

STREETS AND SIDEWALKS

CHAPTER 17

Article 1. In General

Sec. 17-1. Adoption of state law regarding street improvements.

Whereas an election held on April 12, 1927 resulted in the adoption of the benefits of Articles 1086 to 1096, both inclusive, and Articles 1104 and 1105 of the Revised Civil Statutes of Texas of 1925, relating to street improvements, such articles are hereby declared to have been legally adopted at such election by the resident property taxpayers and qualified voters of the city, and the provisions and terms and benefits of such articles shall be in full force and effect in the city. (Ord. of 4-15-27)

Sec. 17-2. Regulations for access driveways to state highways.

The city hereby adopts as a part of this code the regulations for access driveways to state highways as the same appear in a printed booklet published by the Texas Highway Department in accordance with Minute Order No. 34719, dated September 23, 1953, and entitled "Regulations for Access Driveways to State Highways," a copy of which booklet is on file in the office of the city secretary. It shall be unlawful for any person to construct any driveway or revise any existing driveway on property abutting any state highway within the corporate limits of the city without complying with the provisions set forth in such booklet. (Ord. of 6-22-54, §§1,2)

Sec. 17-3. Sidewalk obstructions.

It shall be unlawful for any person to display any merchandise on any sidewalk or place thereon any obstruction, sign, containers, scales, or anything that would in any way interfere with pedestrians. (Ord. of 9-2-29, §31)

Sec. 17-4. Printing or painting on streets or sidewalks.

The printing, painting, writing or placing of any sign, writing, advertisement, picture, character or other symbol on any street or sidewalk within the city is prohibited. (Ord. of 9-2-29, §19)

Sec. 17-4a. Address Marking of Concrete curb and Gutter.

The marking of the legal address, not including the street name, of a property on the face of the concrete curb and gutter adjoining the property is lawful only if it is in accordance with the following:

Maximum height: 6-inches

Maximum width: Number of characters required multiplied by 6-inches plus 12-inches.

Maximum Number: Two each per legal address.

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Logos: A graphical symbol may be allowed providing it does not add to the maximum width and is not objectionable to the neighboring property owners or is offensive to the general public. (Ord. of 8-22-95)

Sec. 17-4b. Numbering of Residences and Businesses.

Every residence and/or business shall be adequately identified by numbering e.g. street numbers. All numbers on residences and/or businesses shall be of a size of not less than three inches (3") in height and approximately two or more inches (2") in width and shall be so placed as to be seen readily from the street. The numbers shall be of durable metal, glass or enamel. Perishable material such as paper or cardboard and markings of pen, pencil or other easily displaced materials or substances shall not be deemed to be in compliance herewith. Any person, firm or corporation who violates this section is guilty of a misdemeanor offense punishable by a fine of not less than \$25.00 dollars nor to exceed \$500.00. (Ord. of 12-9-97)

Sec. 17-5. Washing or repairing vehicles on street or alley.

It shall be unlawful for any person to wash or repair, or assist in washing or repairing, any automobile or other motor vehicle on any paved street or alley in the city; provided however, that repairs may be made in case of emergency. (Ord. of 9-2-29, §29)

Sec. 17-6. Discharge of waste water on streets or sidewalks.

It shall be unlawful for any person to run wash or waste water of any description from filling stations, buildings, or any private property onto or upon sidewalks, streets, alleys, or other public passway within the city. (Ord. of 9-2-29, §30)

Sec. 17-7. Deposit of paper, trash or refuse on streets or sidewalks.

The sweeping, dumping, placing or depositing of papers, trash or refuse of any kind into or onto the streets, alleys, curbs or sidewalks of the city is hereby declared to constitute a nuisance and is hereby prohibited. It shall be unlawful for any person to deposit or dump or place any papers, trash or refuse of any kind into or onto the streets, alleys, curbs or sidewalks of the city. Any person running, operating, or in charge of any store, place of business or residence shall be liable and responsible for the violation of this section and shall see that any and all persons in his employment refrain from doing the acts herein prohibited, and any owner, manager or employer who knowingly permits any employee to violate any of the provisions of this section shall be guilty of an offense hereunder, and any employee or other person who violates the provisions of this section shall also be guilty of an offense. (Ord. of 7-23-35, 1)

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Sec. 17-8. Abatement of traffic hazards in the form of trees, hedges, shrubbery, etc.

(A) The following are hereby declared a nuisance and/or a traffic hazard subject to the regulations hereinafter provided:

(1) Any wall, fence, sign or other structure, hedge, tree, shrubbery or other growth, or object of any kind on any land which creates a traffic hazard:

(a) by unreasonably obstructing the view of an adjacent street, alley, driveway or intersection by a vehicle operator or pedestrian on a street or alley or in or approaching an intersection or

(b) by unreasonably increasing the risk of damage or injury to a vehicle, vehicle operator or pedestrian, or which creates a traffic hazard for a pedestrian on a sidewalk by unreasonably obstructing the view thereof.

(2) Any wall, fence, sign or other structure, hedge, tree, shrubbery or other growth, or object of any kind higher than two and one-half (2.5') feet above the street elevation located on a corner lot at a street intersection and within the triangle formed by the corner formed by the intersection of the back of curb lines or an imaginary extension of said lines (or if there is no curb, the corner where the back of curb lines would intersect if there were a curb) nearest the street intersection and the point on each said back of curb line which is thirty (30) feet from said corner as shown on Table "A"; provided, however, this subsection (2) shall not apply to single trees with single trunks trimmed so that no vegetation on the tree hangs lower than eight (8) feet above the street elevation; provided, however, this subsection (2) shall not apply in the Central Area (CA) zoning district and shall not apply to official traffic control devices or approved public utilities.

(3) The term "intersection" shall be the definition contained in Section 541.303 of the Transportation Code V.T.C.A..

TABLE "A"

-----30'-----

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30' Back of curb or where back of curb would be if there were a curb.

- (B) The city manager or their designee is hereby instructed to give notice to the owner of any abutting property and afford such owner the opportunity to do the work of removing the aforesaid hazard to traffic, but shall not be compelled to await the owner's action in any case where they shall find that the public safety requires the immediate abatement of such hazard.
- (C) The procedures for abatement and removal of a hazard to traffic require not less than ten (10) days' notice stating the nature of the hazard to traffic, that must be removed and abated not later than the tenth (10th) day after the date on which the notice was mailed, and that a request for a hearing must be made before expiration of the ten (10) day period. The notice must be mailed by certified mail with a five (5) day return requested to the owner or occupant of the abutting property as to the hazard to traffic. If any notice is returned undelivered by the United States Post Office, official action to abate the hazard to traffic shall be continued to a date of not less than the eleventh (11th) day after the date of return.
- (D) In the event that any hazard is not removed after such ten (10) day notice to the abutting property owner, then and in that event the city manager or their designee is authorized and directed to cause to do whatever is necessary on the premises to remove such hazard, the same to be done immediately.
- (E) In the event that the affected property owner/occupant objects with the action of the city manager or their designee they may within the ten (10) day period of notice herein above described, file an appeal with the traffic commission for a hearing by such commission. If the affected property owner/occupant is unsatisfied with the traffic commission's decision they may in their discretion appeal to the city council at their next regular

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meeting, whose judgment shall be final. An appeal to the city council must be filed within ten (10) days of the traffic commission's decision. All objections, request for hearing and appeals must be in writing and sent to the city manager by certified mail return receipt requested.

- (F) Any person, firm, corporation or association of individuals who violate this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed two hundred dollars (\$200.00) and each day that the nuisance, obstruction, traffic hazard or violation persists or is permitted to remain shall constitute a separate offense. (Ord. Of 4-27-99)

Sec. 17.9 to 17-17. Reserved

Article 2. Cuts or Alterations in Streets or Alleys

Sec. 17-18. Permit.

It shall be unlawful for any person to cut or alter the surface or subsurface of any paved or unpaved street or alley in the city without having first secured a permit from the office of the director of public works.

A three-section card form will be used for the street or alley cut permit, as designed by the director of public works. Section A of this form will be kept in the public works department files; Section B will be approved by the director of public works and sent to the applicant along with Section C. Section C will be used by the applicant to notify the director of public works that the cut is ready for repair. Section C will then be filed with Section A. (Ord. of 8-25-59, §§1,3)

Sec. 17-19. Repair fee.

Any person who cuts or alters any paved or unpaved street or alley in the City of Big Spring shall pay a repair fee to the city according to the following schedule:

Type of Pavement	First Square Yard or Less	Each Additional Square Yard
Concrete	\$35.00	\$4.50
Asphalt	\$30.00	\$4.50

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Unpaved Streets	\$20.00	\$3.00
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Charges for cutting or altering any street or alley in the city shall be paid at the time the permit required by section 17-18 is issued, and will be based on the estimated size of the cut to be made. Adjustments for overruns and underruns will be calculated upon completion of the cut and additional charges or reimbursements will be made accordingly. (Ord. of 9-10-74, Ord. 6-10-86)

Sec. 17-20. Back-filling, filling and resurfacing.

Any person making a street or alley cut under a permit required by this article shall back-fill the ditch as directed by the public works department.

The public works department will be notified when the back-filling required by this section is completed. This notification will be accomplished by the submission of Section C of the application form to the department of public works. Upon acceptance of the back-fill by the department of public works the permit holder will be notified that the city will take over the cut and assume liability for the safety of the traveling public.

The public works department will then resurface the cut. At the time that the department begins the resurfacing of the ditch, the city assumes complete control over the ditch.

In certain areas designated by the public works department paving cuts across streets will not be permitted. The crossing of these designated streets with pipeline or cables must be accomplished by boring, tunneling or jacking at the expense of the contractor. (Ord. of 9-10-74)

Sec. 17-21. Warning devices required.

