

CHAPTER 36

STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

ARTICLE 36.01 GENERAL PROVISIONS*

Sec. 36.01.001 Official map

The official map of the city shall be prepared by the city engineer or his designee in a digital format. The official map shall illustrate, at a minimum, streets, alleys and recorded subdivision maps. The city engineer is hereby authorized and directed to revise the official map, at a minimum, when a plat or other legal instrument is properly recorded in the office of the Lubbock County Clerk or when otherwise directed by ordinance. (Ordinance 485, sec. 1, adopted 5/12/1931; 1959 Code, sec. 28-1; Ordinance 4371, sec. 1, adopted 6/30/1964; 1983 Code, sec. 24-1; Ordinance 2000-O0035, sec. 1, adopted 8/24/2000)

Editor's note—Prior to Ordinance 4371 adopted 6/30/1964, the city adopted official maps under the date of 4/15/1931.

Sec. 36.01.002 Signs, advertisements and house numbers

It shall be unlawful for any person to post or paint signs, advertisements, or other matter on posts, sidewalks, or curbs or other public places in the streets, alleys, 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 and twenty (20) inches in length, and the paint used for such purpose is durable paint designed for application to concrete surfaces. (Ordinance 2429, sec. 1, adopted 3/27/1958; 1959 Code, sec. 28-6; Ordinance 4487, sec. 1, adopted 7/30/1964; 1983 Code, sec. 24-7; Ordinance 8568, sec. 1, adopted 3/8/1984)

Sec. 36.01.003 Barrels, crates, etc., on sidewalks or parkways

It shall be unlawful for any person to place, leave or permit any employee to place or leave any box, barrel, crate, can or other container on any sidewalk, sidewalk area or parkway in the city, and any person violating this provision is hereby declared to be guilty of maintaining a nuisance; provided, however, that this section shall not apply to any person who, in connection with the actual and bona fide transportation of the commodities mentioned, shall place or leave the same upon the sidewalk, sidewalk area or parkway during the time such commodities are being in fact loaded or unloaded from a vehicle engaged in transporting such commodities to or from premises occupied by or under the control of any such person, and it is necessary in the course of such transportation to cross or handle such commodities on or over a sidewalk. (Ordinance 1133, secs. 2-4, adopted 9/14/1951; 1959 Code, sec. 28-8; 1983 Code, sec. 24-8)

Sec. 36.01.004 Display or sale of merchandise

It shall be unlawful for any person to display or sell any food, goods, wares, merchandise or other commodity upon any public right-of-way, street, street parking space, sidewalk, sidewalk area or parkway in the city without a street use license or other applicable permit under this code. Any person violating this provision shall be deemed guilty of maintaining a nuisance. (Ordinance 1133, secs. 1, 3 adopted 9/14/1951; 1959 Code, sec. 28-9; 1983 Code, sec. 24-9; Ordinance 8568, sec. 2, adopted 3/8/1984; Ordinance 2011-O0126, sec. 1, adopted 12/14/2011)

Sec. 36.01.005 Maintenance of sidewalks, parkways, etc.—By abutting owner

It shall be the duty of any property owner to keep any sidewalk, parkway, curb, or driveway abutting such property in a good and safe condition and free from any defects and hazards of whatsoever kind and character. No plant material, fence, or structure shall be allowed in such a manner as to interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or parkway or to obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard. (Ordinance 1410, sec. 1, adopted 11/6/1953; 1959 Code, sec. 28-12; 1983 Code, sec. 24-10; Ordinance 8568, sec. 3, adopted 3/8/1984)

Sec. 36.01.006 Same—By special users

It shall be the duty of any property owner or other person making special use of any sidewalk, parkway, curb or driveway for purposes of ingress or egress, for loading and unloading, loading elevators, downspout drains or any other specific use of whatsoever kind or character, to keep such sidewalk, parkway, curb or driveway abutting

such property in a good and safe condition and free from any defects and hazards of whatsoever kind or character. (Ordinance 1410, sec. 2, adopted 11/6/1953; 1959 Code, sec. 28-13; 1983 Code, sec. 24-11)

Sec. 36.01.007 Liability for defective conditions

The abutting property owner or person enjoying the use of any property abutting on a sidewalk or curb, or the abutting property owner or person who is making special use of any sidewalk or curb, which sidewalk or curb is or has become defective and has resulted in causing damage or injury to either person or property, or both, as a result of such defective condition, shall be primarily liable and shall and will indemnify and save harmless the city from and against any and all actions, claims, damages, costs and expenses which may be suffered by the city, all in such manner as to save the city whole and harmless from all such actions, claims, damages, costs and expense, and such primary liability and indemnity shall exist regardless of whether or not notice shall have been given as provided in section 36.04.015 of this chapter. (Ordinance 1410, sec. 4, adopted 11/6/1953; Ordinance 1706, sec. 1, adopted 4/28/1955; 1959 Code, sec. 28-14; 1983 Code, sec. 24-12)

Sec. 36.01.008 Duty to keep sidewalk, parkway and alleyway clean

It shall be the duty of the owner, tenant or lessee to keep the abutting or adjacent sidewalk, parkway and alleyway clean and free of all weeds, trash, rubbish, filth and debris which may encumber such sidewalk, parkway and alleyway and to place such material in trash receptacles as required by this code and failure to comply with the requirement of this section shall be and is hereby declared to constitute a nuisance subject to abatement as provided for in [sections 34.02.033–34.02.039](#) of this code. (Ordinance 918, sec. 2, adopted 11/23/1949; 1959 Code, sec. 28-15; Ordinance 4371, sec. 1, adopted 6/30/1964; 1983 Code, sec. 24-13)

Sec. 36.01.009 Obstruction of streets, alleys, sidewalks, or any other public right-of-way

It shall be unlawful for any person to obstruct or encumber, in part or entirely, any portion of any public street, alley, sidewalk, or any other public right-of-way within the corporate limits of the city with any item, whether temporary or permanent, except as allowed with an applicable permit under this code or pursuant to an express authorization in another section of this code that authorizes certain, specific temporary use or obstruction. (Ordinance 2018-O0117, sec. 5, adopted 9/27/2018)

ARTICLE 36.02 NUMBERING OF BUILDINGS

Sec. 36.02.001 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. (Ordinance 485, sec. 5, adopted 5/12/1931; 1959 Code, sec. 28-2; 1983 Code, sec. 24-2)

Sec. 36.02.002 Approval and adoption

The numbering designated by the building official, based upon the official maps adopted and approved in [section 36.01.001](#) of this chapter, is hereby in all things approved and adopted as the correct numbering for such buildings and improvements. (Ordinance 485, sec. 2, adopted 5/12/1931; 1959 Code, sec. 28-3; 1983 Code, sec. 24-3)

Sec. 36.02.003 Determination by building official; method used

The building official shall determine the official street numbers by designating numerical numbers for each platted lot along any street, avenue or boulevard except 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 twenty-five (25) feet of frontage or major portion thereof. Where duplex houses, apartments or multiple business fronts and/or buildings are erected on any one lot, each individual unit, business front or building shall be designated with a unique number or street address. Also, each apartment building within a complex (multiple buildings) may be designated with a separate number. (Ordinance 485, sec. 3, adopted 5/12/1931; 1959 Code, sec. 28-4; Ordinance 4371, sec. 1, adopted 6/30/1964; 1983 Code, sec. 24-4; Ordinance 9769, sec. 1, adopted 1/12/1995)

Sec. 36.02.004 Appeal from decision of building official

Should the owner of any building which has been assigned a street address number by the building official object to such number and the decision of the building official, such owner may, at any time within thirty (30) days from and after the date when such number was designated, have the right to appeal to the City of Lubbock Building Board of Appeals by giving written notice to the board within such time period. Such 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. The board shall hear and determine whether such address number was correctly issued by the building official, according to this code. Such decision of the board shall be final and binding. (Ordinance 485, sec. 5, adopted 5/12/1931; 1959 Code, sec. 28-6; 1983 Code, sec. 24-6; Ordinance 9769, sec. 3, adopted 1/12/1995)

ARTICLE 36.03 NAMES OF STREETS

Division 1. Generally

Sec. 36.03.001 Map for street naming

The map of the city attached to Ordinance No. 924, with street names indicated thereon, in compliance with the names and changes in naming of streets in this article, is hereby adopted as the official street naming map of the city and made a part of this article. (Ordinance 924, sec. 8, adopted 7/14/1949; 1983 Code, sec. 24-34)

Editor's note—See corresponding note located in [Appendix A](#) of this code.

