

ORDINANCE NO. 608

AN ORDINANCE PROVIDING PROCEDURES AND STANDARDS FOR THE CLOSING OR PARTIAL BLOCKING OF PUBLIC STREETS, THOROUGHFARES, SIDEWALKS AND ALLEYS; PROVIDING FOR DEFINITION OF TERMS, PROVIDING FOR ADOPTION OF PART FOUR OF TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS; PROVIDING FOR PERMIT ISSUED BY THE DIRECTOR TO CLOSE OR PARTIALLY BLOCK OTHER ROADWAYS IN CERTAIN CASES; PROVIDING STANDARDS AND APPLICATION TO SECURE PERMIT PROVIDING FOR APPROVAL, DISAPPROVAL AND APPROVAL OF PERMIT SUBJECT TO SPECIAL REQUIREMENTS; PROVIDING STANDARDS FOR ISSUANCE OF PERMIT BY THE DIRECTOR; PROVIDING FOR STANDARDS FOR REVOCATION OF PERMIT; PROVIDING FOR RESTRICTION OF WORK SITE IN THE EVENT OF REVOCATION OF PERMIT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR EACH VIOLATION; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY.

WHEREAS it is necessary for the purpose of regulating traffic through and around construction and maintenance operations, and to set up a standard sequence of barricading, channelization and signing which can be arranged to meet the variety of conditions which could be encountered, and to serve as a standard for uniform construction procedure in installing and maintaining devices to control traffic around construction sites and that a uniform barricading ordinance be promulgated for the City of Addison; and

WHEREAS, the rules and regulations are herein set forth governing the barricading of construction areas within public right-of-ways in the City of Addison are herein promulgated and adopted in accordance with the "State of Texas Uniform Act Regulating Traffic on Highways" codified as Article 6701d Vernon's Civil Statutes; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS.

SECTION 1. General

Any person who undertakes to perform any work upon, in, under, above or about any public street, highway, roadway, alley or sidewalk, hereinafter collectively called

public right-of-way, which requires that the street be partially or completely closed for construction and/or maintenance operation which work shall require excavation within or occupancy of the whole or a part of the width of any public right-of-way by equipment, materials, debris, or workmen shall use barricades, signals, flags, flares and all other traffic control or warning devices and procedures about the work area during the duration of the work within the public right-of-way of the type and in the manner required by Part 4 of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, 1979 edition, entitled "Traffic Control for Street and Highway Construction and Maintenance Operation". Such person shall also be required to obtain a permit from the Director, if required by Section 3 as set forth hereinafter. The permit must be acquired before construction is begun. The purpose of the permit is to insure that ample consideration has been given to the effect of said construction work on the flow of traffic.

It shall be the responsibility of the permit holder to provide, erect, place and maintain all warning signs, traffic control devices and barricades required by Part 4 of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, published by State Department of Highway and Public Transportation, 1979 edition. All such signs, devices and barricades should be in good condition, clean and legible and shall be of the type required by the Texas Manual on Uniform Traffic Control Devices.

## SECTION 2. Definitions.

A. DIRECTOR. Shall mean the Director of Public Works of the City of Addison or his designee.

B. PERMIT. Shall mean a written letter of approval from the Director or his appointed representative.

C. STREETS AND ALLEYS. The term "Street" shall mean a traveled way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

1. MAJOR THOROUGHFARES OR ARTERIAL STREETS are principal traffic arteries more or less continuous across the City which are intended to connect remote parts of the City and which are used primarily for fast or heavy volume traffic and shall include but not be limited to each street designated as a major Street on the Major Street Plan.

2. COLLECTOR STREETS are those which carry traffic from minor streets to the major system of arterial streets and highways including the principal entrance streets of a residential development and streets for circulation within such a development.

3. MINOR STREETS are those which are used primarily for access to abutting residential properties which are intended to serve traffic within a limited residential district.

4. ALLEYS are minor traveled ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

D. DETOUR shall mean an alternate route in which vehicular traffic is directed around a street which is closed.

E. MANUAL shall mean Part 4 entitled, "Traffic Control for Street and Highway Construction and Maintenance Operation", as contained in the Texas Manual on Uniform Traffic Control Devices for Streets and Highways as published by State Department of Highway and Public Transportation, 1979 edition.