Every person who makes a cut in or alters the surface or subsurface of any street or alley shall place substantial warning devices on the street or alley which is being cut. The warning devices shall be plainly visible from all directions both day and night.

Every person, other than a duly authorized employee of the city, who makes a cut or alteration in any street or alley, or who engages in any other work which hinders traffic movement, shall place proper barricades around such work and also place clearly marked signs giving the name of the person under whose authority the work is being done. (Ord. of 8-25-59, §5)

Sec. 17-22. City not liable for injuries during progress of work.

Until such time as the public works department assumes control over the back-filling of any cut or alteration being made pursuant to this article, the city will assume no liability for any injuries arising out of any accident caused by the failure of any person to take the necessary safety measures when such person is in the process of making or has made a cut or alteration in the surface or subsurface of the streets or alleys of the city. (Ord. of 8-25-59, §5)

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Sec. 17-23. Abandoning and vacating city streets, alleys or easements: administrative charges assessed.

There is hereby assessed an administrative charge, set forth in Appendix A of this Code, for abandoning and vacating city streets, alleys, or easements. (Ord. of 10-25-83, §17-23; Ord. of 10-11-16)

Sec. 17-24. Application; procedure.

- (A) Any person, firm or corporation desiring to have a city street, alley or easement abandoned and vacated shall make written application for same to the city council and all charges shall be paid in advance of said abandonment. The application shall have attached to it the signed written consent and release of all owners of all property within all blocks which abut on either side of the street, alley or easement, any portion of which is adjacent to said block and is proposed to be abandoned and the signed written consent and release of all owners of all property which would be left without a means of access if the proposed abandonment is granted. The Director of Public Works, upon receipt of a copy of the application, shall calculate the charges and mail a notice to the applicant of the charges. Should the City Council elect to not grant the request, then the money shall be refunded to the applicant or applicants.
- (B) In the event City Council considers a proposed vacation and abandonment of a public street, a public hearing shall be held by the governing body. Notice of such hearing shall be given by publication in the official publication of the City of Big Spring, stating the time and place of such hearing, which such time shall not be earlier than ten (10) days before the date of publication. Upon approval of said vacation and abandonment of said street right-of-way, the Mayor is hereby authorized to execute a Quit Claim Deed to the owner of said abutting property owner. (Ord. of 10-25-83, §17-24, Ord. of 7-11-00)

Sec. 17-25. Requirements and effect of abandonment and vacation.

No street, alley or easement shall be abandoned and vacated unless it is in the public interest to do so and the signed written consent and release provided in section 17-24 is attached to the application and all requirements of this article and all other applicable ordinances and laws are satisfied. Whenever a street, alley or easement is abandoned, the abandoned property shall revert in equal proportion to the abutting landowners. (Ord. of 10-25-83, §17-25)

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Sec. 17-26. Retention of utility easement upon abandoning and vacating street alley or easement.

Upon the abandoning and vacating of any street, alley or easement, the city shall have the right, if it so desires, to retain a utility easement within the street, alley or easement abandoned; provided, however, if the city elects to retain said utility easement, then the administrative charges for abandoning said street, alley or easement shall be only one-half (2) of the amount prescribed in section 17-23 of this chapter. (Ord. of 10-25-83, §17-26)

Sec. 17-27. Conveyance sale or trade of land or interest in land owned by the city.

In addition to the foregoing requirements, and as required by article 5421c of the Texas Revised Civil Statutes, any conveyance, sale or trade of any land or interest in land owned by the city, including a street or alley, whether owned in fee or used by easement, and including any other easement interest in land, shall never be for less than the fair market value of the land or interest being conveyed, sold or traded, as determined by an appraisal obtained by the city, which shall be conclusive of the fair market value thereof. In case of a street, alley or easement interest in land referred to in section 17-24 the charges referred to in said section shall include the cost of the above-described appraisal and the dollar value of said street, alley or easement interest; provided, however, if the city council elects to not grant the request as provided in Section 17-24, then, notwithstanding section 17-24, the money deposited to cover the cost of said appraisal shall not be refunded to the applicant but the money deposited to cover the administrative charges provided in section 17-23 and the money deposited to cover the dollar value of the street, alley or easement interest shall be refunded to the applicant or applicants. If the city council elects to grant the request, then as required by said article 5421c-12, the street or alley, whether owned in fee or used by easement or other easement interest may be sold to the abutting owner or owners in proportion to their abutting ownership, said division between owners to be made in an equitable manner. As required by article 1017 of the Texas Revised Civil Statutes, the proceeds of any sale of parts of streets or alleys shall be used only for the acquisition and improvement of property for the same uses as that so sold. Any conveyance, sale or trade of any land or interest in land owned by the city which is not made under the foregoing exemptions or one of the other exemptions in section 2 of said article 5421c-12 shall be subject to the bid procedures and publication requirements set forth in section 1 of said article 5421c-12. (Ord. 99-83, 12-27-83, §17-27)

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Sec. 17-28. Certain Uses of Public Right-of-Way.

Sec. 17-28.010. Definitions.

In this article:

- (A) ABOVE GROUND UTILITY STRUCTURE or AGUS means any utility structure that extends higher than the surrounding grade.
- (B) AGUS PLACEMENT GUIDELINES means a manual published by the City of Big Spring that contains engineering, technical, and other special criteria and standards established by the director for the placement of above ground utility structures.
- (C) BACKFILL means:
 - (1) The placement of new dirt, fill or other material to refill an excavation:
or
 - (2) The return of excavated dirt, fill or other material to an excavation.
- (D) CITY means the City of Big Spring and the city's officers and employees.
- (E) CLOSURE means a complete or partial closing of a sidewalk or one or more lanes of traffic of a thoroughfare for any period of time.
- (F) CONSTRUCTION means any of the following activities performed by any person within a public right-of-way:
 - (1) Installation, excavation, laying, placement, repair, upgrade, maintenance, or relocation of facilities or other improvements, whether temporary or permanent.
 - (2) Modification or alteration to any surface, subsurface, or aerial space within the public right-of-way.
 - (3) Performance, restoration, or repair of pavement cuts or excavations.
 - (4) Reconstruction of any of the work described in Paragraphs (6)(A) through (6)(C) of this subsection.
 - (5) Other similar construction work.
- (G) DESIGN DISTRICT means an area the City Council has designated as a:
 - (1) Public improvement district pursuant to Chapter 372 of the Texas Local Government Code, as amended;
 - (2) Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code;
 - (3) Planned development zoning district; or

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- (4) Conservation district.
- (H) DESIGN MANUAL means a manual published by the City that contains engineering, technical, and other special criteria and standards established by the director for the placement, installation, collocation, replacement, and repair of network nodes, as that term is defined in Chapter 284 of the Texas Local Government Code, as amended, and any related infrastructure, including poles, in the public right of way.
- (I) DIRECTOR means the director of the department designated by the City Manager to enforce and administer this chapter or the director's designee.
- (J) EMERGENCY ACTIVITY means circumstances requiring immediate construction or operations by a public service provider to:
- (1) Prevent imminent damage or injury to the health or safety of any person or to the public right-of-way;
 - (2) Restore service; or
 - (3) Prevent the loss of service.
- (K) EXCAVATION means the removal of dirt, fill, or other material in the public right-of-way, including but not limited to the methods of open trenching, boring, tunneling, or jacking.
- (L) FACILITIES means the plant, equipment, buildings, structures, poles, wires, cables, lines, conduit, mains, pipes, vaults, above ground utility structures, and appurtenances of a public service provider and includes property owned, operated, leased, licensed, used, controlled, or supplied for, by, or in connection with the business of the public service provider.
- (M) MAJOR PROJECT means any construction that requires a pavement cut of a length of 300 linear feet or greater within any single street or alley or any construction in an area that the director determines occurs in an area of high vehicular traffic.
- (N) PAVEMENT CUT means a cut made into the paved surface of the public right-of-way.
- (O) PAVEMENT CUT AND REPAIR STANDARDS MANUAL means a manual published by the City of Big Spring that contains engineering, technical, and other special criteria and standards established by the director for

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pavement cut, excavation, backfill, restoration, and repair activities in the public right-of-way.

- (P) PERMITTEE means the person applying for or receiving a permit to perform construction within the City's right-of-way under the terms and conditions of this article. The term includes:
- (1) Any officer, director, partner, manager, superintendent, or other authorized person exercising control over or on behalf of the permittee; and
 - (2) Any contractor or subcontractor of the permittee, for purposes of compliance with the City of Big Spring Pavement Cut and Repair Standards Manual and the traffic control, construction, and maintenance requirements of this article.
- (Q) PERSON means a natural person, a corporation, a public service provider, a governmental entity or agency (including the city), a limited liability company, a joint venture, a business trust, an estate, a trust, a partnership, an association, or any other legal entity.
- (R) PUBLIC RIGHT-OF-WAY means any area of land within the City that is acquired by, dedicated to, or claimed by the City in fee simple, by easement, or by prescriptive right and that is expressly or impliedly accepted or used in fact or by operation of law as a public roadway, highway, street, sidewalk, alley, or utility access easement. The term includes the area on, below, and above the surface of the public right-of-way. The term applies regardless of whether the public right-of-way is paved or unpaved. The term does not include airwaves above the public right-of-way that fall under the exclusive jurisdiction of the United State government.
- (S) PUBLIC SERVICE PROVIDER means any wholesale or retail electric utility, gas utility, telecommunications company, cable company, water utility, storm water utility, or wastewater utility, regardless of whether the public service provider is publicly or privately owned or required to operate within the City pursuant to a franchise, including a network provider as that term is defined in Chapter 284 of the Texas Local Government Code, as

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amended.

- (T) SPOILS or EXCAVATED MATERIAL means construction waste, construction supplies, or excavated dirt, fill, or other similar material that is stored or placed upon the surface of a public right-of-way.
- (U) SUBDIVISION means “subdivision” as defined in the subdivision ordinance for the City of Big Spring.