Sec. 36.03.002 Duty of city engineer

It shall be the duty of the city engineer to supply upon request all information necessary to platters of property so that streets may be properly named consistent with the method adopted by this article; provided, however, that when the method is impracticable or impossible of application, the matter shall be submitted to the city council for determination. (Ordinance 924, sec. 10, adopted 7/14/1949; 1983 Code, sec. 24-36)

Sec. 36.03.003 Numbered streets generally

The names of the streets in the city shall be as follows: First Street shall be that street lying on the north of Sanders Addition to the city, the first street south thereof shall be known as Second Street and continuing in numerical order southward, and the streets shall be known by the next street taking the name of Third Street, until all streets have been given a name by number, except that Sixth Street is named Drive of Champions, Eleventh Street is named Main Street and Twelfth Street is named Broadway. (Ordinance 924, sec. 1, adopted 7/14/1949; 1983 Code, sec. 24-26; Ordinance 9922, sec. 1, adopted 8/8/1996)

Sec. 36.03.004 Specific numbered streets

The following street names are hereby changed and given a new number consistent with the method established in the preceding section, to wit:

<u>Present Name</u>	<u>New Name</u>
---------------------	-----------------

Edna Street	First Place
-------------	-------------

Sanders (Vivehorn) Street	Second Place
---------------------------	--------------

Wolffarth (Cloverland) Street	Third Place
-------------------------------	-------------

Merritt Street	Fifth Place
----------------	-------------

Ellwood Street	Twenty-second Place
----------------	---------------------

Arnett Street	Twenty-fourth Place
---------------	---------------------

Hill Street	Twenty-ninth Place
-------------	--------------------

(Ordinance 924, sec. 1, adopted 7/14/1949; 1983 Code, sec. 24-27)

Sec. 36.03.005 Streets named for colleges and universities

The streets north of First Street shall be named alphabetically for colleges and universities, and streets now within

the corporate limits of the city shall be changed as follows, to wit:

Present Name

New Name

Ruby Street	Amherst Street
North Second (Locust) Street	Auburn Street
Maple Street	Bates Street
North Third (Elm) Street	Baylor Street
Walnut Street	Colgate Street
North Fourth (Dallas) Street	Cornell Street
Allen Street	Dartmouth Street
North Fifth (Frances) Street	Duke Street
Merthel Street	Emory Street
North Sixth Street	Erskine Street

(Ordinance 924, sec. 3, adopted 7/14/1949; 1983 Code, sec. 24-28)

Sec. 36.03.006 Avenues—East of University Avenue in original town

The easternmost street shown by the original plat of the Town of Lubbock shall be called Avenue A and the street west of same shall be known as Avenue B, and the alphabetical sequence shall be continued with the letters of the alphabet. As each street is reached it shall carry its letter to be known as Avenue _____, the blank supplied with the proper letter in said order and sequence until University Avenue is reached, it being the avenue immediately east of Texas Tech University, which shall continue to be called University Avenue, except that Avenue (I) shall retain the name of Texas Avenue. (Ordinance 924, sec. 2, adopted 7/14/1949; 1983 Code, sec. 24-29)

Sec. 36.03.007 Same—East of Avenue A

The avenues east of Avenue A shall be named alphabetically for the names of trees, and avenues within the present corporate limits shall be changed as follows, to wit:

Present Name

New Name

East Avenue A	Ash Avenue
East Avenue B	Birch Avenue
East Avenue C	Cedar Avenue
East Avenue D	Date Avenue
East Avenue E	Elm Avenue
East Avenue F	Fir Avenue

East Avenue G	Globe Avenue
East Avenue H	Hickory Avenue
East Avenue I	Ivory Avenue
East Avenue J	Juniper Avenue
East Avenue K	King Avenue

(Ordinance 924, sec. 5, adopted 7/14/1949; 1983 Code, sec. 24-30)

Sec. 36.03.008 Same—West of University Avenue

The avenues west of University Avenue shall be named alphabetically for cities lying east of the Mississippi River, and avenues within the present city limits shall be changed as follows, to wit:

<u>Present Name</u>	<u>New Name</u>
Washington Avenue	Akron Avenue
Adams Avenue	Boston Avenue
Jefferson Avenue	Canton Avenue
Madison Avenue	Detroit Avenue
Monroe Avenue	Elgin Avenue
Jackson Avenue	Flint Avenue
Van Buren Avenue	Gary Avenue
Price Avenue	Geneva Avenue
Harrison Avenue	Hartford Avenue
Tyler Avenue	Indiana Avenue
Not Named	Ithaca Avenue
Polk Avenue	Joliet Avenue
Taylor Avenue	Knoxville Avenue
Fillmore Avenue	Louisville Avenue
Pierce Avenue	Memphis Avenue

(Ordinance 924, sec. 4, adopted 7/14/1949; 1983 Code, sec. 24-31)

Sec. 36.03.009 Clovis Road

The new highway from the intersection of Avenue Q and Third Street northwesterly toward Clovis, New Mexico

and now known as Avenue Q Northwest is hereby changed to Clovis Road. (Ordinance 924, sec. 6, adopted 7/14/1949; 1983 Code, sec. 24-32)

Sec. 36.03.010 Amarillo Road

The proposed new highway from the intersection of Avenue Q and Third Street now known as Avenue Q Northeast is hereby changed to be Amarillo Road. (Ordinance 924, sec. 7, adopted 7/14/1949; 1983 Code, sec. 24-33)

Sec. 36.03.011 Method for naming future streets

The method used in remaining the streets and avenues within the present city limits is hereby adopted as the method to be used naming streets in areas not now, but to come within the corporate limits in the future as follows:

(1) Streets north of First Street. Streets north of First Street shall be given the names of colleges and universities in alphabetical order until the alphabet has been completed. Thereafter, the process shall be repeated except that no street shall ever be given a name previously given to a street or avenue.

(2) Avenues east of Avenue A. Avenues east of Avenue A shall be given the names of trees in alphabetical order until the alphabet has been completed. Thereafter, the process shall be repeated as many times as is necessary except that if tree names are exhausted other plant names may be assigned so that no street shall ever be given a name which has been previously given to a street.

(3) Avenues west of University Avenue. Avenues west of University Avenue shall be given names of cities in alphabetical order until the alphabet has been completed. Thereafter, the process shall be repeated in the same sequence without giving any street a name previously given to a street.

(Ordinance 924, sec. 9, adopted 7/14/1949; 1983 Code, sec. 24-35)

Sec. 36.03.012 Annexed territory

When any area has been brought within the corporate limits of the city and public ways are shown on the plats of the area, the names and/or numbers of the streets and avenues within the corporate limits shall thereby be extended into the newly annexed area. Upon said public ways becoming streets or avenues of the city they shall be and/or hereby designated by name and number according to their location abutting the official street-naming plat adopted by this article. (Ordinance 924, sec. 11, adopted 7/14/1949; 1983 Code, sec. 24-37)

Secs. 36.03.013–36.03.040 Reserved

Division 2. Changing Street Names

Sec. 36.03.041 Honorary designation of a street

(a) Purpose. The purpose of this section is to establish uniform criteria and procedures, applicable to all persons, groups, firms, and agencies, for the honorary designation of a city street. This section does not authorize the change of official city street names except for an honorary designation of a street as provided herein.

(b) Criteria. An honorary designation of a street must meet the following requirements:

(1) The proposed name must honor either:

(A) A deceased person who lived in Lubbock, Texas; or

(B) An historic site, event or occurrence with a direct and unique connection to Lubbock, Texas.

(2) No honorary designation shall be implemented for the purpose of advertising or promoting any commercial or business enterprise.

(3) The proposed name must reflect or represent Lubbock, Texas in a significant and positive manner in a field of government, education, medicine, athletics or the arts.

(4) The sign indicating that the street is the subject of an honorary designation shall be brown in color with white lettering and shall be placed on the same pole upon which the official street name sign is affixed. The sign, however, shall not be placed on the pole if more than four signs are already on the pole.

(5) The honorary designation may apply to either alphabetical or numerical streets and must have a logical and orderly beginning and termination point, such as, a major intersection, park or playa lake.

(c) Application for honorary designation. An application to establish an honorary designation of a city street may be filed with the city engineer when it is accompanied by a petition approving the proposed honorary designation signed by more than sixty-five (65) percent of the owners of land abutting the street for which an honorary designation is proposed. Application and petition forms shall be provided by the city engineer's office. The application shall contain the following information and comply with the requirements below:

- (1) The current official street name.
- (2) The proposed honorary designation, which shall meet the policy guidelines and criteria of this section.
- (3) The name, address and telephone number of the person, persons, corporation, association, group or entity proposing the honorary designation.
- (4) The name, address and telephone number of one person with authority to represent binding commitments and take official action relative to such honorary designation on behalf of the proponents.
- (5) The reason(s) for the requested honorary designation.
- (6) A nonrefundable application fee of two hundred dollars (\$200.00) is required with the application for the administrative costs of processing the application and shall be paid to the city engineer at the time the application is submitted.
- (7) The costs of making and installing all the necessary signage for the honorary designation shall be paid by the proponents. The traffic engineer shall compute the costs of the making and installation of the signs and provide the amount of the costs to the proponents. If the city council approves the honorary designation, the proponents shall pay the full amount of the costs to the city engineer prior to the making of any of the necessary signs.
- (8) In no event may the fee and costs set forth in subsections (6) and (7), above, be waived.

