

ORDINANCE NO. 2006-10-14

AN ORDINANCE OF THE CITY OF PLANO AMENDING CHAPTER 19 "STREETS AND SIDEWALKS," ARTICLE IV "RIGHT-OF-WAY MANAGEMENT REGULATIONS" AT SECTION 19-72(b)(3) "GENERAL RIGHTS-OF-WAY USE AND CONSTRUCTION" BY ADDING A NEW SUBPARAGRAPH TO PROHIBIT THE USE OF NONWASHABLE SUBSTANCES IN THE PUBLIC RIGHT-OF-WAY TO MARK THE LOCATION OF EXISTING UNDERGROUND UTILITIES; PROVIDING A SEVERABILITY CLAUSE; A REPEALER CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2001-3-20 provides principles and procedures for the placement of structures and facilities, construction, excavation, encroachments, and work activities within or upon any public right-of-way and protects the integrity of the road and city utility system; and

WHEREAS, Ordinance No. 2001-3-20 as amended by Ordinance No. 2001-5-4 provides penalties for violation of the terms and provisions of Article IV; and

WHEREAS, the City Council finds it necessary to amend Section 19-72(b)(3) by adding a new subparagraph b. to prohibit the use of nonwashable substances in the public right-of-way to mark the location of existing underground utilities.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I:** Chapter 19, "Streets and Sidewalks", Article IV "Right-of-Way Management Regulations," Section 19-72(b)(3) "General Rights-of-Way Use and Construction," is amended by adding the following new subparagraph b. to read as follows:

**"Sec. 19-72. General rights-of-way use and construction.**

...

b. A person shall only use a water based paint in the public right-of-way to mark the location of existing underground utilities. A person commits an offense, if a marking he makes in the public right-of-way to mark the location of existing underground utilities remains visible longer than sixty (60) days after being applied."

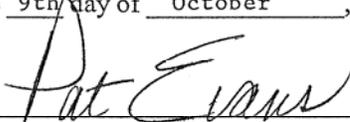
**Section II.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section III.** All provisions of the ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section IV.** The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**Section V.** This ordinance shall become effective immediately upon its passage and publication as required by law.

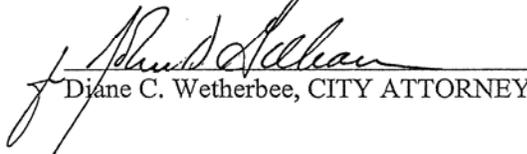
**DULY PASSED AND APPROVED** this the 9th day of October, 2006.

  
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Pat Evans, MAYOR

ATTEST:

  
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Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

  
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Diane C. Wetherbee, CITY ATTORNEY