- (V) THOROUGHFARE means:
 - (1) A public traffic arterial, as designated in the city’s thoroughfare plan;
 - (2) A nonresidential collector street, as defined in the City of Big Spring Paving Design Manual; and
 - (3) All streets within the central business district.

- (W) UTILITY STRUCTURE:
 - (1) Means any structure, cabinet, or other appurtenance (other than a pole or a device attached to a pole) that is owned or used by a public service provider to provide service; and
 - (2) Does not include:
 - (i) A device or structure used to control or direct pedestrian or vehicular traffic on an adjacent roadway; or
 - (ii) Any infrastructure that provides water used for fire suppression.

(Ord. of 8-22-17)

Sec. 17-28.020. Additional Requirements.

The permittee shall, as an express condition of the permit, comply in all respects with the requirements prescribed for the permitted activity in the Pavement Cut and Repair Standards Manual, the AGUS Placement Guidelines, and the Design Manual, as applicable; and with all other city ordinances and state or federal laws or regulations affecting the permitted activity. (Ord. of 8-22-17)

Sec. 17-28.030. Director’s Authority; Enforcement; Offenses.

- (A) The director is authorized to administer and enforce the provisions of this article, and to promulgate regulations, including but not limited to engineering, technical, and other special criteria and standards, to aid in

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the administration and enforcement of this article that are not in conflict with this article, this code, or state or federal law.

- (B) The director is authorized to enter upon a construction site for which a permit is granted under this article or, where necessary, upon private property adjacent to the construction site, for purposes of inspection to determine compliance with the permit or this article.
- (C) The director may prohibit street excavation when a permittee seeks to install facilities in a design district or in an area that is part of a major project, unless the permittee can show that existing facilities are unavailable to serve the current needs of the permittee or the permittee's existing customers, whether through facilities owned by the permittee or are otherwise available.
- (D) A person commits an offense if he:
 - (1) Performs, authorizes, directs, or supervises construction without a valid permit issued under this article;
 - (2) Violates any other provision of this article;
 - (3) Fails to comply with restrictions or requirements of a permit issued under this article; or
 - (4) Fails to comply with an order or regulation of the director issued pursuant to this article.
- (E) A person commits an offense if, in connection with the performance of construction in the public right-of-way, he:
 - (1) Damages the public right-of-way beyond what is incidental or necessary to the performance of the construction;
 - (2) Damages public or private facilities within the public right-of-way; or
 - (3) Fails to clear debris associated with the construction from a public right-of-way after construction is completed.
- (F) It is a defense to prosecution under Subsection (D)(2) if the person complied with all of the requirements of this article and state law and caused the damage because the facilities in question:

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- (1) Were not shown or indicated in a plan document, plan of record, record construction drawing, or field survey, staking, or marking; and
 - (2) Could not otherwise be discovered in the public right-of-way through the use of due diligence.
- (G) A person commits an offense if, while performing any construction or other activity along a public right-of-way (whether or not a building or other permit is required for the activity), the person:
- (1) Damages the public right-of-way or public or private facilities located within the public right-of-way; or
 - (2) Fails to clear debris associated with the construction or other activity from a public right-of-way.
- (H) It is a defense to prosecution under Subsections (G)(1) and (G)(2) that the person was performing all of the construction or other activity along the public right-of-way in compliance with any permit issued for the construction or activity.
- (I) A culpable mental state is not required to prove an offense under this article. A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, authorized, directed, or permitted. An offense under Subsection (D)(3) or (G)(2) is punishable by a fine of not less than \$500 or more than \$2,000. Any other offense under this article is punishable by a fine of \$500.
- (J) This article may be enforced by civil court action in accordance with state or federal law, in addition to any other remedies, civil or criminal, the city has for a violation of this article.
- (K) Prior to initiation of civil enforcement litigation, the permittee or any other person who has violated a provision of this article must be given the opportunity to correct the violation within the time frame specified by the director. This subsection does not prohibit the director or the city from taking enforcement action as to past or present violations of this article, notwithstanding their correction.

(Ord. of 8-22-17)

Sec. 17-28.0404. Registration: Other Requirements.

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- (A) Nothing in this section relieves a public service provider from obtaining a permit under this article to perform work in the public right-of-way.

- (B) In order to protect the public health, safety, and welfare, a public service provider maintaining or operating existing facilities in the public right-of-way must register with the director in accordance with the following requirements:
 - (1) The registration must be on a form furnished by the director and made in the name of the public service provider that owns the facilities.
 - (2) Registration expires March 1 of every other year after the calendar year in which the first registration occurs. If a registration is not renewed by the expiration date, the director shall furnish written notice to the public service provider that the registration has expired. If the public service provider fails to renew registration within 30 calendar days after the director gives notice of the expiration, the facilities of the public service provider will be deemed to have been legally abandoned.
 - (3) If information provided as part of the registration changes, the public service provider must inform the director in writing not more than thirty (30) days after the date the change occurs.
 - (4) The public service provider shall also include the following with the registration:
 - i. The name of the public service provider using the public right-of-way

 - ii. Including business name, assumed name, or trade name the public service provider operates under or has operated under within the past five years.
 - iii. If the public service provider is a certificated telecommunications provider, the certificate number issued by the Texas Public Utility Commission.
 - iv. The ordinance number of any franchise or license issued by the City of Big Spring that authorizes the public service provider to use the public right-of-way.
 - v. The names, addresses, and telephone numbers of at least two persons who will be general, day-to-day contacts for the public service provider. At least one of the addresses must be within the Permian Basin area.
 - vi. The name and mailing address of the officer or agent designated

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as the person authorized to receive service of process on behalf of the public service provider.

- vii. The name, address, and telephone number of any contractor or subcontractor, if known, who will be working in the public right-of-way on behalf of the public service provider.
- viii. The names and telephone numbers of at least two persons serving as emergency contacts who can be reached by telephone 24 hours a day, seven days a week. The telephone numbers should be accessible without the city having to pay a long distance telephone or toll charge.
- ix. Proof of existing insurance that complies with the following requirements:
 - (a) The minimum insurance coverage for a public service provider must be commercial general liability insurance, or any combination of general liability and umbrella/excess insurance, (including, but not limited to, premises operations, personal and advertising injury, products/completed operations, and independent contractors and contractual liability) with a minimum combined bodily injury (including death) and property damage limit of \$25,000,000 per occurrence, products/completed operations aggregate, and \$25,000,000 general aggregate. The liability insurance policy must also include coverage for explosion, collapse, and underground hazards. The insurance coverage must be written by a company or companies approved to conduct business in the State of Texas. The city must be named as an additional insured on the policy by using endorsement CO 20 26 or broader.
 - (b) The insurance filed by a public service provider must also meet the same requirements as insurance filed by a permittee under subsection (i), a public service provider has the same duties, obligations, and liabilities as a permittee, except that a public service provider does not have to file separate proof of insurance every time it obtains a permit to perform work in the public right-of-way.
 - (c) If the public service provider is an entity that has a tangible net worth ratio of 3 to 1 (assets to liabilities) with a minimum tangible net worth of at least \$100,000,000, proof of self-insurance sufficient to meet

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the coverage required in this subparagraph is sufficient to satisfy the insurance requirements of this subparagraph.

- x. The insurance requirements of this section do not apply to:
 - (a) Construction or other activity performed by the city's own forces or by contractors hired by the city and working on city-owned facilities within the public right-of-way; or
 - (b) A public service provider operating facilities or performing construction pursuant to a valid existing franchise or license approved by the city council.

(Ord. of 8-22-17)

Sec. 17-28.050. Plans of Record.

- (A) Any public service provider with facilities in the public right-of-way shall submit plans of record in accordance with the following requirements:
 - (1) On or before November 1, 2017, a public service provider shall submit to the director a schedule to provide complete plans of record that show all of its facilities existing in the public right-of-way as of the date the plans of record are submitted to the director in compliance with this section. The schedule must provide for all plans of record for existing facilities inside the central business district to be furnished to the director on or before March 1, 2018 and for all plans of record for existing facilities outside the central business district to be furnished to the director on or before November 1, 2018.
 - (2) On or before March 1 of each calendar year following the initial submittal of its plans of record, a public service provider shall provide to the director plans of record that show all installations of new facilities, and all changes, additions, abandonments, and relocations relating to existing facilities, completed in the previous calendar year, both inside and outside of the central business district.
 - (3) The plans of record must be provided in a format specified by the director and must contain such detail and accuracy as are required by the director. Plans of record must be submitted in computerized or digital format.
 - (4) If plans of record submitted under this section include information expressly designated by the public service provider as a trade secret or other confidential information protected from disclosure by state law, the director may not disclose that information to the public without the consent of the public service provider, unless otherwise compelled by an opinion of the attorney general pursuant to the

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Texas Open Records Act, as amended, or by a court having jurisdiction of the matter pursuant to applicable law. This subsection may not be construed to authorize a public service provider to designate all matters in its plans of record as confidential or as trade secrets.

(Ord. of 8-22-17)

Sec. 17-28-060. Permit Required; Exceptions; Conditions; Denial and Revocation.

