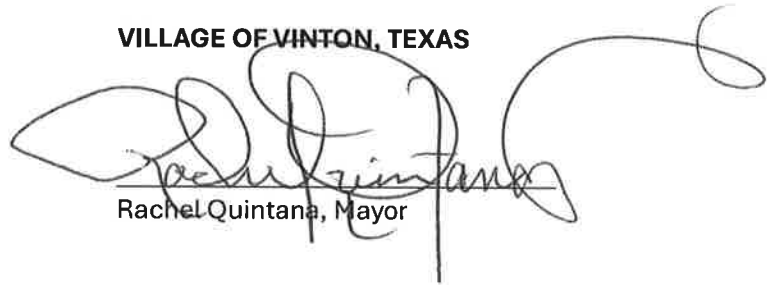
6. fail to stabilize any disturbed area from erosion within 14 days after construction is completed, unless an alternative timeframe is approved by the Village.

Any violation of this Ordinance is an offense that is considered a class C misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500.00). Each day the violation continues shall be a separate offense.

6. Effective Date. This Ordinance shall take effect ten (10) days after its passage, approval, and publication.

PASSED AND APPROVED on this the 16th day of April, 2024.

VILLAGE OF VINTON, TEXAS




Rachel Quintana, Mayor

ATTEST:



Andrea Nichole Carrillo,
Village Administrator

APPROVED AS TO FORM:



Shane English, City Attorney