

ORDINANCE NO. 102

AN ORDINANCE REGULATING THE CUTTING OF STREETS, ALLEYS AND SIDEWALKS IN THE TOWN OF SOUTHLAKE, TEXAS, FOR THE PURPOSE OF MAKING CONNECTIONS TO, OR TO REPAIR OR ALTER ANY WATER OR SEWER LINES OR HOUSE OR MAIN SEWER OR WATER LINES OR FOR ANY OTHER PURPOSE; PROVIDING FOR THE ISSUANCE OF A PERMIT FOR ANY OF SUCH STREET CUTTING SUBJECT TO SUCH REGULATIONS AS PROVIDED HEREIN; PROVIDING SPECIFICATIONS FOR BACKFILLING AND RESTORATION OF STREETS, ALLEYS AND SIDEWALKS FOLLOWING THE CUTTING THEREOF; PROVIDING FOR POSTING OF BONDS FOR PURPOSE OF INDEMNIFYING TOWN AGAINST DAMAGES TO TOWN GROWING OUT OF CUTTING OF SUCH STREETS, ALLEYS AND SIDEWALKS; FURTHER PROVIDING THAT ANY PERSON, PERSONS, FIRM OR CORPORATION, WHO SHALL DIG UP OR CUT ANY STREET, ALLEY OR SIDEWALK IN THE TOWN OF SOUTHLAKE, TEXAS, WITHOUT FIRST SECURING A PERMIT THEREFOR FROM THE TOWN SECRETARY, AND WHO FAILS AND REFUSES TO BACKFILL AND RESTORE SUCH STREETS, ALLEYS AND SIDEWALKS IN ACCORDANCE WITH SPECIFICATIONS PROVIDED HEREIN, SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND UPON CONVICTION SHALL BE FINED IN ANY SUM OF NOT LESS THAN \$ 5.00 AND NOT MORE THAN \$100.00, EACH DAY SUCH VIOLATION EXISTS SHALL CONSTITUTE A SEPARATE AND DISTINCT OFFENSE; FURTHER PROVIDING THAT IN CASE OF WILFUL VIOLATION HEREOF, SUCH VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE AS A MISDEMEANOR SHALL NOT PRECLUDE THE TOWN OF SOUTHLAKE, TEXAS, FROM INVOKING THE CIVIL REMEDIES GIVE IT BY THE LAWS OF THE STATE OF TEXAS, BUT SHALL BE CUMULATIVE AND SUBJECT TO PROSECUTION AS HEREINABOVE PRESCRIBED FOR SUCH VIOLATION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHLAKE, TEXAS:

1.

Any person, firm or corporation desiring to open any street alley, or sidewalk for the purpose of making connections to any water or sanitary sewer system or for any other purpose in the Town of Southlake, Texas, or to alter or repair any water lines or house or main or lateral sewer lines, or for any other reason shall first, make application to the Town Secretary of Southlake, or his authorized representative, and receive in writing a permit to open such street, alley or sidewalk for such purpose or purposes as the terms of the permit shall specify.

2.

(a) Before said permit is granted by the Town Secretary, the party applying therefor shall file with the Town Secretary a surety bond in the sum of \$1000.00, with good and sufficient surety, to be approved by the Town Secretary and City Attorney, conditioned that the said Permittee will restore all streets, alleys or sidewalks opened by said Permittee to the same condition that existed previous to such opening, under the specifications hereinafter provided, and will save, indemnify and keep harmless the Town of Southlake against all liabilities, judgments, costs and expenses which may in any way accrue against the Town in consequence of the granting of said permit.

(b) If such Permittee does not desire to file such bond with the Town, such application made for the cutting of a street shall be accompanied by a deposit in cash made to the Town Secretary in a sum as may be required by the City Engineer, based upon an estimate of the reasonable cost of the backfilling and restoration of the street, alley or sidewalk opened, as a guarantee that the holder of said permit will restore the said street, alley or sidewalk to the same condition that existed previous to its opening and under the specifications herein provided.

3.

Upon the expiration time named in the permit or sooner if the use of the streets, alleys, avenues or public grounds as provided therein is no longer necessary, the said Permittee shall clear said street, alley or sidewalk of all obstructions.

Specifications for restoring streets, alleys or sidewalks are as follows:

(a) DIRT STREET OR ALLEY: Ditch shall be well tamped in 6" layers and in case of settlement, party holding said permit agrees to maintain said ditch for a reasonable length of time.

(b) GRAVEL STREETS OR ALLEYS: Ditch shall be well tamped in 6" layers to a point 9" below the surface of the street, after which one (1) foot of good road gravel will be tamped in until level with the surface of the existing street. Party holding said permit agrees to maintain said cut for a reasonable length of time.

(c) ASPHALT TREATED GRAVEL STREETS: Ditch shall be taken care of as in the above paragraph and in addition the cut shall be finished by handpouring approximately .6 of a gallon of 90-100 penetration asphalt following with a covering of what is ordinarily terms chat or torpedo gravel.

(d) PAVED STREETS: Ditch shall be flooded and filled with a good quality of backfill gravel and tamped down to a point 6" below the top of the existing concrete base and then filled with 6" of 1:6 mixture of concrete. After four (4) days time, a surface shall be applied corresponding to the existing surface on the street.