- (A) A person shall not perform any construction, except for an emergency activity, within a public right-of-way without first obtaining a permit from the director prior to the start of construction. A person who undertakes any work outside of the public right-of-way that will cut, break, or otherwise damage the public right-of-way shall also obtain a permit under this section.
- (B) A permit is not required under Subsection (A) if the activity in the public right-of-way consists exclusively of:
 - (1) A connection of real property to a retail utility service on the same side of the public right-of-way, if the connection does not require a pavement cut; or
 - (2) The replacement of a single damaged pole.
- (C) The following procedures and requirements govern the application for and issuance of a permit to perform construction within the public right-of-way:
 - (1) A permit application must be made in writing on a form approved by the director. The application must be signed and submitted by the owner of the facility for which the permit is requested or, if the work does not involve a facility, by the owner of the improvement for which the permit is requested.
 - (2) Except in the case of a major project, a permit application must be submitted to the director not less than two business days before commencement of the proposed construction unless emergency activity is required, in which case immediate notice, including the reasons for the emergency activity, must be given to the director.
 - (3) A permit application for a major project must be submitted enough time in advance of the commencement of the proposed construction to allow the director at least thirty (30) business days for review. During this project submission review period, schedules, alternatives to cutting the street, utility assignments, special repair requirements, and all other questions will be resolved. Adjustments to time limits

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specified in the Pavement Cut and Repair Standards Manual may be granted by the director for major project work. The proposed construction on the project may commence upon issuance of the permit by the director.

- (4) A permit application must include a statement by the applicant that the applicant has collected all available plans for existing City of Big Spring underground

facilities and other public and private utilities and has included those facilities and utilities in the applicant's design, showing no apparent conflict. The statement must also affirm that the applicant will perform field verifications as necessary during construction to locate all city and other existing underground facilities.

- (5) The permit application on any project must include submittal of plans to the director. When required by the Texas Engineering Practice Act, as amended, the plans must be sealed by a professional engineer licensed to practice in the State of Texas. The plans must include the horizontal alignment of all proposed facilities in relation to all existing public and private facilities in plan view. If the project is a major project that is located within the central business district, crosses street intersections, or involves crossing proposed facilities over or under existing facilities, the plans must also include a representation of the vertical alignment of the facilities in profile view. Each sheet of the plans must have a note instructing the contractor to verify the location of underground utilities at least 100 feet in advance of all proposed utility crossings, and also at locations where the proposed facilities are shown to be running parallel to existing facilities within five feet. The plans must be half size (11" X 17") at a scale no smaller than 1"=40' in plan view and 1"-6' in profile view. Each project must be assigned a project number, which must appear on each sheet.
- (6) A permit is required even if other authority has been granted by the director to make a pavement cut or excavation in a public right-of-way as part of a city construction project.
- (7) The director shall state on the permit the activity for which the permit is issued and include any additional restrictions or requirements determined necessary by the director.
- (8) The permittee has the exclusive responsibility to coordinate with other public service providers to protect all existing facilities in the public right-of-way in which the construction occurs.
- (9) The permittee shall, as an express condition of the permit, comply in all respects with the requirements prescribed for the permitted activity

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in the Pavement Cut and Repair Standards Manual and with all other city ordinances and state or federal laws or regulations affecting the permitted activity.

- (10) The director shall notify public service providers that registered during the previous calendar year of pavement surfaces to be reconstructed or resurfaced by the city during the next calendar year.
- (11) A public service provider planning construction within the public right-of-way shall notify the director by March 1st of each year of all then-known facility expansion or replacement projects planned for the next fiscal year that may require pavement cuts or excavations.
- (12) The director may require any permittee to use trenchless technology or boring, instead of disturbing a public right-of-way surface, if it is:
 - i. In the best interest of the city;
 - ii. Technically, commercially, and economically feasible; and
 - iii. Not in violation of federal or state regulations or industry safety standards.
- (13) Directional drilling or boring may not be used in the central business district, unless otherwise approved by the director as being in the best interest of the public health, safety, welfare, and convenience.
- (14) In using trenchless technology or boring, whether or not required under this subsection, the permittee must:
 - i. Obtain and have at the construction site recent plans from the city's water utilities department, and, where available, plans from owners of all other underground facilities, showing the horizontal and vertical placement of the underground facilities, if the permittee's proposed facilities will:
 - (a) cross other existing facilities; or
 - (b) be located within five feet of existing facilities at any point;
 - ii. Locate all water main lines by potholing, if the permittee's proposed facilities will:
 - (a) cross other existing facilities; or
 - (b) be located within five feet of existing facilities at any point; and
 - (c) be able to locate the bore head at all times in accordance with the latest technologies and provide the location of the bore to the director upon request.

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- (15) The permittee shall maintain the construction area in a public right-of-way in a manner that avoids dust, other health hazards, and hazards to vehicular and pedestrian traffic until the public right-of-way is permanently repaired.
 - (16) When making a pavement cut or excavation, or placing spoils or excavated material in or along a public right-of-way, the permittee shall place barricades, warning signs, and warning lights at the location sufficient to warn the public of the hazard of the cut, excavation, spoils, or excavated material in compliance with the 1980 Edition of the Texas Manual on Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation.
 - (17) The director may require the permittee to share trench space to minimize the disruption of vehicular and pedestrian traffic or to provide space for needed city facility installations of such sharing is:
 - i. Technically, commercially, and economically feasible; and
 - ii. Not in violation of state or federal regulations or industry safety standards.
- (D) The following additional procedures apply if it is necessary to close, in whole or in part, a public right-of-way for purposes of making a pavement cut or an excavation:
- (1) For any closure of a traffic lane or blocking of a sidewalk or alley lasting one day or less, the permittee shall conspicuously mark its vehicles with the permittee's name and telephone number.
 - (2) Any closure of a traffic lane or blocking of a sidewalk or alley lasting longer than one (1) day must be identified by a sign that is clearly legible to the traveling public. The sign must be posted at or in close proximity to the worksite and must contain:
 - i. the name of the permittee;
 - ii. the name of the person performing the construction on behalf of the permittee, in any; and
 - iii. a local 24-hour contact number that can be used in case of emergency or to answer any questions.
 - (3) The requirements of this subsection are in addition to any other signage, barricades, or warning devices required by law or ordinance.

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The sign information required by Paragraph (2) of this subsection may be included on barricades or warning devices.

- (4) When permitted construction will last longer than two weeks, the permittee shall give written notification to all adjacent property occupants by conspicuously posting the notification on each adjacent property at least 72 hours before commencement of construction, unless the director determines that an emergency exists.
- (5) If a street or alley must be totally closed for any duration, the permittee shall provide for reasonable alternative access to the adjacent property by the property's occupants and invitees, which access must include but is not limited to deliveries to the property.
- (6) If construction on a partially closed thoroughfare stops for the day, all thoroughfare lanes must be reopened to traffic, unless an extended time of closure is expressly granted by the permit.
- (7) If a pavement cut is to be covered, the permittee shall use steel plates, or equivalent plates, of sufficient strength and thickness to support all traffic.
- (8) Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to any traffic. Asphalt transitions must be placed as required to provide a reasonably smooth riding surface.
- (9) Plates must be marked with the name of the person performing the construction and with a local 24-hour contact number that can be used in case of an emergency, unless a sign complying with Paragraph (2) of this subsection is posted at or in close proximity to the worksite.

- (10) Unless it becomes necessary to conduct emergency activity, a permittee shall not cause or allow interference with traffic flow on a thoroughfare during the hours of
6:30 a.m. through 9:30 a.m. and 3:30 p.m. through 6:30 p.m.,
Monday through Friday.
- (11) A temporary repair may not remain on public right-of-way for more than 14 calendar days after the completion of the repair or installation of the underground structure or facility, unless a time extension has been granted by the director. The city may, at the expense of the permittee or other responsible person, remove any temporary repair remaining in the public right-of-way beyond the 14-day time limit and make permanent repairs. Any exception to the 14-day time limit, other than a relocation of a facility in advance of a city

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construction project in the public right-of-way, must be approved by the director prior to expiration of the time limit.

- (12) If no construction has commenced under a permit within 120 calendar days after issuance of the permit, the permit becomes null and void, and a new permit is required before construction may be performed in the public right-of-way. An extension to a permit may be granted by the director only before the permit expires.
- (13) The director may refuse to issue a permit if:
- i. the proposed construction will substantially interfere with vehicles or pedestrians and no procedures, or procedure inconsistent with the article, have been implemented to minimize the interference;
 - ii. the proposed construction will substantially interfere with another activity for which a permit has been issued, or will conflict or interfere with existing facilities already in the public right-of-way;
 - iii. the proposed barricading, channelizing, signing, warning, or other traffic control procedures or equipment do not comply with the requirements of the 1980 edition of the Texas Manual on Uniform Traffic Control Devices, as amended;
 - iv. the proposed construction, incidental traffic control, or other permitted activity, or the manner in which it is to be performed, will violate a city ordinance or regulation or a state or federal statute or regulation;
 - v. the permittee:
 - (a) failed to furnish all the information required by this article;
 - (b) knowingly or intentionally furnished materially false or incorrect information to the director;
 - (c) failed, except for good cause shown, to file the application on the approved form within the time limits prescribed by this section;
 - (d) failed or refused to submit plans of record;
 - (e) was convicted of violating a provision of this article twice within the two-year period immediately preceding the date of application;
 - (f) failed to furnish or have on file with the director the insurance required under this article;
 - (g) is not in compliance with applicable requirements of an existing permit issued under this article; or

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- (h) has not obtained a current copy of the Pavement Cut and Repair Standards Manual from the director.
- (14) The director may suspend construction or revoke an issued permit on the same grounds on which a permit may be denied under Subsection (h), or if the permittee:
- i. commences or performs construction in violation of an applicable requirement of this article or the permit;
 - ii. creates or is likely to create a public health or safety hazard by performance of the construction in question;
 - iii. fails to comply with an order or regulation of the director;
 - iv. fails to comply with restrictions or requirements of other city ordinances or state or federal laws or regulations applicable to the construction; or
 - v. commences or performs work without having prior knowledge and understanding of the applicable repair standards or without having obtained a current copy of the Pavement Cut and Repair Standards Manual from the director.
- (15) The director shall provide written notice of a suspension or revocation to the permittee or the person hired by the permittee to perform the construction.
- (16) Construction that is suspended may not resume until the director determines that the permittee has corrected the violation, noncompliance, or hazard that caused the suspension. A permit that has been revoked may be reinstated by the director if the director determines that:
- i. the permittee has corrected the violation, noncompliance, or hazard that caused the revocation; and
 - ii. the health or safety of the public is not jeopardized by reinstating the permit.
- (17) Any variance from the requirements of this article must be approved in advance by the director. The director may grant a variance only if an extreme hardship exists and the public health, safety, welfare, and convenience is not adversely affected by granting the variance. The director may not approve any variance that would give a competitive advantage to one public service provider over another public service provider providing the same or similar service. The director may not grant a variance from the indemnity requirements of this ordinance.

