

ORDINANCE NO. 095-033

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 16 ("STREETS AND SIDEWALKS") OF THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 16-63 RELATING TO THE ROUTING OF TRAFFIC DURING PERIODS OF EXCAVATION WORK ON CITY STREETS BY, AMONG OTHER THINGS, DESIGNATING TIME PERIODS DURING WHICH STREET EXCAVATION WORK MAY OCCUR ON BELT LINE ROAD AND MIDWAY ROAD; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendment. The Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended by amending Chapter 16 ("Streets and Sidewalks") in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified and affirmed:

A. Section 16-63 of the said Chapter 16 is hereby amended so that it shall hereafter read as follows (additions are underlined; deletions are ~~struck-through~~):

"Sec. 16-63 Routing of Traffic.

(a) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the director of streets may permit the closing of streets to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. No interference with traffic flow on city streets shall be permitted during the hours of 6:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m., Mondays through Fridays; provided, however, that ~~No interference with traffic flow~~ on Belt Line Road and Midway Road, no interference with traffic flow will be permitted during the hours of:

6:00 a.m. to 10:00 p.m. Mondays through Thursdays
6:00 a.m. Fridays through 3:00 a.m. Saturdays
9:00 a.m. Saturdays through 3:00 a.m. Sundays
9:00 a.m. Sundays through 10:00 p.m. Sundays

Contractors working for the City on contracts awarded by the City Council prior to May 23, 1995, are exempt from the Belt Line road and Midway Road time restrictions.

Emergency closures during these hours may be permitted with the approval of the director of streets. The permittee shall route and control traffic including its own vehicles as directed by the police department.

(b) The following steps shall be taken before any street or part thereof may be closed or restricted to traffic:

- (1) The permittee must receive the approval of the director of streets and the police department therefor;
- (2) The permittee must notify the chief of the fire department of any street so closed;
- (3) Upon completion of construction work, the permittee shall notify the director of streets, fire department and the police department before traffic is moved back to its normal flow so that any necessary adjustments may be made; and
- (4) Where flagmen are deemed necessary by the director of streets, they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the director of streets will designate detours. The city shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee, but in case there are no existing highways, the permittee shall construct all detours at its expense and in conformity with the specifications of the director of streets. The permittee will be responsible for any unnecessary damage as may be determined in the director of street's sole discretion caused to any highways by the operation of its equipment."

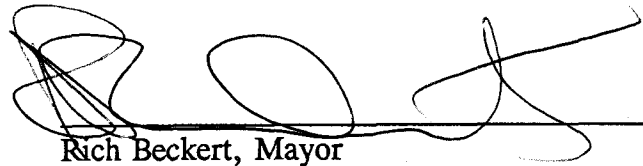
Section 2. Savings, Repealer. This Ordinance shall be cumulative of all other ordinances of the City affecting streets and sidewalks and shall not repeal any of the provisions of those ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that Ordinance No. 095-025 is hereby repealed in its entirety.

Section 3. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Five Hundred Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 4. Severability. If any part or provision of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.


Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the Town of Addison.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 8th day of August, 1995.



Rich Beckert, Mayor

ATTEST:



Carmen Moran, City Secretary

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8/17/95