F. CITY means City of Addison.

G. SHALL, SHOULD & MAY. The word "shall" is a mandatory condition, the word "should" is an advisory condition to insure safe operation conditions; and the word "may" is a permissive condition.

H. PUBLIC RIGHT-OF-WAY shall mean any public street, highway, roadway, alley, or sidewalk.

I. CONTRACTOR shall mean any person or group of persons entering into an agreement to perform work within the City of Addison.

J. EMERGENCY shall be an unforeseen combination of circumstances or the resulting state, that calls for immediate action.

### SECTION 3. Procedure and Permit Requirements

#### A. PERMIT REQUIRED

1. APPLICATION. When a permit is required, the permit application shall be filed with the Director at least five (5) days prior to the day the applicant seeks to first close or block any part of the roadway and shall contain the following information:

a. The name, telephone number, local address and principal place of business of the applicant;

b. The name and day and night telephone number of the engineer, foreman or other person who will be in charge of the construction or repairs for which the application is requested;

c. The times of the day and total number of calendar days the applicant seeks to block the roadway;

d. A statement signed by the applicant, or a person authorized to bind the applicant, that the applicant will indemnify and forever hold the City harmless against each and every claim, demand or cause of action that may be made or come against it by reason of or in any way arising out of the closing or blocking of the roadway by the applicant under a permit from the City, if such permit is granted;

e. A standard barricading layout showing placement of barricades, cones and information signs used on the project;

f. An explanation as to the nature or type of work that is to be performed along with its location;

g. Any other information deemed necessary by the Director.

2. APPROVAL OR DISAPPROVAL. The Director shall either approve or disapprove the application in five (5) business days after it is submitted, the Director may approve an application either as applied for or subject to special requirements, as provided in Section 3, A-3 which special requirements shall be endorsed on the permit when issued and become a part thereof. If an application is not approved, the Director shall so notify the applicant, in writing, stating the reasons for disapproval. An applicant may, if he so desires, undertake the revision of the unapproved application and re-submit it to the Director who shall approve, subject to special requirements, or disapprove the amended application within two (2) business days.

a. The Director may disapprove applications for permits under this Article only for the following reasons:

- (1) The proposed barricading, channelizing, signing, warning or other traffic control procedures or the equipment therefore do not comply with the requirements of the Manual;

- (2) The nature of the work to be performed or its location is such that the work may, without imposing any undue hardship on the applicant, be performed without the necessity of blocking or closing the roadway.
- (3) The work or the manner in which it is to be performed will violate a City ordinance or a State statute;
- (4) Failure to furnish all of the information required by this Article or, except for good cause shown, to file the application within the time prescribed by this Article;
- (5) Misrepresenting or falsifying any information in the application.

3. SPECIAL REQUIREMENTS. The Director may at the time he approves an application or anytime after a permit is issued require:

a. The use or specific location of additional barricades, signals, signs, or other traffic control or safety devices or the pursuance of special traffic control or safety procedures;

b. That the work be performed only at certain hours during the day or night, or during specified days of the week;

c. That only a specified area or not more than a specified number of lanes shall be blocked at the same time or at specified times of the day;

d. That materials and equipment used in the work site and dirt removed from any excavation be located other than in the vehicle traffic lanes of such roadway;

3. That all equipment be moved from the traffic lanes and any excavation in the traffic lanes be covered or filled with materials of sufficient strength and construction to permit vehicular traffic to pass over such excavation during all or part of the peak traffic periods or at night.

When such requirements are deemed necessary by the Director in the interest of public safety and to avoid traffic congestion, any such special requirements shall be endorsed on the permit and shall be a part thereof.

4. REVOCATION. Any designated Director or his authorized representatives may revoke a permit issued hereunder if any of the permit-holder's barricading, signing, channelizing, warning or other traffic control procedures or the equipment at the work site do not comply with the requirements of the Manual, or with any special requirements imposed by the Director. The permit-holder, or the person named as responsible for or in charge of the work in the permit, shall first be notified of the failure or defect and be given a reasonable time, such length of time to be determined by the Director and not to exceed twenty-four (24) hours, to correct same before such permit is revoked. In the event a permit issued under this Article is revoked, it shall be unlawful to continue to block the roadway, except to restore the site to its proper condition as required herein.

