



3301 Carmen Avenue
Rancho Viejo, Texas 78575
Phone: (956) 350-4093 Fax: (956) 350-4156

RIGHT-OF-WAY WORKING PERMIT

Name of Company DOING the WORK: _____

Contact name: _____ Email: _____

Address: _____ Phone # _____ Fax # _____

Name of CONTRACTOR: _____

Contact name: _____ Email: _____

Address: _____ Phone # _____ Fax # _____

Date of work: _____ Location of work: _____

If street is to be cut: Size of cut: Length _____ Width _____ Depth of Excavation _____

If street not cut, describe work: _____

- Length of time to accomplish work before excavation is back filled:

- Length of time from commencement to completion:

- Number and types of warning devices and barricades to be used at job site:

Signature: _____ Date: _____

For Office Use Only:

Detailed Plans/Specifications Submitted? _____ Estimated Cost of Work for Restoration: _____ Permit Fee: _____

Approved: _____ Date: _____

ORDINANCE NO. 96A

AN ORDINANCE OF THE TOWN OF RANCHO VIEJO, TEXAS REQUIRING ALL PERSONS AND OTHER ENTITIES TO COMPLY WITH THIS ORDINANCE PRIOR TO THE CUTTING OF ANY STREETS OR DIGGING OR EXCAVATING WITHIN ANY RIGHT-OF-WAY WITHIN THE TOWN OF RANCHO VIEJO; PROVIDING FOR THE ISSUANCE OF A PERMIT, COLLECTION OF A FEE, EXCEPTIONS FROM FEES, STANDARDS AND RESPONSIBILITIES FOR RESTORATION OF STREETS AND RIGHT-OF-WAYS; AUTHORIZING EMERGENCY WORK AND THE SUBSEQUENT ISSUANCE OF A PERMIT; REPEAL OF PRIOR ORDINANCES; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY AND AUTHORIZING PUBLICATION IN SUMMARY FORM.

WHEREAS, Article 1016 of Vernon's Annotated Civil Statutes of the State of Texas provides that any city or town incorporated under the general laws of this State shall have the exclusive control and power over the streets, alleys, and public grounds and highways of the city or town; and

WHEREAS, the Town of Rancho Viejo was incorporated under the general laws of this State and it needs to provide for the orderly control and repair of its streets that may be in any manner disturbed by other persons or entities that use the rights of ways within which the Town's streets are located, and

WHEREAS, Valley Municipal Utility District No. 2, Central Power & Light Company, Southwestern Bell Telephone Co., the Rio Grande Valley Gas Company and the Cable T.V. Company have heretofore either received a specific easement grant within the right-of-ways of the Town or have obtained a franchise from the Town and no fees shall be charged to them for the issuance of any permits:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS:

Section 1. No person or other legal entity shall cut, dig, excavate or in any manner disturb any street or portion of any right-of-way within the Town of Rancho Viejo, Texas without complying with this Ordinance.

Section 2. Any person or entity that cuts or excavates any paved street or street right-of-way within the Town shall prior to such work, subject to Section 8 of this Ordinance, file detailed plans and specifications with the Town showing the exact nature and location of the proposed work and said application shall also contain all other information and data as may be required by the Town's Building Official, and said Application shall contain at least the following information, to-wit:

- a) The exact location of the proposed work, and if a street is being cut, the exact size of the cut and depth of excavation;
- b) The exact date of excavation shall take place, the length of time to accomplish the work before the excavation is backfilled and passable;
- c) The length of time from commencement to completion of the job;

- d) The number and types of warning devices and barricades that will be utilized at the job site;
- e) Name and telephone number of responsible party available 24 hours a day in case of emergency;
- f) All other information that may be required by the Town.

Section 3. Any applicant shall furnish such additional information and data that may be required by the Town to administer the provisions of this Ordinance.

Section 4. a) The Town or its Building Official shall estimate the reasonable expense that will be incurred by the Town if it repaired any excavating work done by an applicant, and if the Building Official determines that the Town can restore any excavation done pursuant to the permit, the applicant may then pay the Town for the estimated cost of the work for restoration, and the applicant shall have no further liability for restoration; or b) the applicant shall post a cash bond payable to the Town of Rancho Viejo, in an amount equal to double the estimated cost of restoration, and when the applicant has certified to the Town that the street and/or right-of-way has been restored to as good or better condition than existed prior to the work and the Building Official has inspected the site and certifies the street or right-of-way has been restored, then the bond shall be refunded. If the applicant does not restore the street or right-of-way within the time provided by the permit, then the Town may correct the work (restore the street or right-of-way) and forfeit the cash bond to cover its costs and expense in connection therewith; or c) if the parties performing the work is Valley Municipal Utility District No. 2, Central Power & Light Company, Southwestern Bell Telephone Co., the gas company or the cable T.V. company, then they may perform such work without the requirement of the posting of the bond and if said entity does not restore the street as required by this Ordinance, then they shall be liable to the Town for any cost incurred by it in repairing said street and the Town may bring suit in any court of competent jurisdiction to recover such expenses, plus attorney's fees and costs.

Section 5. All streets and right-of-ways that may be disturbed by any work shall be restored to as good or better condition than existed immediately prior to the work or excavation.

Section 6. a) The Building Official, upon receiving all the information required by this Ordinance, may issue a permit for the work to be performed within the Town's right-of-ways or for the cutting of streets, and all work shall be in strict compliance with the permit and the written instructions of the Building Official. There shall be a fee of \$65.00 for each permit issued, and no permit may be good for more than Thirty (30) days, except there shall be no fee charged to any of the entities described in Section 4c above. b) If the entities performing such work is one of the entities described in Section 4-c, then there shall be no fee for the permit and the Building Official must issue the permit unless he determines that the issuance of said permit will endanger the public health or safety.

Section 7. If a Building Official denies a permit because the work will endanger the public health or safety, the applicant may appeal any ruling or denial of the Building Official to the Board of Aldermen. The decision of the Board of Aldermen may

be appealed to the District Clerk of Cameron County, Texas, if said appeal is filed within Twenty (20) days of the denial of the permit by the Board of Aldermen.

Section 8. If any person or entity that maintains any type of public service utility within the Town's right of way needs to cut or excavate any paved street or street right of way within the Town due to an unforeseen emergency and the offices of the Town are closed or because of the nature of the emergency the same must immediately be corrected, then said entity is hereby authorized to perform such emergency work if such person or entity complies with the following, to wit;

- (a) Contacts the Town's dispatch office at (210) 350-9000 and advises it of the work, the time it shall commence and the location; and
- (b) Provides safety cones and any other necessary traffic control as a result of such activity; and
- (c) Within four (4) hours after the emergency work has commenced or within four (4) hours after the Town office is open on the first day after the emergency work is done, such person or entity shall file an application and obtain a permit pursuant to this Ordinance.

Section 9. This Ordinance repeals Ordinance No. 35, Ordinance No. 35A and Ordinance No. 96 and any and all ordinances or parts in conflict herewith.

Section 10. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this Board of Aldermen that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

Section 11. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith or with any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall be liable to a fine, and upon conviction of any such violation, shall be fined in any sum of not more than Five Hundred Dollars (\$500.00) for each offense, and each day that such violation exists shall be considered a separate offense.


Section 12. This Ordinance shall become effective when published in summary form according to law.

PASSED, APPROVED AND ADOPTED on this 8th day of March 1994.

ATTEST:

**TOWN OF RANCHO VIEJO,
TEXAS**


CHERYL J. KRETZ, TOWN SECRETARY


WALTER F. HALLEMAN, JR., MAYOR