(Ord. 8-22-17)

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Sec. 17-28.070. Insurance and Indemnity Requirements: Exceptions.

(A) As an express precondition to being granted a permit to perform construction within a public right-of-way the permittee shall furnish the director proof of existing insurance in accordance with the following requirements:

- (1) If the construction will require a pavement cut or excavation not more than 18 inches in depth and 300 feet in length, the permittee must provide proof of commercial general liability insurance (including, but not limited to, premises operations, personal and advertising injury, products/completed operations, and independent contractors and contractual liability) with a minimum combined

bodily injury (including death) and property damage limit of \$500,000 per occurrence, \$500,000 products/completed operations aggregate, and \$500,000 general aggregate. The insurance coverage must be written by a company or companies approved to conduct business in the State of Texas. The city must be named as an additional insured on the policy by using endorsement CG 20 26 or broader.

- (2) If the construction will require a pavement cut or excavation exceeding either 18 inches in depth or 300 feet in length, the permittee must provide proof of commercial general liability insurance, or any combination of general liability and umbrella/excess insurance, (including, but not limited to, premises operations, personal and advertising injury, products/completed operations, and independent contractors and contractual liability) with a minimum combined bodily injury (including death) and property damage limit of \$25,000,000 per occurrence, \$25,000,000 products/completed operations aggregate, and \$25,000,000 general aggregate. The liability insurance policy must also include coverage for explosion, collapse, and underground hazards. The insurance coverage must be written by a company or companies approved to conduct business in the State of Texas. The city must be named as an additional insured on the policy by using endorsement CG 20 26 or broader.
- (3) Each policy must include a provision that requires the insurance company to notify the city in writing at least 30 days before canceling or failing to renew the policy or before reducing policy limits or coverages.

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- (4) The permittee agrees, with respect to the insurance coverage required by this subsection, to waive subrogation against the city and its officers and employees for bodily injury (including death), property damage, or any other loss.
- (5) The insurance coverage required by this subsection is considered primary insurance in regard to the city and its officers, employees, and elected representatives.
- (6) Proof of insurance in the form of an original industry standard certificate of insurance showing the city as an additional insured must be provided to the

director prior to any commencement of work by the permittee. The certificate of insurance must be executed by the insurer or its authorized agent and must state specific coverage, limits, and expiration dates in accordance with the requirements of this subsection.

- (7) The permittee shall make available to the director, upon request, a copy of the insurance policy, including any endorsements, riders, and amendments to the policy and any statements respecting coverage under the policy.
 - (8) A permittee who is a public service provider who has registered and filed proof of insurance under the requirements of this article is not required to furnish separate proof of insurance under this section when obtaining a permit, but must comply with all other requirements of this section.
- (B) If the permittee is an entity that has a tangible net worth ratio of 3 to 1 (assets to liabilities) with a minimum tangible net worth of at least \$100,000,000, proof of self-insurance sufficient to meet the coverage required in Subsection (A) is sufficient to satisfy the requirements of that subsection.
- (C) The following indemnity provisions apply to a public service provider registered under this ordinance and are also included by reference as express terms of a permit issued under this article:
- (1) A permittee who is a certificated telecommunications provider as defined in Chapter 283, Texas Local Government Code, as amended, or a network provider as defined by Chapter 284 of the Texas Local Government Code, as amended, agrees to give to the city the indemnity provided in Section 283.057, Texas Local Government Code, as amended.

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- (2) A permittee, other than a certificated telecommunications provider or a network provider as defined by Chapter 284 of the Texas Local Government Code, described in Paragraph (1) of this subsection, expressly agrees to fully and completely defend, indemnify, and hold harmless the city and its officers, agents, and employees, against any and all claims, lawsuits, judgments, costs, and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by any negligent, grossly negligent, wrongful, or strictly liable act or omission of the permittee or its agents, employees, or contractors, in the performance of work or activity pursuant to the permit issued under this article, regardless of whether or not the negligence, gross negligence, wrongful act, or fault of the city or its officers, agents, or employees, contributes in any way to the damage, injury, or other harm. The requirement of the permittee to defend the city also unconditionally applies regardless of whether or not the negligence, gross negligence, or fault of the city or its officers, agents, or employees contributes in any way to the damage, injury, or other harm. Nothing in this

paragraph may be construed as waiving any governmental immunity available to the city under state law. This provision is solely for the benefit of the permittee and the city and is not intended to create or grant any rights, contractual or otherwise, in or to any other person.

- (3) This section does not apply to:
- i. construction or other activity performed by the city's own forces or by contractors hired by the city and working on city-owned facilities within the public right-of-way;
 - ii. a person operating facilities or performing construction pursuant to a valid existing franchise or license approved by the city council; or
 - iii. construction or repair of a sidewalk or driveway approach for an abutting single-family or duplex residential property owner.

(Ord. 8-22-17)

Sec. 17-28-080. Miscellaneous Requirements for Street Excavation and Installations and Trench Safety.

- (A) In addition to the other requirements of this article, a pavement cut, excavation, or repair necessitated by or as a result of construction inside

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or outside of the public right-of-way must comply with all of the requirements contained in this section.

(B) General.

- i. A pavement cut in the public right-of-way may be made prior to obtaining a permit only if a valid need to perform emergency activity exists. Immediate notice, including the reasons for the emergency activity, must be given to the director. Whenever an emergency activity cut is made, application for a permit must be made not later than the second business day following commencement of the emergency activity;
- ii. A pavement cut in a newly constructed, reconstructed, or resurfaced street may not be made for 60 months after the substantial completion of the work, unless repairs are made in compliance with the Pavement Cut and Repair Standards Manual.
- iii. The permittee and any person responsible for construction shall protect the public right-of-way surface, drainage facilities, and all other existing facilities and improvements from excavated materials, equipment operations, and other construction activities. Particular attention must be paid to ensure that no excavated material or contamination of any type is allowed to enter or remain in a water or wastewater main or access structure, drainage facility, or natural drainage feature. Adequate provisions must be made to ensure that traffic and adjacent property owners experience a minimum of inconvenience.

(C) Five-year maintenance period.

- i. All construction must be done in a good and workmanlike manner and in faithful and strict compliance with the permit, this article, other city ordinances, and regulations promulgated by the director relating to construction within the public right-of-way.
- ii. All construction performed under any permit granted to a permittee by the city under this article must be maintained to the satisfaction of the director for five years after the date of completion of the construction or repair.
- iii. Any damage to, or any defect or other problem in, the permitted construction occurring at any time within five years after the completion of work under the permit must be corrected to the satisfaction of the director within 10 days after the director gives

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notice to the permittee to correct the damage, defect, or other problem.

- iv. The opinion of the director as to the necessity of correcting any damage, defect, or other problem is binding on all parties.

(D) Repairs.

- i. All damage caused directly or indirectly to the public right-of-way surface or subsurface outside the pavement cut or excavation area will be regarded as a part of the pavement cut or excavation and must be included in the total area repaired. If repaired by the city, the permittee shall reimburse the city of the actual direct and indirect costs of the repair.
- ii. The director shall notify the permittee if the backfill on a permitted construction settles at any time during the five-year maintenance period, causing subsidence in the pavement of one-half inch or more, vertically measured in any three-foot horizontal direction. Upon notification, the permittee shall schedule appropriate repair work and promptly notify the director of the anticipated dates of commencement and completion of the repair work. If the repair work is not commenced or completed within the agreed-upon time schedule, or if no response is received by the director within 24 hours after notification to the permittee, the repair work may be performed by the city. The permittee shall reimburse the city for the actual direct and indirect costs of any repair work performed by the city.
- iii. The permittee shall notify the director at least 24 hours before commencing any repair operations under Paragraph (ii) of this subsection.

(E) Trench safety.

- i. Trench safety systems that meet U.S. Occupational Safety and Health Administration standards are required for construction in which trench excavation will exceed a depth of five feet.

- ii. Paragraph (i) of this subsection does not apply to a construction contract entered into by a permittee that is subject to the safety standards adopted under Chapter 121, Texas Utilities Code, as amended.

(Ord. 8-22-17)

Sec. 17-28.090. Restoration Requirements.

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- (A) The Pavement Cut and Repair Standards Manual and the requirements of this section govern the restoration of public right-of-way surfaces within the city. For those restoration activities not covered by the Pavement Cut and Repair Standards Manual or this section, the applicable provisions of the Standard Specifications/or Public Works Construction-West Texas will govern.

- (B) A permittee performing construction in the public right-of-way shall restore the public right-of-way to a condition that is equal to or better than the condition prescribed by the most recent version of the Pavement Cut and Repair Standards Manual or other applicable city design and construction standards.

- (C) Restoration work must be performed to the satisfaction of the director. Restoration work must include, but is not limited to the following:
 - (1) Replacement of all sod or ground cover with sod or ground cover equal to or better than the type damaged during the work, either by sodding or seeding as required by the director.
 - (2) Installation or reinstallation of all manholes and handholes, as required by the director.
 - (3) Backfilling and compaction of all completed bore pits, potholes, trenches, or other holes, which must be performed on a daily basis unless other safety requirements are approved by the director.
 - (4) Street, sidewalk, and alley repair that conforms with the standards for construction established in this article and by the director.
 - (5) Leveling of all trenches and backhoe lines.
 - (6) Restoration of the excavation site to the specifications and requirements established in this article and by the director.
 - (7) Restoration of all landscaping, ground cover, and sprinkler systems.
 - (8) Restoration of any damaged traffic control devices, including but not limited to imbedded loop detectors, pavement markings, underground conduits, and signs.
 - (9) All location flags must be removed during the cleanup process by the permittee or the permittee's contractor at the completion of the work.
 - (10) Restoration of special street, sidewalk, or drive approach surfaces designed to present unique visual images, color, or designs (regardless of the type, color, pattern, or texture of special material or process used) must be done so that the

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restoration matches the color, texture, and pattern of the surrounding special surfaces.