5. RESTORATION. In the event a permit is revoked, the permit holder shall immediately commence operations to restore the work area within the roadway to its proper condition, such work to be completed within twenty-four (24) hours. In addition, except as required to restore the work area to its proper condition, the permit-holder shall remove all equipment, men, materials and debris from the roadway. In the event such restoration is not done, the City shall be authorized, at its election, to take charge of the work and restore the premises to its proper condition and shall be entitled to recover from the permit-holder by civil action the actual expenses incurred by the City in restoring the premises, including, but not limited to, cost of labor, materials, overhead, rental of any equipment used by the City in restoring the site and attorneys' fees, and for such purposes, the City shall have a right of action against any bonds in effect running from the holder of the permit to the City, conditioned upon compliance with the ordinances of the City of Addison in the performance of said work.

B. PERSONS REQUIRING PERMITS

1. CONTRACTOR'S REQUIREMENTS

a. Any contractor undertaking any work whether of his own, or under contract for any other person, and such work is within a City Street and requires that a set of plans be drawn up due to the extensive and/or complex nature of the work, will be subject to the provisions set forth in this subsection, and must file for a permit before beginning construction. Proof must also be shown that he has obtained approval by other affected agencies of the City to actually perform the work.

b. A plan must be prepared by the contracting agency showing where work is to be performed. The plan will include a standard barricading layout showing placement of barricades, cones and informational signs used on the project. In most cases, layouts will be similar to those shown in the latter part of the attached Manual. Deviation from the Manual will be allowed only with the approval of the Director or his appointed representative.

c. The plan as mentioned in step b above must be submitted a minimum of five (5) business days prior to actual beginning of the construction work. This time period will allow the designated department the opportunity to survey the construction site in an attempt to uncover any traffic problems which might develop as a result of the barricading.

d. Each contractor or construction agency will provide with his barricading plan a listing of all persons directly responsible for the safety on each project to include an address or telephone listing at which said person can be reached at any hour of the day if a hazardous condition develops.

2. CONTRACTOR'S PERFORMING WORK FOR THE CITY. In the event the contractor undertakes work based on plans prepared by the City, all detours and barricading requirements will be inserted as a part of the construction plan. No permit will be required, however, the contractor shall be subject to the requirement contained in this Ordinance.

3. PUBLIC UTILITY COMPANY REQUIREMENTS.

a. Public utility companies performing construction work within a street which requires that a set of plans be drawn up due to the extensive and/or complex nature of work, will be subject to the same requirements established in Section B-1 above. Such work would include major street construction (street cuts, street widening, etc.), water and sewerage line laying or relocation or off-street construction which requires that a portion of the adjacent roadway be barricaded.

b. Construction work performed by utility companies, minor enough such that a set of plans need not be drawn up, will not be subject to the same requirements established in Section B-1 above. Such work includes minor street construction (re-surfacing, patching,

striping), minor utility work (usage of manholes such that a lane must be barricaded), etc. These forces will be required, however, to comply with all other provisions set forth in this Manual as to the construction site barricade layout and signing. In addition, the Director or his authorized representative shall be contacted before said construction work is begun and be informed of the location and nature of construction. This work shall not be performed during the peak hour congestion periods of 7:00-9:00 A.M. and 4:00-6:00 P.M., unless approved by the Director.

SECTION 4. EMERGENCY SITUATIONS. The requirements as mentioned above are to be used for all planned construction projects. In the event of an emergency type situation, notification of work to be done can be made by telephone directly to the Director or his appointed representative, thereby, bypassing the requirements mentioned above. Under these conditions the contractor or agency will still be required to follow the basic barricading standards as outlined in the attached Manual.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES. All other ordinances heretofore passed and approved by the City Council that are in conflict with this ordinance are hereby repealed except that this shall not effect the accepting, filing and prosecuting of cases for offenses occurring prior to the effective date of this ordinance.

SECTION 6. PENALTY. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred and no/100 (\$200.00) Dolalrs for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 7. SEVERABILITY. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 8. EMERGENCY. The importance of this ordinance creates an urgency and emergency and the ordinance



shall take effect immediately from and after the publication of the caption as the law requires.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 26 day of August, 1980.

*J. Kelly*  
MAYOR

ATTEST:

*Jacque Sharp*  
CITY SECRETARY