(d) Review of proposed honorary designation. Following receipt of a completed application and petition, the city engineer will review the application and petition and, if both the application and petition conform with the requirements of this section, the city engineer shall forward the application and petition to the planning and zoning commission. The planning and zoning commission shall conduct a public hearing to receive public comment on the proposed honorary designation, which hearing shall be held not more than sixty (60) days from the date of filing of the application. The city engineer's office 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. Following the public hearing, the planning and zoning commission shall make a recommendation with regard to the proposed honorary designation to the city council. If the planning and zoning commission recommends denial of an honorary designation, the action of the planning and zoning commission is final unless the applicant files a request for appeal to the city council within ten (10) days of the hearing at which the action was taken. The request for appeal must be in writing and must be submitted to the director of planning. The director of planning shall schedule a city council hearing on all applications for an honorary designation 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.

(e) Consideration by city council. The city council shall consider the recommendation of the planning and zoning commission and a public hearing shall be required. A notice of the time and place of such hearing shall be published once in the newspaper of general circulation in the city at least fifteen (15) days prior to the hearing. The favorable vote of seventy (70) percent of all members of the city council is required for approval if the planning and zoning commission has recommended denial or if the owners of twenty (20) percent of the property abutting the street oppose the honorary designation.

(f) Implementation of approved change. In the event that the city council approves the honorary designation, the city traffic engineer shall install the signage in accordance with this section.

(g) Correction of errors. Changing street names to correct errors or omissions or to make necessary changes to bring street names into compliance with the current method of street naming is exempt from the provisions of this section.

Sec. 36.03.042 Street name changes

An exception to [section 36.03.006](#) of this article is hereby created changing the name of a portion of Avenue H between Municipal Drive and its intersection with I-27 at 24th Street to Buddy Holly Avenue. (1983 Code, sec. 24-39; Ordinance 9956, sec. 1, adopted 12/19/1996)

Sec. 36.03.043 Marsha Sharp Freeway

The new freeway following the route of U.S. Highway 82 from Interstate Highway 27 west to Southwest Loop 289 in Lubbock, Texas, shall be named the “Marsha Sharp Freeway.” (1983 Code, sec. 24-40; Ordinance 2000-O0064, sec. 1, adopted 11/7/2000;)

Sec. 36.03.044 Research Boulevard

An exception to [section 36.03.041](#) of this article is hereby created changing the name of Quitsna Avenue to Research Boulevard. (1983 Code, sec. 24-41; Ordinance 2003-O0135, sec. 1, adopted 1/8/2004)

Sec. 36.03.045 Mac Davis Lane

The former 6th Street from Texas Avenue to University Avenue is hereby changed to be Mac Davis Lane. Said change is made as an exception to [section 36.03.041](#) of this article in honor of singer, songwriter, actor and Lubbock native Mac Davis. (1983 Code, sec. 24-42; Ordinance 2004-O0087, sec. 1, adopted 8/16/2004)

Sec. 36.03.046 Cesar E. Chavez Drive

An exception to [section 36.03.041](#) of this article is hereby created redesignating the following named portions of the named streets as “Cesar E. Chavez Drive:”

Section 1: Canyon Lake Drive from the intersection of the south access road of North Loop 289 generally southeast to the intersection of Rice Street, then generally south along Hillside Drive and North Boston to the intersection of Marshall Street, then along Canyon Lake Drive generally southeast across University Avenue to the intersection with North Avenue U.

Section 2: Canyon Lake Drive (also known as Park Road 18) and an unnamed park road from the intersection of 1st Street and Avenue J around Atzlan Park and under Interstate 27 to Mackenzie Park, then through Mackenzie Park under Parkway Drive to East Broadway at the west (old) entrance to Mackenzie Park, such named road to include the portion in north Mackenzie Park to Prairie Dog Town and to the intersection of Municipal Drive.

Section 3: The unnamed street going north from the present Cesar E. Chavez Drive to the property of the Canyon Lakes Treatment Center (Lot 2-A through 2-G, replat of Lot 2, Gifford-Hill Addition, Lubbock County, Texas) located approximately 943 feet west of the east right-of-way line of North University Avenue shall be named Canyon Lake Drive.

(1983 Code, sec. 24-43; Ordinance 2007-O0105, sec. 1, adopted 10/25/2007)

Sec. 36.03.047 Lubbock Business Park Boulevard

An exception to [section 36.03.041](#) of the Code of Ordinances is hereby created changing the name of Yucca Boulevard from the east curbline of IH 27 to the west right-of-way line of Martin Luther King Boulevard to Lubbock Business Park Boulevard. (1983 Code, sec. 24-44; Ordinance 2008-O0075, sec. 1, adopted 8/19/2008)

**ARTICLE 36.04 CONSTRUCTION, ALTERATION AND REPAIR OF SIDEWALKS, CURBING,
*
DRIVEWAYS AND GUTTERS—**

Division 1. Generally

Sec. 36.04.001 Definitions

Whenever used in this article:

Inner curbing shall mean only that portion of the curbing required along driveways and sidewalks and not constituting the curbing which borders and marks the margin of the street designated and constructed for vehicular traffic.

Street curb or combination *street curb and gutter* shall mean the portion of concrete curbing and structure which

borders and marks the margin of the street designated and constructed for vehicular traffic.

(Ordinance 1466, sec. 1, adopted 10/8/1953; 1959 Code, sec. 28-16; 1983 Code, sec. 24-46)

Sec. 36.04.002 Exceptions to article

(a) The provisions of this article shall not apply to the construction of any public works by or for the city on any public property, but it shall be the policy of the city to construct all public works consistent with the provisions of this article, except in those cases where the city council should find it necessary in the public interest to vary therefrom.

(b) The provisions of this article shall apply only to the street area abutting the lot or tract on which the improvements are to be made. When an application for a permit is made for improvements on land not platted or subdivided within a plat approved by the Lubbock Planning Commission, the applicant shall show on the plan submitted with the required application the proposed boundaries of the individual tract on which such improvements are to be made. Such tract as shown on the plan shall constitute what street area abuts the tract. Provisions of this section shall apply strictly to applications for permits wherein the requirement for platting is not a precondition for the permit process. No exception provided by this section shall be construed as permitting any activity prohibited by [chapter 38](#) of this code or as authorizing permits for improvements or construction not authorized by this code.

(Ordinance 1466, sec. 8, adopted 10/8/1953; Ordinance 1798, sec. 10, adopted 11/22/1955; 1959 Code, sec. 28-47; 1983 Code, sec. 24-47; Ordinance 8568, sec. 4, adopted 3/8/1984)

Sec. 36.04.003 Compliance with article prerequisite to issuance of building permit

Whenever application is made to the building official by any person for a building permit to make any construction, addition or structural alteration on a building or other structure, or to pave a parking lot where a permit is required by this code or any other ordinance of the city on property adjacent to or abutting on a public street, where the existing sidewalks, driveways either private or commercial, curbs, curb ramps, street curbs and gutters abutting such property do not conform to the basic standards, specifications, layout, details and designs provided for and established by this article, or in the event when all sidewalks, driveways either private or commercial, curbs, curb ramps, street curbs and gutters required to be constructed have not been constructed, no permit shall be issued by the building official until applicant for such permit shall agree in writing to construct, reconstruct or repair the curb, curb ramp, gutter, sidewalk or driveway in accordance with this article as a part of and a condition to the issuance of such building permit. No construction, addition or alteration to such buildings or other improvements placed or constructed on the adjacent private property shall be approved by the building official, until such times as all the sidewalks, driveways, curbs, curb ramps, street curbs and gutters have been constructed or reconstructed and comply with the provisions of this article. (Ordinance 1466, sec. 1, adopted 10/8/1953; 1959 Code, sec. 28-17; Ordinance 2826, sec. 1, adopted 6/25/1959; Ordinance 4371, sec. 1, adopted 6/30/1964; 1983 Code, sec. 24-48; Ordinance 9580, sec. 1, adopted 1/14/1993)

Sec. 36.04.004 Supervision of work

All initial construction or major reconstruction of curbs and gutters on any public property within the city shall be under the supervision of the city engineer. All projects required by [chapter 38](#) of this code or requiring a street or alley use permit and designed by a consulting engineer shall conform to [sections 36.07.009](#) and [36.07.010](#) of this chapter. All construction, reconstruction, alteration, removal, or replacement of curbs and gutters on public property requiring a construction permit shall be under the supervision of the building official. (Ordinance 1466, sec. 1, adopted 10/8/1953; Ordinance 1798, sec. 6, adopted 11/22/1955; 1959 Code, sec. 28-18; 1983 Code, sec. 24-49; Ordinance 8568, sec. 5, adopted 3/8/1984)

Sec. 36.04.005 Compliance with plans and specifications

All construction, reconstruction, alteration, removal or replacement of curbs, gutters, sidewalks and driveways on any public property within the city shall be in accordance with the plans and specifications provided for in this article. (Ordinance 1466, sec. 1, adopted 10/8/1953; 1959 Code, sec. 28-19; 1983 Code, sec. 24-50)