- (11) Restoration must be made in a timely manner. If restoration is unsatisfactory or not performed in a timely manner, then all of the permittee's work in progress on the project in question (except for that work related to the problem of unsatisfactory restoration) will be halted, and no other permit will be approved until all restoration is complete. Any hold on the permittee's work will include work previously permitted but not completed.

(Ord. 8-22-17)

Sec. 17-28.100. Clearance for Street Paving and Storm Drainage Projects.

- (A) A person making a pavement cut or excavation for the purpose of adjusting facilities at the request of the city in advance preparation for a city street paving or storm drainage project shall obtain a permit under this article, except that the time limits prescribed do not apply.
- (B) The permittee shall maintain the pavement cut or excavation until the work order authorizing the construction of the street paving or storm drainage project is issued by the city. Upon notification by the director of any problem with the maintenance of the cut or excavation, the permittee shall promptly correct the problem. The permittee shall notify the director of the anticipated date of correction. If the correction is not made by the anticipated date, or if no response is received by the director within 24 hours after the director gives notice to the permittee, the correction may be made by the city, and the permittee shall reimburse the city for the actual direct and indirect costs of the correction.

(Ord. 8-22-17)

Sec. 17-28-110. Conformance with Public Improvements.

- (A) Whenever the city or the director deems it necessary to remove, alter, change, relocate, or adapt the underground or overhead facilities of a public service provider in the public right-of-way due to the city's reconstruction, widening, or straightening of streets; replacement of water or wastewater facilities; installation of traffic signals, traffic signs, and marking; or construction of any other city public improvement project, the public service provider that owns the facilities shall conform its facilities with the project as prescribed by the director.
- (B) The facilities must be conformed, at the public service provider's expense, within 90 days after the director issues notice to the public service

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provider, unless a different schedule for the work is approved by the director.

- (C) Facilities of a public service provider that are not conformed within the 90-day notice period or within the approved schedule will be deemed abandoned, and the city will not

be liable for any damage to or destruction or removal of the facilities, or for any interruption or termination of service through the facilities, caused by the activity of the city described in this section.

(Ord. 8-22-17)

Sec. 17-28-120. Improperly Constructed Facilities.

(A) A permittee shall:

- (1) Properly construct, install, operate, repair, relocate, upgrade, and maintain its facilities existing within the public right-of-way; and
- (2) Repair or restore any damage to other facilities, the public right-of-way, or private property that occurs as a result of improper construction, installation, operation, repair, relocation, upgrade, or maintenance of the permittee's facilities.

(B) Facilities will be considered to be improperly constructed, installed, operated, repaired, relocated, upgraded, or maintained if:

- (1) The construction, installation, operation, repair, relocation, upgrade, or maintenance endangers public health or safety or creates a public inconvenience;
- (2) The facilities encroach upon private property or extend outside the right-of-way location designated in the permit;
- (3) Above-ground facilities located within the right-of-way are less than one and one-half feet from the face of the curb or less than six inches from a sidewalk;
- (4) The construction, design, or configuration of the facilities does not comply with applicable local, state, or federal laws or regulations;
- (5) The construction, installation, operation, repair, relocation, upgrade or maintenance is conducted in a manner that damages private property or another public service provider's facilities;
- (6) The facilities are not capable of being located or maintained using standard practices; or

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- (7) The facilities are placed in an area that interferes with another public service provider's facilities.
- (C) It is a defense to prosecution under Subsections (b)(3) and (b)(4) of this section that the facilities were constructed or installed in the public right-of-way before September 1, 2017.
- (D) Nothing in this section may be construed to diminish the authority of the director to require specific placement of specific facilities.

(Ord. 8-22-17)

Sec. 17-28-130. Emergency Repairs.

- (A) If the director determines during construction that an emergency repair to a public right-of-way is necessary to correct a situation that is hazardous to the public, the director shall immediately notify the permittee. If the permittee does not commence the emergency repair promptly, the director may, in his sole discretion, cause performance of such emergency repair work as is necessary to correct the hazardous situation. The permittee shall reimburse the city for the actual direct and indirect costs of the work necessary to correct the hazardous situation, including cleanup. The permittee shall maintain the emergency repair until the permittee completes final repairs.
- (B) If the director determines that a problem with a public service provider's existing facility in a public right-of-way requires an emergency repair to correct a situation that is hazardous to the public, the director shall immediately notify the public service provider. If the public service provider does not commence the emergency repair promptly, the director may, in his sole discretion, cause performance of such emergency repair work as is necessary to correct the hazardous situation. The public service provider shall reimburse the city for the actual direct and indirect costs of the work necessary to correct the hazardous situation, including cleanup. The public service provider shall maintain the emergency repair until the public service provider completes final repairs.

(Ord. 8-22-17)

Sec. 17-28-140. Effect of Article on Persons Engaged in Construction.

- (A) Any permit issued prior to September 1, 2017 will remain subject to the terms and conditions of city ordinances and requirements in effect at the time of issuance of the permit and is not affected by this article, except

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that, upon expiration or conclusion of the permit, a new or renewal permit must be obtained in accordance with this article.

(Ord. 8-22-17)

Sec. 17-28-150. Pavement Cuts and Excavations.

Definitions in this article:

BACKFILL means the restoration of excavated material.

DIRECTOR means the director of the department designated by the city manager to enforce and administer this article, or the director's authorized representative.

EMBANKMENT means excavated material placed on the surface.

PAVEMENT CUT means a cut made into the paved surface of a public street, alley, curb, or sidewalk.

PAVEMENT EXCAVATION means the removal of material below the public street, alley, curb, or sidewalk paved surface.

(Ord. 8-22-17)

Sec. 17-28.160. Permit Required; Exception; Refusal to Issue; Restrictions.

(A) No person may make a pavement cut or pavement excavation or place an embankment on a public street, alley, or sidewalk without first obtaining a permit from the director. A person must apply for a permit at least 48 hours prior to the proposed activity unless an emergency exists in which case immediate notice must be given to the director. No permit is required, however, if specific authority has been granted under a building permit to cut a sidewalk or curb.

(B) The director may refuse to issue a permit if the proposed activity will:

- (1) Substantially interfere with vehicles or pedestrians and no procedures, or procedures which are inconsistent with this article, have been implemented to minimize the interference; or
- (2) Interfere with another activity for which a permit has been issued.

(C) The director shall state on the permit the activity for which the permit is issued and any restrictions or requirements which he determines are necessary. 25.(d) A person issued a permit under this section shall comply with all restrictions and requirements of the permit, this article and

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all other applicable city ordinance, and all applicable state and federal laws and regulations.

(Ord. 8-22-17)

Sec. 17-28.170. Restoration of Pavement to Former Condition.

A person who makes a pavement cut or excavation or places an embankment on a public street, alley, or sidewalk shall, as rapidly as practicable after a project is completed, backfill the excavation to a firm and solid bearing in a manner that will prevent the settling of the earth and shall restore the base and pavement surface as near as possible to its former condition. Restoration work must be completed to the satisfaction of the director.

(Ord. 8-22-17)

Sec. 17-283180. Barricades, Warning Signs and Signal Lights.

A person who makes a pavement cut or excavation or places an embankment in or along a public street, alley, or sidewalk shall place barricades, warning signs and signal lights at the location, sufficient to warn the public of the hazard of the cut, excavation, or embankment, and which are in compliance with applicable state and local laws and regulations. The person shall attach to each

barricade, warning sign, and signal light, the name, street address, and 24-hour telephone number of the person responsible for the warning device.

(Ord. 8-22-17)

Sec. 17-28.190. Authority of the Director.

(A) For purposes of enforcement of this article, the director has the following authority:

- (1) The director shall determine the time and method of pavement cuts and excavations in order to minimize interference with traffic and to eliminate the unnecessary cutting of pavement.
- (2) The director may enter premises for the purpose of inspection of pavement cuts, excavations, restorations, embankments, barricades, warning signs, and signal lights.
- (3) The director may order removal of encroachments on the right-of-way, placement of proper barricades and warning devices, and repair of substandard restoration work.
- (4) The director may exercise police power in the enforcement of this article.

(B) Whenever any work is being done contrary to the provisions of the permit, this article, any other applicable city ordinance, or applicable state or

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federal law or regulation, the director may order the work stopped by notice in writing served on any person engaged in the work or causing the work to be done. A person issued this notice shall stop work immediately until authorized by the director to proceed with the work.

(Ord. 8-22-17)

Sec. 17-28.200. Offenses; Penalty.

- (A) A person commits an offense if:
- (1) He violates any Section of this article;
 - (2) He fails to comply with restrictions or requirements placed on the permit by the director; or
 - (3) He fails to comply with an order of the director.
- (B) A person commits an offense if while performing a pavement cut or pavement excavation if he:
- (1) Damages the paved surface of a public street, alley, curb, or sidewalk and the damage is not reasonably necessary to the performance of the activity; or
 - (2) Fails to clear debris from a public street, alley, curb, or sidewalk after completion of the activity.
- (C) A person commits an offense if while performing an activity along a public street, alley, or sidewalk which requires a permit from the building official, if he:
- (1) Damages the paved surface of a public street, alley, curb, or sidewalk without authority under the permit; or
 - (2) Fails to clear debris from a public street, alley, curb, or sidewalk which is not within the site area designated under the permit.
- (D) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued, or permitted. Each offense is punishable by a fine of not less than \$25 nor more than \$500; except, that an offense under Subsection (b)(2) or (c)(2) of this section is punishable by a fine of not less than \$25 nor more than \$2,000.

