ORDINANCE NO. 2618

AN ORDINANCE OF THE CITY OF CARROLLTON, TEXAS AMENDING THE RIGHT OF WAY MANAGEMENT ORDINANCE (ORDINANCE NO. 2490) BY SETTING THE MAXIMUM FINE FOR A VIOLATION OF THE ORDINANCE AT \$2000; PROVIDING THAT NEITHER PLEADING NOR PROOF OF A CULPABLE MENTAL STATE IS REQUIRED FOR PROSECUTION UNDER CHAPTER 57; ACCEPTING SELF-INSURANCE FOR THE PURPOSES OF REGISTERING AS A USER UNDER SOME CIRCUMSTANCES; REQUIRING ALL CORPORATE USERS REGISTERING WITH THE CITY AND APPLYING FOR CONSTRUCTION PERMITS TO PROVIDE THE CITY WITH CONTACT INFORMATION ON THEIR REGISTERED AGENT FOR SERVICE OF PROCESS; PROVIDING A PROCEDURE FOR MAINTAINING THE CONFIDENTIALITY OF CERTAIN INFORMATION PROVIDED BY USERS WITH THEIR PLANS OF RECORD: AND PROVIDING FOR SAVINGS, REPEAL, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

Section 1.

That Section 57.05 (A) of Ordinance No. 2490 is amended to read as follows:

(A) Any violation or failure to abide by, and comply with, any provision or requirement of this Ordinance shall be a violation, and shall be punished by a fine not to exceed two thousand dollars (\$2000).

Section 2.

That Section 57.05 (D) of Ordinance No. 2490 is amended to read as follows:

(D) Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this Chapter..

Section 3.

That Section 57.08 (A) (5) (f) of Ordinance No. 2490 is amended to read as follows:

(f) Proof of insurance requirements may be met by (i) utilities with a current franchise or license agreement which provides for insurance or bonds at least in the amounts enumerated above, (ii) utilities with a current franchise or license agreement which provides an indemnity in favor of the city, or (iii) utilities that self-insure as authorized by Texas Utilities Code § 53.064, as it may be amended from time to time.

Ordinance no. 2618

Section 4.

That Section 57.08 (A) of Ordinance No. 2490 shall be amended by the addition of subsection 57.08 (A) (6), to read as follows:

(6) If the User is a corporation, the name and address of the corporation's registered agent for service of process.

Section 5.

That Section 57.08 (B) (3) of Ordinance No. 2490 shall be amended by the addition of subsection 57.08 (B) (3) (q), to read as follows:

(q) If the User is a corporation, the name and address of the corporation's registered agent for service of process.

Section 6.

That Section 57.10 of Ordinance No. 2490 is amended to read as follows:

§ 57.10 "PLANS OF RECORD" PLANS

- (A) Right-of-way Users will provide the Director with "plans of record" within thirty (30) days of completion of Facilities in the right-of-way. Users with existing Facilities in the rights-of-way as of the effective date of this ordinance shall submit within thirty (30) days of the effective date of this ordinance, a plan to provide complete plans of record in not more than three hundred (300) days after the effective date of this ordinance. The plans of record shall be provided to the City in the format specified by the Director and contain as much detail and accuracy as required by the Director. All the criteria specified for plans submitted for the initial permit will be required for the plans of record. Submittal of plans of record shall be in digital format as well as written. Right-of-way Users shall, not later than January 31 of each year, updated plans of record which incorporate all changes, additions, abandonments, and relocations of facilities completed in the previous calendar year. The annual update of the plans of record shall be in the format prescribed by the Director.
- (B) If plans of record submitted under this section include a trade secret or confidential information protected from disclosure by state law, the Director may only disclose that information as provided by law.

Section 7.

That, save and except as amended by this ordinance, Ordinance No. 2490 shall remain in full force and effect.

Ordinance no. 2618

Section 8.

That all ordinances or parts of ordinances in conflict with this ordinance are specifically repealed.

Section 9.

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 10.

That this ordinance shall become effective from and after its passage as permitted by law.

PASSED AND APPROVED this the 19th day of June, 2001.

CITY OF CARROLLTON, TEXAS

Mark Stokes, Mayor

ATTEST:

Pamela Schmidt, City Secret

APPROVED AS TO FORM:

Clayton Hutchins, City Attorney

APPROVED AS TO CONTENT:

Director of Public Works