(e) NO street, road, or thoroughfare in the Town that has been modified to conform to semi-permanent design, shall be cut or opened by Permittee, but that said Permittee shall be required to drill, core, or jack through the sub-grade at a depth to be determined by the City Engineer. However, if such procedure is deemed impractical by reason of rock, utilities, underground construction or terrain and a cut or opening is made, all backfill materials shall be of selected mineral aggregate and cement in proportions of 27 to 1 properly compacted and covered with a three (3) inch concrete slab sub-grade.

(f) SIDEWALKS, GUTTERS AND DRIVEWAYS: Ditch shall be flooded and filled with a good quality of backfill gravel after which a concrete surface shall be applied that meets with specifications for concrete sidewalks, gutters and driveways, as required by the Town.

(g) INSPECTION: Any and all of the above work shall be done under the direction of, and satisfactory to, the City Engineer. The holder of a permit shall notify the City Engineer twenty-four (24) hours prior to the time the backfill will be made and a City Inspector shall be present at the time the work is done, but this will in no way relieve the permit holder from his responsibility for maintenance due to failure of the repaired cut.

(h) IF such opening or excavation is not refilled and restored as herein provided and approved by the City Engineer or his authorized representative, it shall be the duty of the City Engineer to notify such Permittee in writing to refill and restore same and provided also, that if said Permittee shall fail to refill and restore the same within three (3) days after issuance of such notice, the City Engineer shall immediately proceed to have said opening or excavation refilled and restore said street, alley or sidewalk to its previous condition at the cost of such Permittee and to pay for the same either out of the aforementioned cash deposit, or demand payment of the cost of such restoration from said Permittee and his surety in cases where such Permittee has filed a surety bond as herein provided; further provided that in cases where a cash deposit was made, whatever amount of said deposit may remain after the payment of said cost of restoration is made, shall be refunded to the said Permittee; provided that if said Permittee shall refill and restore said street or alley to its previous condition and same is approved by the City Engineer, the aforementioned cash deposit shall be returned to Permittee upon authorization by the said City Engineer; provided further that in the event any Permittee shall fail to refill and restore any street, alley or sidewalk, that no further permit shall be issued the said Permittee by the Town Secretary until said excavation shall have been refilled

and restored and the cost of same has been fully paid.

4.

SAFETY OF THE PUBLIC: (a) The permit holder shall not cut or open more than one-half ($1/2$) of the roadway at a time in order to, maintain the flow of traffic at all times. However, in an emergency, or with the permission of the City Engineer, the total width of roadway may be cut or opened provided barricades are placed at the first intersection each way from the cut and suitable detour signs erected.

(b) If a cut or opening is left after 6:00 P. M. a barricade must be placed on both sides of the cut and a suitable flare or flares shall be placed in front of each barricade. Said barricades and flares to be furnished by the permit holder.

(c) It is understood that the permit holder shall be responsible for the safety of the public and shall be held fully liable for accidents and for damages that might be caused by said cut until same has been approved and accepted by the City Engineer, or his authorized representative.

5.

(a) Any person, persons, firm or corporation who shall dig up or cut any street, alley or sidewalks in the Town of Southlake, Texas, without first having secured a permit as provided herein, and who fails and refuses to comply with the specifications in back-filling and restoration of such streets, alleys and sidewalks, shall be deemed guilty of a misdemeanor and be subject to a fine in a sum of not less than \$ 5.00 nor more than \$ 100.00. Each day that such violation continues to exist shall be a separate and distinct offense.

(b) But in case of any wilful violation of any of the terms and provisions of this ordinance, the Town of Southlake, Texas, in addition to imposing the penalties above provided may institute any appropriate action or proceedings in any court having proper jurisdiction, to restrain, correct, or abate such violation; and the definition of any violation of the terms of this ordinance as a misdemeanor shall not preclude the Town of Southlake from invoking the civil remedies given it by the laws of the State of Texas, but shall be cumulative and subject to prosecutions as hereinabove prescribed for such violations.

6.

UNTIL such time as the Town retains a qualified person as City Engineer the County Engineer of Tarrant County, Texas, is hereby appointed to serve the Town as its City Engineer with full power and authority to enforce all of the provisions of this Ordinance.

7.

THIS Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Southlake affecting traffic on its streets and shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with those provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

8.

SHOULD any section, article, provisions or part of this ordinance be declared to be unconstitutional and void by a Court of competent jurisdiction, such decision shall in no way affect the validity of any of the remaining parts of this ordinance unless the part held unconstitutional or void is inseparable from and indispensable to the operation of the remaining parts. The Town Council hereby declares that it would have passed those parts which may be unconstitutional if it had known that such parts were unconstitutional at the time of the passage of this ordinance.

9.

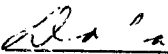
THIS Ordinance shall become effective, and be in full force and effect from and after the date of its adoption and publication as by law provided.

ADOPTED this _____ day of April, A. D. 1957.

APPROVED:

MAYOR

ATTEST:



TOWN SECRETARY.

STATE OF TEXAS

COUNTY OF TARRANT

I hereby certify that the above notice was published in
The Grapevine Sun, a newspaper published in Grapevine,
Tarrant County, Texas, in the issue of April 25, 1957.

Mona Keeling Oxford
Editor of The Grapevine Sun

Subscribed and sworn to before me this 2nd day of May 1957.

Florence B. Florence
Notary Public, Tarrant Co., Texas