(Ord. 8-22-17)

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Sec. 17-28.210.

Network Nodes

and Related Infrastructure.

- (A) The terms used in this section have the meanings ascribed to them in Chapter 284 of the Texas Government Code, as amended.
- (B) A person shall not construct, place, install, replace, upgrade, repair, or collocate a network node or related infrastructure, including poles, within a public right-of-way without first obtaining a permit from the director.
- (C) Permit applications must be accepted and processed as provided in the Design Manual and in accordance with Chapter 284 of the Texas Local Government Code, as amended. A permit application for a network node must be accompanied by a fully executed pole attachment agreement for the proposed location or an approved permit for a node support pole at the proposed location in order for the application to be deemed complete. The director shall deny applications that do not include required materials and information in accordance with state law and the Design Manual.
- (D) A person shall not file, or have pending, more than 30 permit applications for the installation or collocation of network nodes at any time.
- (E) Permit fees and compensation for use of the right-of-way and any city infrastructure pursuant to Chapter 284 of the Texas Local Government Code, as amended, shall be as provided by state law and the Design Manual.
- (F) The placement, installation, or collocation of a network node or related infrastructure, including poles, in a design district with decorative poles or in a district the city has designated as historic, is subject to additional design, concealment, and aesthetic standards, as set out in the Design Manual.
- (G) A network provider shall not install a new node support pole in a public right-of-way if the public right-of-way is:
 - (1) Adjacent to property under the control and jurisdiction of the park board; or
 - (2) Adjacent to a street or thoroughfare that is not more than 50 feet wide and adjacent to property zoned for residential uses, as that term is defined by the City of Big Spring Zoning Ordinance.
- (H) Designations.

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- (1) Any area that meets the definition of a design district under this article is hereby designated a design district for purposes of Chapter 284 of the Texas Local Government Code, as amended.
- (2) Any area within the city without utility poles is hereby designated as an underground district pursuant to Chapter 284 of the Texas Local Government Code, as amended, and is subject to additional design, concealment, and aesthetic standards as set out in the Design Manual.
- (3) A person acting under this section shall do so in accordance with the terms of the permit, the Design Manual, and all applicable city ordinances, state, and federal laws.

(Ord. 8-22-17)

Sec. 17-29 to 17-32. Reserved.

Article 3. Construction or Alteration of Curbs, Gutters and Sidewalks.

Sec. 17-33. Permit.

No curb or gutter or sidewalk shall be constructed within the right-of-way of the public streets of the City of Big Spring or having been previously constructed, shall be altered, without the written consent of the director of public works. Such consent shall be in the form of an approved permit issued by the director of public works or his duly authorized agent. The permit required by this section shall bear the following fee:

Residential curb permit	\$ 10.00
Commercial curb cut permit.....	\$ 10.00

(Ord. 6-10-86)

Sec 17-34. Bond for curb cuts

No person, other than a duly authorized employee of the city or a public utility, shall cut any existing curb, without first filing with the city a surety bond in the amount of one thousand dollars (\$1,000.00) conditioned that the work will be done according to the city's standards and specifications.

Sec. 17-35. Design standards.

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All curb and gutter or sidewalks constructed in the right-of-way of the public streets of the city shall conform to the design of the curb and gutter and sidewalk standards as set by the director of public works. (Ord. of 7-28-59, Art. 2)

Sec. 17-36. Location requirements; curb and gutter "leave-outs" for parking.

Curb and gutter shall be placed within the street right-of-way and shall conform to the existing or proposed street paving width. Location shall be determined on the ground by the director of public works or his authorized agent, such determination being accomplished by the use of grade stakes described in section 17-37. Curb and gutter "leave-outs" to provide for angle parking or for any other purpose shall not be allowed except as special permission is granted by the city council. Where "leave-outs" or cuts now exist and off-street parking is being practiced on the right-of-way of the street, the design of such parking as to head-in angle shall be designated by the director of public works.

Sidewalks shall, in every case, be placed on the right-of-way of the street with one edge of such sidewalk always being coincident with the right-of-way line of the street, or in special cases, as directed by the director of public works. (Ord. of 7-28-59, Art. 3)

Sec. 17-37. Line and grade for new construction.

When application is made for section I of the permit required by section 17-33, the public works department shall, within seven (7) days, place grade stakes on the ground to cover the extent of construction applied for. These grade stakes shall determine the line and grade of the curb and gutter or sidewalk to be built and such curb and gutter or sidewalk shall be built to that line and grade.

Information about line and grade shall be furnished to the applicant by means of a cut sheet, which shall show the location of proposed construction by an offset from the stakes, and shall show the grade by means of cuts or fills from the elevation of the stakes. No work whatever shall be done on the construction of any curb and gutter or sidewalk without first obtaining such cut sheet. (Ord. of 7-28-59, Arts. 1,4; Ord. of 8-25-59, Art. 1)

Sec. 17-38. Curb cut layout for alterations.

Curb and gutter sidewalks to be cut under Section II of the permit required by section 17-33 shall be cut in accordance with the curb cut layout to be prepared and given to each applicant along with each approved application. This curb cut layout shall be a sketch showing the extent of the curb to be cut and removed. No work whatsoever shall be done on the alteration of any curb and gutter or sidewalk without first obtaining such curb cut layout. (Ord. of 7-28-59, Arts. 1,5; Ord. of 8-25-59, Art. 1)

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Sec. 17-39. Special approval for sidewalk cuts.

The cutting of any sidewalk located in the right-of-way of any street shall be considered a special case in every case and the amounts to be cut shall be approved by the director of public works on the merits of each single case as that case arises. (Ord. of 7-28-59, Art. 5)

Sec. 17-40. Maximum length of curb cut in residential area.

No continuous curb cut in a residential area shall be greater than thirty-two (32) feet. (Ord. of 8-25-59, Art. 1)

Article 4. Delineating Responsibilities and Certain rules Governing Streets within the City of Big Spring.

Sec. 17-41. Official City Map.

The official map of the City shall be prepared by the City Engineer on individual sheets representing one square mile of area per sheet to a scale of one inch equals three hundred (300) feet, on which shall be shown and designated the various streets, Avenues and Boulevards, Terraces and public parks and alleys together with the lots and addition or subdivision numbers and names, as well as the street number for each block. The City engineer is hereby authorized and directed to revise the official map when any plat of any subdivision addition or other area has been approved by the Planning and Zoning Commission, City Council and has been recorded in the County Clerk's office or when otherwise directed by ordinance. (Ord. of 9-10-85; Ord. of 10-12-93)

Sec. 17-42. Street numbers - Duties of building official.

The building official is hereby authorized, empowered and instructed to designate a number for each building situated on the streets, avenues, boulevards and terraces of the City in conformity with this article and is hereby directed to keep an accurate record in his office of all such numbers. He shall, upon application of any resident of the city, advise such applicant of the number given to any particular house or building. (Ord. of 9-10-85; Ord. of 10-12-93)

Sec. 17-43. Same - Approval and adoption.

The numbering designated by the building official, based upon the official maps adopted and approved in Section 17-41 of this Code, is hereby in all instances approved and adopted as the correct numbering for such buildings and improvements. (Ord. of 9-10-85; Ord. of 10-12-93)

Sec. 17-43a. Same - Determined by building official; method used.

The building official shall determine the official street numbers by designating one numerical number for each platted lot along the street, avenue or boulevard except

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where the property is platted into lots or tracts with a frontage abutting said street, avenue or boulevard in excess of seventy-five (75) feet, then in such event the building official shall allocate one numerical address for each fifty (50) feet of frontage or major portion thereof. Where duplex houses, apartments or business building are erected entirely on any one lot which is entitled to receive only one number as provided herein.

Each apartment, business or other unit shall be designated with the number to which the lot is entitled followed by an alphabetical suffix for each such addition unit beginning with the letter "A". (Ord. of 9-10-85; Ord. of 10-12-93)

Sec. 17-45. Same - Appeal from decision of building official.

Should the owner of any building which has been assigned a number by the building official object to such number and the decision of the official, he may, at any time within thirty (30) days from and after the date when such number is designated, have the right to appeal to the Building Board of Adjustments and Appeals, by giving written notice, duly filed with the City Secretary, within such period of time, which written notice shall clearly and fully set forth the number designated, together with the objections of the party appealing from the decision of the building official, and upon the filing of such appeal, the Board shall set a date for the hearing of such appeal. At the hearing the Board shall hear and determine whether or not such house, building or lot is correctly numbered and shall, at such hearing, determine and declare the correct number for such house, building, lot or structure, and shall enter an order upon the minutes of the Board so declaring such correct number. (Ord. of 10-12-93)

Sec.17-46. Signs, advertisements and house number.

- (A) It shall be unlawful for any person to post or paint signs, advertisements, or other matter or posts sidewalks, or curbs or other public places in the City; provided, however the proprietor of any premises is hereby authorized to paint or authorize the painting, upon the top side or street side of the curb or on the sides of the driveway abutting the premises, of the proper number designated by the building official for such premises, provided the numbering is black in color on white background or white in color on a green or black background, the number does not exceed four (4) inches in height, the background does not exceed six (6) inches in height an twenty (20) inches in length, and the paint used for such purposes is durable paint designated for application to concrete surfaces.

- (B) The painting of curbs to designate a "No Parking" zone shall be permitted in areas, wherein the Traffic Commission has so recommended such painting. The Traffic

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Commission will take under consideration the traffic and pedestrian safety when making such recommendation. (Ord. of 10-12-93)

Sec. 17-47 to 17-49. Reserved.