Sec. 36.04.006 Improvements to become property of city

All improvements constructed upon any public street or alley pursuant to permit issued under this article shall, upon completion and acceptance by the city, become the property of the city. (Ordinance 1798, sec. 7, adopted 11/22/1955; 1959 Code, sec. 28-25; 1983 Code, sec. 24-55)

Sec. 36.04.007 Contractor to be familiar with article; request for instructions

The contractor or other person in charge of work within the scope of this article shall familiarize himself with all

the provisions of this article and other ordinances concerning such work and may, upon request, receive explanations and instructions pertaining to the provisions of this article from the city engineer or building official. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-26; 1983 Code, sec. 24-56; Ordinance 8568, sec. 10, adopted 3/8/1984)

Sec. 36.04.008 To whom notices and instructions given

The building official or city engineer shall be authorized to give all notices and instructions with reference to work being done under the provisions of this article either to the contractor or his agent or to any person in charge of the work on the ground. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-27; 1983 Code, sec. 24-57; Ordinance 8568, sec. 11, adopted 3/8/1984)

Sec. 36.04.009 Commencement and prosecution of work

The contractor shall begin work under this article in all cases within sixty (60) days after the permit for such work is issued, and shall prosecute the same continuously until the work is completed unless unavoidably delayed by weather conditions or other cause not within the control of the contractor. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-28; 1983 Code, sec. 24-58)

Sec. 36.04.010 Suspension of work

The building official or city engineer shall be authorized to suspend any work begun under the provisions of this article for any period whenever he may deem such suspension to be necessary to ensure good work or in the public interest, but no such suspension shall ordinarily extend longer than one (1) week. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-29; 1983 Code, sec. 24-59; Ordinance 8568, sec. 12, adopted 3/8/1984)

Sec. 36.04.011 Contractor to keep, place and dispose of material

The contractor or other person in charge of work done under the provisions of this article shall keep, place and dispose of all materials brought on the ground for such work as the building official or city engineer may direct, and shall immediately remove from the street and proximity of the work any materials rejected by the building official, and he shall be responsible for and protect all of the work and materials, and shall finish and turn over the work in a complete and satisfactory condition as required by this article. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-30; 1983 Code, sec. 24-60; Ordinance 8568, sec. 13, adopted 3/8/1984)

Sec. 36.04.012 Placing rock, sand, etc., on paved street; gutter kept unobstructed

The contractor or other person in charge of work done under the provisions of this article shall not place or permit to be placed on any paved street any rock, gravel or sand for such work, unless the same is placed and wholly retained on a heavy kraft paper or other suitable type of paper. Care shall be taken to keep the flow line of the gutter unobstructed. If necessary, the flow line must be protected by bridging. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-31; 1983 Code, sec. 24-61)

Sec. 36.04.013 Cleanup when work completed

After all work performed under the provisions of this article is completed, the contractor or other person in charge of such work shall remove all rubbish, waste and excess materials and have the land used for construction purposes and the street and right-of-way area in a neat and clean appearing condition. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-32; 1983 Code, sec. 24-62)

Sec. 36.04.014 Monuments and survey marks

Whenever, during the excavation for any construction under the provisions of this article, the contractor or person doing such work discovers a city monument or survey mark, he shall notify the city engineer and use all possible caution to protect such monuments or survey marks. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-33; 1983 Code, sec. 24-63)

Sec. 36.04.015 Defective sidewalks, driveways, etc.—Nuisance declared; duty of abutting owner to repair generally; abatement by city

Any sidewalk, parkway, driveway or curb which has become defective, unsafe and hazardous is hereby declared to be a nuisance and it shall be the duty of the owner of any property abutting on any street, avenue, public alley, place, square, section or part thereof, along which sidewalks, curbs or driveways are ordered to be reconstructed or repaired within thirty (30) days from the receipt of notice as provided for in [section 36.04.017](#), to reconstruct or repair such sidewalk, curb or driveway in accordance with the standard specifications established by this article and the expense of such reconstruction or repair shall be borne by the abutting property owner. Any abutting owner who fails to reconstruct or repair sidewalks, curbs or driveways ordered to be reconstructed or repaired by the city environmental inspection services manager or designated representative shall be guilty of a misdemeanor.

Any nuisance as defined by this section may be abated by the city pursuant to the abatement provisions set forth in [chapter 34](#) of this Code of Ordinances. (Ordinance 1410, sec. 5, adopted 11/6/1953; 1959 Code, sec. 28-34; 1983 Code, sec. 24-64; Ordinance 9786, sec. 1, adopted 3/23/1995; Ordinance 10143, sec. 1, adopted 3/11/1999)

Sec. 36.04.016 Same—Duty to repair damage made by tree roots, etc.

It shall be the duty of any property owner, or person enjoying the use of any abutting property, to reconstruct or repair any sidewalk, parkway, curb or driveway damaged or put in a defective condition by reason of any use being made of the property abutting such sidewalk, parkway, curb or driveway by tree roots, structures or any other things damaging or causing damage, whether such trees, structures or other things are situated upon such abutting property or within the area between the abutting property and the curb. (Ordinance 1410, sec. 3, adopted 11/6/1953; 1959 Code, sec. 28-35; 1983 Code, sec. 24-65)

Sec. 36.04.017 Same—Notice to abutting owner

(a) Whenever the city environmental inspection services manager or designated representative receives information and proof of the existence of a defective sidewalk, curb, gutter or driveway situated on public property within the city, he shall issue a written notice and order requiring the repair or reconstruction of the same in accordance with the plans and specifications provided for by this article and notifying the owner of the abutting property or the agent thereof to have such defective sidewalk, driveway, curb or gutter so reconstructed and repaired within thirty (30) days from the service of the written notice. He shall attach to such notice a copy of this section and the preceding section and send a copy of the notice to the assistant city attorney in charge of prosecution in the municipal court.

(b) Such notice may be served by any police officer or other person that may be designated by the city council to serve the same, or it may be sent by registered letter in the United States mail.

(Ordinance 1410, sec. 5, adopted 11/6/1953; 1959 Code, sec. 28-36; 1983 Code, sec. 24-66; Ordinance 9786, sec. 2, adopted 3/23/1995)

Sec. 36.04.018 Omitting construction of curbing and gutter—When permitted

In those cases where the street curb and gutter has not been constructed in place, when application for the permit provided for in [section 36.04.051](#) of this article is made and the city engineer has established or can establish the location and grade of such street curb and gutter, then the person making such application shall have the option of constructing such street curb and gutter according to the provisions of this article, or of omitting the construction of such street curb and gutter until such times as the street curb and gutter along such block is constructed by or at the instance of the city. In the event the applicant decides not to construct that portion of the street curb and gutter abutting his property, then all of the inner curbing required by this article which lies between the outer edge of the sidewalk and the location of the street curb shall also be omitted. (Ordinance 1466, sec. 1, adopted 10/8/1953; 1959 Code, sec. 28-37; 1983 Code, sec. 24-67)

Sec. 36.04.019 Same—When mandatory

In those cases where the grade and location of the street curb and gutter cannot be established because of existing conditions, then the street curb and gutter and that portion of the inner curbing lying between the outer edge of the sidewalk and the street curb must be omitted, until such time as the remaining street curb and gutter along such block is constructed by or at the instance of the city. (Ordinance 1466, sec. 1, adopted 10/8/1953; 1959 Code, sec. 28-38; 1983 Code, sec. 24-68)

Sec. 36.04.020 Same—Subsequent construction

Whenever any portion of the street curb and gutter and the inner curbing is omitted as provided under [sections 36.04.018](#) and [36.04.019](#) of this article, the owner of the property abutting such street who would otherwise be required to make such improvements shall, within thirty (30) days from receipt of a notice in writing from the building official, requiring the construction of such street curb and gutter and inner curbing, make such improvements within the time provided and shall, before making such improvements, obtain another permit from the building official for such improvements, as provided for in [section 36.04.051](#), but shall not be required to pay additional fees therefor. (Ordinance 1466, sec. 1, adopted 10/8/1953; 1959 Code, sec. 28-39; 1983 Code, sec. 24-69; Ordinance 8568, sec. 14, adopted 3/8/1984)

Sec. 36.04.021 Care to avoid accidents; city indemnified

At all times during which any work under this article is being performed, and until such work is completed and accepted and approved by the building official or city engineer, the contractor shall place and maintain all necessary and proper barriers and other safeguards, including watchmen, if necessary, upon and around the work for the prevention of accidents, and at night he shall place, maintain and keep suitable and sufficient lights and

flares to warn of the obstructions and hazards. The person doing the work shall and will indemnify and save harmless the city from and against any and all actions and claims and against all costs, damages and expense to which the city may be put by reasons of any injury or alleged injury to any person or property resulting or alleged to result from, or to be occasioned by, any act, negligence, carelessness or want of skill in connection with or in the conduct of any of such work, or in guarding the same, or from any improper methods, tools, implements or materials used in its prosecution or by or on account of any alleged act or omission whatsoever of the contractor or his agents, employees or servants. The contractor and the person doing such work shall well and truly make payment of any kind all sums so recovered against the city in any suit or suits on account of such alleged injuries to which the city may be made a party, together with all such costs, damages and expenses as may be suffered by the city, all in such manner as to save the city whole and harmless from all such actions or claims. (Ordinance 1466, sec. 4, adopted 10/8/1953; 1959 Code, sec. 28-40; 1983 Code, sec. 24-70; Ordinance 8568, sec. 15, adopted 3/8/1984)

State law references—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101; tort claims payments by local governments, V.T.C.A., Civil Practice and Remedies Code, ch. 102.

Sec. 36.04.022 Decisions of city officials

The decisions of city officials with reference to any work done under the provisions of this article and with reference to all materials, whether free or incorporated in the work, shall be fully binding on all parties in interest, and such decisions shall be in all cases strictly in keeping with the intent and purpose of this article and free from all bias and unfairness. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-41; 1983 Code, sec. 24-72; Ordinance 8568, sec. 17, adopted 3/8/1984; Ordinance 9786, sec. 4, adopted 3/23/1995)

Secs. 36.04.023–36.04.050 Reserved

Division 2. Permit

Sec. 36.04.051 Required

(a) No person shall begin to construct, reconstruct, repair, alter, or replace sidewalks or driveways or reconstruct, repair, alter, or replace curbs and gutters on any public street or alley within the city without first obtaining a construction permit from the building official as provided by this article.

(b) No person shall begin to construct curbs and gutters or construct, repair, alter, or grade any street or alley within the city without first obtaining a street or alley use permit from the city engineer as provided by this article, except that, those projects required by [chapter 38](#) of this code shall not require a permit.

(Ordinance 1466, sec. 1, adopted 10/8/1953; Ordinance 1798, sec. 1, adopted 11/22/1955; 1959 Code, sec. 28-20; 1983 Code, sec. 24-51; Ordinance 8568, sec. 6, adopted 3/8/1984)

Sec. 36.04.052 Application

An applicant for a permit hereunder shall file with the building official or city engineer an application showing:

- (1) Name and address of the owner, or agent in charge, of the property abutting the proposed work area.
- (2) Name and address of the party doing the work.
- (3) Location of the work area.
- (4) Attached plans showing details of the proposed alteration or construction, and the proposed use of the public street or alley during the period of construction.
- (5) Estimated cost of the construction or alteration.
- (6) Such other information as the building official or the city engineer shall find reasonably necessary to the determination of whether or not a permit should be issued hereunder.

(Ordinance 1466, sec. 1, adopted 10/8/1953; Ordinance 1798, sec. 2, adopted 11/22/1955; 1959 Code, sec. 28-21; 1983 Code, sec. 24-52; Ordinance 8568, sec. 7, adopted 3/8/1984)

Sec. 36.04.053 Bond for work on public right-of-way; certificate of insurance; additional indemnification agreement

(a) The person to whom a building permit is issued to do construction, alteration, repair, or other work on private property which is adjacent to a sidewalk, curb, gutter, and/or driveway or other work within

public right-of-way which is required to be constructed, reconstructed, removed, or repaired as a condition to the issuance of a permit shall provide the building official with evidence that the general contractor's bond required as provided in the building code of the city includes coverage on all work required to be done on public right-of-way as well as private property prior to issuance of the building permit for any such construction.

(b) Work within the public right-of-way separate from construction on adjacent private property:

(1) When construction, removal, or repair of sidewalks, curbs, gutters, driveways, streets, alleys, or other work within the public right-of-way is to be performed separate from construction on the adjacent private property, the applicant for a permit under [section 36.04.051](#) shall, at the time of making application for the permit, provide the building official or city engineer a good and sufficient performance bond issued by a surety company authorized to do business as such in the state, in the penal sum equal to the total estimated cost of the proposed sidewalk, curb, gutter, street, or alley alteration or improvement, in favor of the city, conditioned that such construction shall be completed in accordance with the city's standards and specifications. Such bond shall be approved by the city attorney prior to the issuance of a permit hereunder. In lieu of such performance bond, the applicant may deposit in cash with the building official or city engineer a sum equivalent to the estimated cost of the improvements or alteration to secure the completion of such construction in accordance with the city's standards and specifications, said money to be returned to applicant upon proof of completion and acceptance. Provided, however, in the event such construction as herein contemplated is not completed in accordance with the city's standards and specifications, said money deposited in lieu of bond shall be forfeited in favor of the city. In lieu of a performance bond or a cash deposit the applicant may file with the building official or the city engineer a letter of guaranteed credit on a form to be approved by the city attorney.

(2) Where the application for a permit is on the public right-of-way, the building official or city engineer shall require that there be filed with each application for a permit hereunder a certificate of insurance for public liability and property damage issued by a solvent insurance company or companies authorized to do business in this state, evidencing that the city is adequately protected from any liability or damages resulting by virtue of applicant's construction pursuant to such permit. The public liability and property damage insurance required herein shall have a minimum limit of one hundred thousand dollars (\$100,000.00) property damage per occurrence and three hundred thousand dollars (\$300,000.00) bodily injury per occurrence.

(3) In addition to the performance bond and insurance required in subsections (1) and (2), the building official or city engineer shall be furnished an agreement, evidenced by execution of the application and acceptance of the permit issued hereunder, that applicant will indemnify and hold harmless the city, its officers, agents, servants, and employees from any and all claims, damages, suits, attorneys' fees, causes of action, and judgments which may result in any manner from the construction or laying of any such improvements upon any public street or alley in the city.

(4) The building official or city engineer shall require an agreement by the applicant, evidenced by execution of the application and acceptance of the permit hereunder, that the applicant shall, during the period of such construction and prior to the acceptance of such improvements by the city, maintain such public street or alley in a safe condition and issue all necessary instructions and take all precautions as may be reasonably required to maintain such public streets or alleys in a safe condition for all public use.

(Ordinance 1466, sec. 4, adopted 10/8/1953; Ordinance 1798, sec. 3, adopted 11/22/1955; 1959 Code, sec. 28-22; Ordinance 4371, sec. 1, adopted 6/30/1964; 1983 Code, sec. 24-53; Ordinance 8568, sec. 8, adopted 3/8/1984)

Sec. 36.04.054 Issuance

The building official or city engineer shall issue a permit under this article when he finds:

(1) That the plans for the proposed operation are in conformity with the standards and specifications of the city for such work, and has paid such fees required by [section 36.07.010](#) of this chapter for projects requiring a street or alley use permit.

(2) That the applicant has submitted a duly executed application, containing all of the information and data called for by [section 36.04.052](#), including the proposal by the applicant, as part of such application, to indemnify the city against all loss, damages and liability as provided in subsection (b)(3) of [section 36.04.053](#), and to maintain the streets or alleys in safe condition and to issue instructions and take the

precautions for public safety as provided in subsection (b)(4) of [section 36.04.053](#).

(3) (A) That the performance bond, duly approved by the city attorney, or the cash deposit in lieu thereof, and the certificates of public liability and property damage insurance have been furnished to the building official for permits issued under [section 36.04.051](#)(a) all in accordance with the provisions of subsections (b)(1) and (b)(2), respectively, of [section 36.04.053](#).

(B) That the performance bond, duly approved by the city attorney, or the cash deposit in lieu thereof or the letter of guaranteed credit, and the certificates of public liability and property damage insurance have been furnished to the city engineer for permits issued under [section 36.04.051](#)(b), all in accordance with the provisions of subsections (b)(1) and (b)(2), respectively, of [section 36.04.053](#).

(4) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of access to and from the property affected and adjacent properties.

(5) That the health, welfare, and safety of the public will not be unreasonably impaired.

(Ordinance 1466, sec. 1, adopted 10/8/1953; Ordinance 1798, sec. 4, adopted 11/22/1955; 1959 Code, sec. 28-23; 1983 Code, sec. 24-54; Ordinance 8568, sec. 9, adopted 3/8/1984)

Secs. 36.04.055–36.04.080 Reserved

Division 3. Appeals to Board of Appeals

Sec. 36.04.081 Authorized

An exception may be granted to the requirements of this article when the board of appeals finds:

(1) That special or peculiar conditions exist on the property to be improved which do not apply generally to lands or improvements in the same area, and that the circumstances or conditions are such that the strict application of the provisions of this article would deprive the applicant of the reasonable development of the property; and

(2) The exception as granted by the board is the minimum that will accomplish the reasonable development of the property as determined in subsection (1); and

(3) The granting of the exception will not be detrimental to the public welfare or injurious to the property or improvements in the general area; and

(4) That the literal enforcement and strict application of the provisions of this article will result in unnecessary hardships, other than financial; and

(5) In addition to considering the impact of the exception on adjacent property, the board, in determining its findings, has taken into account the actual or possible number of persons using the improvements and the land and traffic conditions in the vicinity, and in granting any exception for the provisions of this article the board may designate such conditions which will secure substantially the purpose and intent of this article.