Article 5. Renaming of Streets

Sec. 17-50. Renaming streets.

- (1) **Purpose.** The purpose of this Section is to establish uniform criteria and procedures, applicable to all persons, groups, firms, and agencies, for the permanent change of city street names.
- (2) **Application for name change.** An application to change a street name may be filed with the City of Big Spring Community Services Department and must be accompanied by a petition approving the proposed name change signed by more than seventy-five percent (75%) of the owners of land abutting the street for which a name change is proposed. The application should contain the following information:
 - (a) the current official street name;
 - (b) the proposed street name, which shall meet the policy guidelines of this chapter;
 - (c) detailed description of reason for the requested street name change, including discussion of major contributions of the individual to the community of Big Spring,
 - (d) the name, address and telephone number of the person, persons, corporation, association, group or entity proposing the name change.
 - (e) the name, address and telephone number of one person with authority to represent binding commitments and take official action relative to such street name change on behalf of the proponents;

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- (f) a non-refundable application fee, as set forth in Appendix A of this Code, shall be paid to cover the administrative cost of review, postage, advertisement and filing expenses; and
- (g) an additional fee, also set forth in Appendix A of this Code, shall be assessed for each street sign and property address sign affected by an approved street name change to cover the costs associated with fabricating new signs and notifying of all effected County, State, and Federal agencies of the street name change. (Ord. of 10-11-16)

- (3) **Review of proposed name change.** Following receipt of a completed application, the City Traffic Commission will review the application and forward a recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall conduct a public hearing to receive public comment on the proposed change, which hearing shall be held not more than ninety (90) days from the date of filing of the

application. The City of Big Spring Community Services Department shall notify all abutting property owners, as ownership appears on the ad valorem tax rolls, of the time and date of such public hearing. Written notices of such public hearing shall be given not less than ten (10) days before the day set for such hearing. Prior to the hearing, the City of Big Spring Community Services Department shall compute the costs of changing street name signs and such costs shall be paid by the proponents through the Twenty-five and No/100 dollars (\$25.00) per property charge described above. Following the public hearing, the Planning and Zoning Commission shall make a recommendation with regard to the proposed change to the City Council. If the Planning and Zoning Commission recommends denial of a street name change, the action of the Planning and Zoning Commission can be appealed to the City Council at the next regularly scheduled meeting after the hearing at which the denial was made. The request for appeal must be in writing and must be submitted the City of Big Spring Community Services Department. The City of Big Spring Community Services Department shall schedule a City Council hearing on all applications for street name change in which the commission recommends approval and in all applications in which the commission recommends denial if an appeal is requested in accordance with this Section.

- (4) **Consideration by City Council.** The City Council of the City of Big Spring shall consider recommendation of the Planning and Zoning Commission

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and public hearing may be requested. A notice of the time and place of such hearing shall published in accordance with City of Big Spring Code and the Texas Open Meetings Act. The favorable vote of the majority of the City Council is required for approval of the application.

- (5) **Implementation of approved change.** In the event that the City Council approves the change to the street name, the City of Big Spring Community Services Department shall revise the official street name map, and notify abutting property owners, all effected County, State and Federal agencies of the effective date of the new name for the street. In the event that the City Council denies the name change, Twenty-five and No/100 Dollars (\$25.00) per property payment of the street name signs shall be refunded to the proponents not more than thirty (30) days from the decision.
- (6) **Criteria for street name changes must conform to the following:**
- (a) **Streets named in honor or memory of a person.** Streets that are currently named in honor or memory of a person are not eligible for street name changes
 - (b) **Subsequent name changes.** Streets that have experienced a name change are not eligible for additional or further street name changes for a period of no less than twenty years.
 - (c) **Major Arterial (thoroughfares) and Major collector streets.** Major Arterial (thoroughfares) and Major collector streets are not eligible for street name changes unless such street name change meets the unanimous consent of the City Traffic Commission, the City Planning and Zoning Commission and the City Council.
 - (d) **Street name changes in honor of a business.** Street name changes in honor of a business are not eligible, with the exception of a business that meets all of the following criteria:
 - 1. Business has operated in the same location for not less than 35 consecutive years, and
 - 2. Business has operated under the same name for not less than 35 consecutive years. (Ord. of 10-14-97)

Sec. 17-51. Renaming Northwest Fourth Street to Sgt. Paredez Street.

The street known as Northwest Fourth Street, being further described and more accurately described as Northwest Fourth Street in the Original Town of Big Spring, and Northwest Fourth Street in the Amended Moores Heights Addition to the City of Big Spring as shown in the plats of the Original Town and Amended Moores Heights recorded with the Howard County Clerk, and Commencing with the West right-of-way

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line of Gregg Street to the East right-of-way line of Channing Street, shall hereafter be named and known as Sgt. Paredes Street. (Ord. of 10-13-87)

Sec. 17-52. Renaming Avenue A to Hudgens Memorial Drive.

The street in the Big Spring McMahon-Wrinkle Air Park known as Avenue A, from its intersection on the west end with Simler Avenue and Warehouse Road and its intersection on the east end with West 16th Street shall hereafter be named and known as Hudgens Memorial Drive. (Ord. of 06-27-89).

Sec. 17-53. Renaming 8th Street to Rackley Street.

The street in the Big Spring McMahon-Wrinkle Air Park known as 8th Street, from its intersection on the north with Hudgens Memorial Drive and its intersection on the south with Swords Street shall hereafter be named and known as Rackley Street. (Ord of 07-11-89).

Sec. 17-54. Renaming Avenue D to Swords Street.

The street in the Big Spring McMahon-Wrinkle Air Park known as Avenue D, from its intersection on the west end with First Street and its intersection on the east end with Rackley Street shall hereafter be named and known as Swords Street. (Ord. of 07-11-89).

Sec. 17-55. Renaming Golf Course Road to Pat Simmons Way .

That street in Comanche Trail Park which originates at the northwest corner of the Comanche Trail Park (Wasson Road and Belvedere Drive intersection) south to the Comanche Trail Golf Course

thence northeast to the intersection with San Miguel de Alto Avenue shall hereinafter be known as Pat Simmons Way. (Ord. of 06-26-90, Ord. of 02-28-17).

Sec. 17-56. San Miguel el Alto Avenue .

That street in Comanche Trail Park which originates at U.S. 87 south & proceeds in a westerly direction passing the Comanche Trail Park amphitheater on the north and intersecting with Golf Course Road as its western terminus shall hereinafter be known as San Miguel el Alto Avenue. (Ord. of 06-26-90, Ord. of 6-23-09).

Sec. 17-57. Lone Star Lane.

That street in Comanche Trail Park which originates at the intersection of U.S. 87 ant Starlight Drive, proceeds west past the Scout Hut on the south and terminating on the west with the intersection with Buffalo Trail shall hereinafter be known as Lone Star Lane. (Ord. of 06-26-90).

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Sec. 17-58. Buffalo Trail.

That street in Comanche Trail Park which originates at the north east entrance of the park at the intersection of Belvedere Drive and Whipkey Drive proceeding south to its intersection with Starlight Drive on the south shall hereinafter be known as Buffalo Trail. (Ord. of 06-26-90).

Sec. 17-59. Totem Pole Circle.

That circular street in Comanche Trail Park which intersects with Buffalo Trail on the east and Golf Course Road and Starlight Drive on the west and loops around the totem pole shall hereinafter be known as Totem Pole Circle. (Ord. of 06-26-90).

Sec. 17-60. Spring Draw Drive.

That street in Comanche Trail Park which intersects on the west with Golf Course Road and proceeds easterly past Cotton Mize Field to its intersection then west with Buffalo Trail shall hereinafter be known as Spring Draw Drive. (Ord. of 06-26-90).

Sec. 17-61. Renaming Northwest Sixth Street to Father Delaney Street.

The street known as Northwest Sixth Street, commencing with the West right-of-way line of Gregg Street to the East right-of-way line of Channing Street, shall hereafter be named and known as Father Delaney Street. (Ord. of 05-07-91).

Sec. 17-62. Renaming 10th Street from Gregg West to Bell Street and 11th Place West from Bell to F.M. 700 as Martin Luther King Boulevard.

The street known as 10th Street commencing with the West right-of-way line of Bell Street, and 11th Place from the East ROW of Bell Street to the E ROW of F.M. 700 shall hereafter be named and known as Martin Luther King Boulevard. (Ord. of 7-12-94)

Sec. 17-63. Renaming Seventh to Chuck Bradley Blvd.

The street in the McMahan-Wrinkle Air Park known as Seventh Street, commencing with the South right-of-way line of Hudgens Memorial Drive to the North right-of-way line of Swords Street, shall hereafter, in memory of the significant individual sacrifice of a veteran, be named and known as Chuck Bradley Blvd. (Ord. of 4-9-96)

Sec. 17-64 Renaming Airpark drive West to Rickabaugh Drive

The street in the McMahan-Wrinkle Air Park known as Airpark Drive West Street, commencing with the US 80 Entrance Road and Airpark Drive East to the Eastern right of way line of Taxiway, shall hereafter, in memory of the significant contributions of a veteran aviator, be and known as Rickabaugh Drive. (Ord. of 6-25-96)

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Sec 17-65. Renaming Sixth Street (in the McMahon Wrinkle Air Park) to Buck Turner Drive.

The street in the McMahon-Wrinkle Air Park known as Sixth Street, commencing with South right-of-way line of Hudgens memorial Drive to the North right-of-way line of Swords Street, shall hereafter, in memory of the significant individual sacrifice of a veteran, be named and known as Buck Turner Drive. (Ord. of 11-12-96)

Sec. 17-66. Renaming Royal Coast Lane to Holland Grace.

The street known as Royal Coast Lane, located approximately 175 feet northeast of the intersection of Scott Drive and Glenwick Cove shall hereinafter be named and known as Holland Grace. (Ord. of 4-26-16)