(Ordinance 1576, sec. 1, adopted 6/10/1954; 1959 Code, sec. 28-42; Ordinance 4371, sec. 1, adopted 6/30/1964; 1983 Code, sec. 24-73; Ordinance 8568, sec. 18, adopted 3/8/1984)

Sec. 36.04.082 Notice

The notice of appeal may be made in writing, by noting the same upon any instrument furnished by the building official and signed by the person requesting the appeal. Upon such appeal having been made, the building official shall notify the board of appeals and, upon a date being set for the hearing, the building official shall notify the applicant and the city engineer of the time and place of such hearing. (Ordinance 1576, sec. 1, adopted 6/10/1954; 1959 Code, sec. 28-43; 1983 Code, sec. 24-74; Ordinance 8568, sec. 19, adopted 3/8/1984)

Sec. 36.04.083 Burden of proof

The burden of proof shall rest with the applicant to show that application of the terms of this article will create an unnecessary hardship or deprive the applicant of reasonable development of the property in question, due to peculiar conditions of or on such property. Financial considerations shall not constitute the sole basis for hardship. (Ordinance 1576, sec. 1, adopted 6/10/1954; 1959 Code, sec. 28-44; 1983 Code, sec. 24-75; Ordinance 8568, sec. 20, adopted 3/8/1984)

Sec. 36.04.084 Building official and/or city engineer to submit evidence

The building official and/or city engineer shall submit all pertinent instruments to the board of appeals, together with such testimony as may be pertinent. (Ordinance 1576, sec. 1, adopted 6/10/1954; 1959 Code, sec. 28-45; 1983 Code, sec. 24-76; Ordinance 8568, sec. 21, adopted 3/8/1984)

Sec. 36.04.085 Findings

When the issue has been determined by the board of appeals, by a majority vote, such board is authorized and directed to make its findings and to direct the building official to proceed in accordance therewith. (Ordinance 1576, sec. 1, adopted 6/10/1954; 1959 Code, sec. 28-46; 1983 Code, sec. 24-77)

Secs. 36.04.086–36.04.110 Reserved

Division 4. Specifications

Sec. 36.04.111 Design; layout; plans

The design, layout and plans for construction, reconstruction, alteration or replacement of all sidewalks, curbs, driveways (either private or commercial), curb ramps, street curbs, and gutters shall confirm to and be constructed according to the design, layout, plans and details shown and provided by the “Standard Details for Construction of Sidewalks, Driveways, Curbs, and Gutters,” dated March 8, 2006, and including Plates No. 24-86 (A); 24-86 (B); 24-86 (C); 24-86 (D); 24-86 (E); 24-86 (F); 24-86 (G); 24-86 (H); 24-86 (I); 24-86 (J); 24-86 (K), which plates are hereby adopted. Copies of said plates are attached hereto and incorporated herein by reference as though set out completely in detail herein. References in this article to the city’s standard plans and specifications or to specific plates shall mean the versions dated February 1, 2010. Copies of said plates shall be kept in the offices of the building official and the city engineer. (Ordinance 1466, sec. 2, adopted 10/8/1953; Ordinance 1710 adopted 4/28/1955; Ordinance 1765 adopted 9/8/1955; 1959 Code, sec. 28-48; 1983 Code, sec. 24-86; Ordinance 4371, sec. 1, adopted 6/30/1984; Ordinance 9043, sec. 2, adopted 3/12/1987; Ordinance 9263, sec. 2, adopted 4/13/1989; Ordinance 9580, sec. 2, adopted 1/14/1993; Ordinance 10174, sec. 1, adopted 6/24/1999; Ordinance 2006-O0038, sec. 1, adopted 4/13/2006; Ordinance 2010-O0029, sec. 1, adopted 4/8/2010)

Sec. 36.04.112 General specifications for street curbs and gutters

All work on street curbs and gutters shall be done in accordance with the city’s standard plans and specifications for the construction of street curbs and gutters as approved and adopted by the city council. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-49; 1983 Code, sec. 24-87)

Editor’s note—Ordinance 5057, sec. 1, adopted 7/14/1966, implemented the section above by adopting plans and specifications, known as standard details for construction of sidewalks, driveways, curbs and gutters, and providing that copies be kept in the offices of the city secretary and the building official. Ordinance 5057 was later repealed by Ordinance 9043, sec. 1, adopted 3/12/1987.

Sec. 36.04.113 Sidewalk location; construction method; exceptions; duty where sidewalk not required

(a) Sidewalks shall be constructed along all streets and avenues abutting the property being developed or improved and shall extend to the curbline on each corner lot simultaneously with any construction or development on the property except:

(1) On any one side of a residential street into which lots front when more than sixty (60) percent of the frontage between street intersections has been developed without sidewalks prior to the time a permit is requested.

(2) When the planning commission shall approve a specific use zone within which the site plan specifically does not provide sidewalks as required within this article. Otherwise, sidewalks shall be provided as required by this article. The planning commission shall consider the intent of this article for sidewalks when hearing any specific use zone case requesting deviation from existing location requirements.

(3) Where, in a single-family residentially zoned area, the minimum lot frontage on the side of the street in question between street intersections, as platted and as developed, is one hundred fifty (150) feet and the minimum lot area is thirty thousand (30,000) square feet.

(4) In M-1 and M-2 zoning districts, where the abutting street is not designated as a highway or is not designated as E (expressway), T (thoroughfare), or C (collector) on the master thoroughfare plan of the city.

(5) When an addition or improvement is made to an existing single-family or duplex structure except

when the estimated cost of the improvement exceeds thirty (30) percent of the current tax district appraised tax value of the structure and when forty (40) percent or more of the lots or tracts on the same side of the street and between street intersections are developed with sidewalks.

(b) At locations where sidewalks are not required by this code or where sidewalks do not exist it shall be the duty and responsibility of the property owner to maintain the parkway area in such a condition so as to permit safe use by pedestrians. No sidewalk shall be removed except for repair or replacement, and then it shall be repaired or replaced in accordance with this code.

(Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-50; Ordinance 4371, sec. 1, adopted 6/30/1964; Ordinance 5349, sec. 1, adopted 11/9/1967; 1983 Code, sec. 24-88; Ordinance 8568, sec. 22, adopted 3/8/1984)

Sec. 36.04.114 Sidewalk location

(a) All sidewalks shall be constructed in that area between the curb or grade of the public street and the abutting property line. Required sidewalks shall have three (3) options for location and width:

(1) Sidewalks in any location shall be a minimum of four (4) feet wide, and the inner edge of the sidewalk shall be contiguous and parallel with the abutting property line; or

(2) Sidewalks may be five (5) feet in width in residential districts, and the outer edge of the sidewalk shall be contiguous and parallel with the existing curb; or

(3) Sidewalks may be six (6) feet in width in commercial districts, and the outer edge of the sidewalk shall be contiguous and parallel with the existing curb. The six-foot design of sidewalk shall be required in association with all public streets abutting school sites intended for primary or secondary education.

(b) In no instance shall curbbank sidewalks be installed where curbing does not exist.

(c) In areas where the sidewalk construction would leave twenty-four (24) inches or less of space between the back of the curb and the outer edge of the sidewalk, the sidewalk width shall be extended sufficiently to extend to the back of the curb.

(d) Sidewalk construction for the options above shall continue with the same design for the block frontage between street intersections and no new construction shall vary from the established design of sidewalks within a single block face.

(1959 Code, sec. 28-50.1; Ordinance 4371, sec. 1, adopted 6/30/1964; 1983 Code, sec. 24-89; Ordinance 8568, sec. 23, adopted 3/8/1984; Ordinance 9044, sec. 1, adopted 3/12/1987; Ordinance 10174, sec. 2, adopted 6/24/1999)

Sec. 36.04.115 Thickness and cross-section

(a) Concrete sidewalks. The thickness of concrete sidewalks shall be a minimum of four (4) inches and shall be of a cross-section as approved by the city council. Plates describing this cross-section shall be kept on file in the office of the city engineer.

(b) Driveways. The thickness and cross-section of driveways will vary in accordance with the type of construction materials and the type of usage to which it is subjected. In general, all concrete driveways shall have a minimum thickness of four (4) inches. Reinforced gutter sections required at commercial driveways shall be constructed prior to and separate from the driveway slab.

(c) Inner curbs. Inner curbs shall be a minimum of four (4) inches in width, unless otherwise specified by the city, and shall extend a minimum of four (4) inches above the driving surface, except that they may taper at driveway returns so that the top of the inner curb meets the sidewalk grade as indicated on such plates that are filed in the office of the city engineer. Separate inner curbs shall extend a minimum of six (6) inches below the driving surface.

(d) Street curbs and gutters. The thickness and cross-sections for street curbs and gutters shall be shown and designated as specified by the city and as shown on plates filed in the office of the city engineer, except where there is an existing street curb and gutter of a different section to be met or reconstructed, in which case the thickness and cross-section shall conform to the existing pattern.

(Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-51; 1983 Code, sec. 24-90; Ordinance 8568, sec. 24, adopted 3/8/1984)

Sec. 36.04.116 Lines and grades

(a) It shall be unlawful for any person to excavate, commence construction, or place any material for

any work described in this article in a public street or public place until a permit for such work has been obtained from the building official as provided herein, or until stakes or lines and grades for such work have been given by the city, unless for sidewalk and driveway construction the curb adjacent to the property is existing, and then the contractor shall follow the grade of the existing curb.

(b) The alignment of the sidewalk shall parallel the adjacent property line unless the building official grants permission for the sidewalk to parallel an existing street curb. The property owner shall have his property line established before issuance of a permit by the building official.

(c) The grade of the sidewalk shall parallel the grade of the top of street curb when the curb exists at the time of the sidewalk construction, or shall conform to grades established by the city when there is no curb existing. A minimum fee of twenty-five dollars (\$25.00) shall be charged by the city to set two (2) grade stakes for the elevation of the sidewalk, and an additional five dollars (\$5.00) shall be charged for each additional grade stake required or requested by the contractor. The contractor shall preserve the grade stakes set by the city until the final inspection by the city.

(d) The elevation of the sidewalk at the edge nearest the street shall be at least as high as but not more than two (2) inches above the top of the adjacent curb and the elevation of the sidewalk may rise as much as one-quarter of an inch per foot of width. The elevation of the sidewalk at a private driveway shall continue the grade of the sidewalk on either side of the driveway except:

(1) When the distance from the edge of the sidewalk to the back of the curb is four (4) feet or less in which case not more than two (2) feet of the sidewalk width may be sloped and used as a part of the driveway transition between the gutter and the property line.

(2) When the sidewalk is constructed adjacent to the back of the curb a minimum of two (2) feet of the inner edge of the sidewalk shall continue the grade of the sidewalk on either side of the driveway. The remaining width may be sloped for the driveway transition approach.

(3) When in the opinion of the building official on-site or private property drainage cannot be provided with the sidewalk placed at curb grade, in such event the longitudinal grade of the sidewalk on either side of the driveway may be sloped down at the rate of one inch per foot of length not to exceed four (4) inches but the concrete sidewalk shall be continuous across the driveway.

(4) In commercial areas, when new sidewalks are constructed, or existing sidewalks are replaced, the elevation of the sidewalk on either side of an alley shall be in accordance with the applicable drawing on the plats entitled "Typical Locations For Wheelchair Ramps."

(Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-52; Ordinance 4371, sec. 1, adopted 6/30/1964; Ordinance 6666, sec. 1, adopted 6/28/1973; 1983 Code, sec. 24-91; Ordinance 8568, secs. 25-27, adopted 3/8/1984; Ordinance 9043, sec. 3, adopted 3/12/1987)

Sec. 36.04.117 Grading

Excavations shall be done to line and grade as established by the city engineer and all excess excavated materials shall be removed from the right-of-way dedicated for street purposes. Before placement of concrete, the subgrade shall be wetted and tamped to secure a firm foundation. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-53; 1983 Code, sec. 24-92)

Sec. 36.04.118 Forms

Forms may be either metal or wood. In case forms are wood, they shall be of material well seasoned and cleaned. All forms must everywhere extend the full depth of the concrete and must be set true to lines and grades. All forms must be well braced so that bracing and tamping the concrete will not displace them. Before concrete is placed, forms must be thoroughly wet with water or, preferably, well greased with a heavy oil or grease. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-54; 1983 Code, sec. 24-93)

Sec. 36.04.119 Material to be used

Sidewalks, driveways, or inner curbs shall be constructed of concrete composed of Portland cement and fine aggregate, except as herein specified, except that other comparable material may be used when approved by the building official. The concrete shall contain not less than five (5) sacks of cement per cubic yard and not more than eight (8) gallons of water net per sack of cement when coarse aggregate is used. The amount of coarse aggregate shall not exceed eighty-five-one-hundredths (0.85) cubic foot per cubic foot of concrete (dry, loose volume). The minimum compressive strength at twenty-eight (28) days shall be three thousand (3,000) pounds per square inch. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-55; Ordinance 4371, sec. 1, adopted

Sec. 36.04.120 Reinforcement of sidewalk slabs

Concrete sidewalk slabs shall be reinforced with steel where a driveway crosses the sidewalk in a business area. The area of steel used shall be sufficient to prevent any failures in the concrete slab and shall be designed for a nH-20 loading. Where the remainder of the driveway area is to be of concrete, it shall be similarly reinforced. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-56; 1983 Code, sec. 24-95)

Sec. 36.04.121 Mixing

The sand and cement shall be thoroughly mixed dry until the mixture is of uniform color and free from sand streaks. Wetted stone or gravel shall be added and the entire mass wetted and thoroughly mixed by turning it at least three (3) times, or until the stone is thoroughly coated with mortar and the mass uniformly mixed, whereupon the whole shall immediately be deposited in proper place in the work and thoroughly rammed at once to the required thickness. The concrete must be sufficiently wet but shall not run and must be so thoroughly tamped that all the voids will be filled, resulting in a thoroughly compact mass. In case a machine is used, it shall be a batch mixer. The contractor shall not mix any concrete or cement materials on the surface of any paved street, unless heavy kraft paper or paper of similar weight is placed to protect the splashing and dripping of the concrete mixture upon the pavement. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-57; 1983 Code, sec. 24-96)

Sec. 36.04.122 Finishing and marking

The finish on the surface of the concrete sidewalk shall be monolithic with the slab and shall be such that it does not present a hazardous condition. The marking of the top of the sidewalk slab must be done with a specially devised marking tool at four-foot intervals. The marking must cut at least one-half way through the slab and shall be done after the slab has set sufficiently so that the concrete will not flow. The exposed edges of all concrete shall be neatly finished with a special edging tool. The contractor shall employ adequate measures to protect all work from the action of the sun, cold and wind until the same has thoroughly hardened and set. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-58; Ordinance 4371, sec. 1, adopted 6/30/1964; 1983 Code, sec. 24-97)

Sec. 36.04.123 Expansion joints

- (a) Transverse expansion joints for all sidewalks, three-quarter inch in thickness, and extending the full width of the concrete slab, shall be provided at intervals not more than thirty-six (36) feet apart. These joints must be the full depth of the concrete and shall be well filled with some satisfactory and elastic joint filler approved by the city engineer or building official.
- (b) Where walk or driveway transition join or abut on the street curbing line, an expansion joint of not less than three-fourths inch thickness across the entire section of walk must be made and filled as provided.
- (c) Where a new section of sidewalk is to connect with a previously constructed walk, a three-quarter-inch expansion joint must be made and filled as provided.

(Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-59; 1983 Code, sec. 24-98; Ordinance 8568, secs. 29, 30, adopted 3/8/1984)

Sec. 36.04.124 Bumper blocks and bumper rails where sidewalk adjacent to off-street parking area

Where a public parkway area is adjacent to an off-street parking area, a concrete bumper curb or an iron pipe bumper rail shall be built to prevent encroachment of vehicles onto the public way. The bumper curb or rail shall be set back from the property line so that no part of a parked vehicle will extend over public property. Any such concrete bumper block shall be at least four (4) inches in width, be four (4) inches high, and be securely anchored. Iron pipe used for a bumper rail shall have a minimum outside diameter of three (3) inches and have the standard or supports permanently anchored in the ground. (Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-60; Ordinance 4371, sec. 1, adopted 6/30/1964; Ordinance 5057, sec. 2, adopted 7/14/1966; 1983 Code, sec. 24-99; Ordinance 8568, sec. 31, adopted 3/8/1984)

Sec. 36.04.125 Steps or offsets in sidewalk

The person in charge of the work shall not construct any step or offset along the grade of the sidewalk. Where conditions necessitate a grade change along the sidewalk, the change shall be accomplished by a ramp consistent with the building code which requires no greater slope than one (1) vertical in eight (8) horizontal. When conditions exist which require a step or offset from the grade of the sidewalk to the grade of the curb top, such step or offset shall occur only at the instance of written instructions from the city engineer or building official.

(Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-62; 1983 Code, sec. 24-100; Ordinance 8568, sec. 32, adopted 3/8/1984)

Sec. 36.04.126 Driveways into private property

All driveways into private property shall be paved from the street curb line to the property line. The design and construction of such driveways shall be in accordance with [section 36.04.111](#) of this code, and the following:

(1) The number of driveways on thoroughfares shall be limited to a maximum of one (1) for the first one hundred (100) feet of frontage on a street and a maximum of one (1) additional driveway for each additional two hundred (200) feet of frontage except at intersecting thoroughfares. At intersecting thoroughfares there shall be no driveway within the first one hundred and fifty (150) feet of frontage on the thoroughfare approaching the intersection and one hundred (100) feet of frontage on the thoroughfare exiting the intersection.

(2) To comply with subsection (1), above, shared driveways and on-site access easements may be required dependant on lot size and configuration.

(3) No driveway access to "R-1," "R-1A," or "R-2" residential property shall be permitted from a street which is designated as a thoroughfare ("E" or "T") by the master thoroughfare plan except when the planning commission shall have approved such access by site plan.

(4) When deemed necessary by the city engineer due to traffic volume, trips generated, and/or other relevant means, an acceleration/deceleration lane adjacent to the property line and connecting to the property's driveway shall be considered during the platting process.

(5) All paved surfaces of city streets cut for the construction of commercial driveways shall be replaced by the city at the expense of the contractor who caused the street cut. The contractor shall pre-pay the city for the estimated cost of repairing the paving at all proposed commercial driveways at the time of issuance of the building permit. The rate shall be as established by ordinance. In the event no repairs are necessary, such payment will be returned to the contractor.

(6) The planning and zoning commission may authorize upon request in specific cases of unnecessary hardship a variance of the driveway location, distance and width regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels under like circumstances and where such parcel cannot be reasonably developed or used without such modification. In exercising its power to grant a variance, the planning and zoning commission shall make findings and show in its minutes such facts and/or special conditions by which each of the following conditions has been satisfied:

(A) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding condition or location that do not apply generally to other property under the

same or similar circumstances and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building;

(B) That granting of the variance on the specific property will not cause an unreasonable traffic safety or traffic control problem to be created upon the property or the streets and rights-of-way abutting such property;

(C) That the variance to be granted is the minimum variance that will relieve the proven hardship; and

(D) A raised median designed and constructed by the developer separating traffic of opposing directions will be included in any variances to the driveway requirements at thoroughfare corner lots. The median shall have a minimum width of three (3) feet, a minimum length of one hundred twenty-five (125) feet, and shall have a cutout in the crosswalk for pedestrian access. Planning and zoning commission may waive the median requirement if existing site conditions are incompatible with driveway location requirements.

(Ordinance 1466, sec. 3, adopted 10/8/1953; 1959 Code, sec. 28-63; Ordinance 4371, sec. 1, adopted 6/30/1964; Ordinance 5057, sec. 3, adopted 7/14/1966; Ordinance 5580, sec. 1, adopted 12/19/1968; Ordinance 5758, sec. 1, adopted 10/9/1969; Ordinance 6891, secs. 1-3, adopted 5/9/1974; Ordinance 8239, sec. 1, adopted 9/24/1981; 1983 Code, sec. 24-101; Ordinance 8568, secs. 33-35, adopted 3/8/1984; Ordinance 9043, secs. 4, 5, adopted 3/12/1987; Ordinance 9044, sec. 2, adopted 3/12/1987; Ordinance 9263, sec. 1, adopted 4/13/1989; Ordinance

Sec. 36.04.127 Curb ramp requirements

Any newly constructed or altered intersections having curbs or other barriers to entry from street level pedestrian walkways shall contain curb ramps, except as described in this section. The design and construction of such curb ramps shall be in accordance with [section 36.04.111](#) of this article, and the following:

(1) New subdivision street paving plans shall indicate and be constructed with three (3) feet of down curb and five (5) feet of transition on either side of the down curb located at the center of each street intersection radius.

(2) The concrete flatwork required for the actual ramp construction in new intersections will not be required until the sidewalk is constructed with the building permit for that corner lot.

(3) Ramp construction will be required at existing intersections with the issuance of a building permit in all cases where sidewalk construction is a part of the permit except that ramp construction will not be required with the issuance of a building permit on existing streets in "RR," "R-1," "R-1A," or "R-2" zoning areas.

(4) Ramp construction required at existing street intersections will require removal of the complete curb and gutter section or a vertical sawcut adjacent to the face of the curb for the curb removal.

Removal of approximately thirteen (13) linear feet of curb and gutter or sawcut will be required. The typical curb ramp location at an intersection is the center of radius. A deposit for paving repair costs will be required if the complete curb and gutter section is removed.

(1983 Code, sec. 24-102; Ordinance 2017-O00159, sec. 60, adopted 12/18/2017; Ordinance 2018-O0066, sec. 76, adopted 6/14/2018)

ARTICLE 36.05 INSTALLATION OF UTILITY MAINS, FEEDERS AND CONDUITS^{*}

Sec. 36.05.001 Generally

All gas, oil, water, electric, telephone and public utility mains, feeders and conduits laid in the streets and alleys shall be laid with the top of the pipe at least two (2) feet below the surface of the ground, and all gas service pipes from such mains to the property lines shall be laid with the top of such pipe at least sixteen (16) inches below the surface of the ground, and all of such pipes shall be so laid as not to interfere in any manner with water pipes or mains, sanitary sewers or storm sewers of the city, or pipes, cables or conduits of other utilities already installed. At street intersections, street and alley intersections or any other place where it is likely that the street grade will be lowered, the mains, service pipes, etc., shall be laid at a greater depth than two (2) feet, as directed by the city engineer. (Ordinance 378, sec. 1, adopted 6/17/1927; Ordinance 381 adopted 7/8/1927; 1959 Code, sec. 28-64; 1983 Code, sec. 24-116)

Sec. 36.05.002 Filling of trenches

All trenches shall be backfilled as soon as the pipe mains, electrical cable and/or power lines, television cable, telephone cables and apparatus, or any other type public utility facilities placed underground, are laid out and tested by the person, firm, corporation or public utility excavating such trench or causing such trench to be excavated. The backfilling shall be done in such a manner that the street, alley or sidewalk shall be in as good condition as before such work was done. If at any time after the pipe, mains, electrical cable and/or power lines, television cable, telephone cables and apparatus or any other public utilities facilities placed underground have been laid, the trench settles below the natural grade of the street, alley or sidewalk, the trench shall be refilled and brought to the proper grade at the expense of the person, firm, corporation or public utility responsible for making the cut. The city engineer may make such further requirements on filling as may be necessary to keep the streets, alleys and sidewalks in as good condition as before such cuts are made. (Ordinance 378, sec. 2, adopted 6/17/1927; 1959 Code, sec. 28-65; Ordinance 9015, sec. 1, adopted 10/9/1980; Ordinance 8121, sec. 1, adopted 12/18/1980; 1983 Code, sec. 24-117)

Sec. 36.05.003 Detailed drawings furnished to city

The city shall be furnished with four (4) detailed drawings, approved by the city engineer, showing the size and exact location of all the mains and the entire distribution system, before any work described in [section 36.05.001](#) of this article starts. (Ordinance 378, sec. 4, adopted 6/17/1927; 1959 Code, sec. 28-67; 1983 Code, sec. 24-119; Ordinance 8568, sec. 36, adopted 3/8/1984)

Sec. 36.05.004 Person responsible for damage to existing mains, sewers, etc.

(a) The person, firm, corporation or public utility shall be responsible for all damages to water mains, water service connections, sanitary sewers, traffic-control device cable, electrical transmission cable and public utility pipes and conduits caused by the work of installing the mains or any part of the distribution system or making connections with the city sewerage systems or to alter or repair any house sewer or water line or to place gas service pipes, or for any other reason, and such person, firm, corporation or public utility shall pay for the cost of repairing same.

(b) The person, firm, corporation or public utility requiring a paving cut shall be responsible for, and hold the city harmless against, all damages to persons or property arising from the making or repair of the paving cut or excavation.

(Ordinance 378, sec. 6, adopted 6/17/1927; Ordinance 381 adopted 7/8/1927; 1959 Code, sec. 28-69; Ordinance 8121, sec. 4, adopted 12/18/1980; 1983 Code, sec. 24-121)

ARTICLE 36.06 MASTER THOROUGHFARE PLAN*

Division 1. Generally

Sec. 36.06.001 Definitions

Collector. Collector streets are those which transfer traffic from residential streets to thoroughfare streets (C-1 on master thoroughfare plan), generally located along half section lines.

Expressway or freeway (E-1 or E-2 on master thoroughfare plan). A divided expressway freeway for through traffic with full control of access and with grade separations at major intersections. Expressways and freeways shall have a minimum right-of-way width of two hundred ten (210) feet.

Industrial. Industrial streets are those which provide for safe and efficient travel of heavy traffic from industrial areas to the major traffic system of thoroughfares and highways, including the principal entrance streets of and streets for circulation in the industrial areas. (I on master thoroughfare plan.)

Master thoroughfare plan. A general plan for the roads, streets, and public highways within the city and the ETJ. The plan shall designate the type and width of major streets.

Street. The term "street" shall refer to a dedicated public way for vehicular traffic, however designated.

Street access. Each platted tract or lot within the City of Lubbock shall front onto a public street, and shall have rear access to an alley, unless provided for otherwise under provisions of existing city code or by action of the city council.

Thoroughfare streets or highways (T-1 or T-2 on master thoroughfare plan). Thoroughfare streets are the major streets of the city traffic system, generally located along section lines. The thoroughfare is used primarily for fast and/or heavy traffic moving in large volumes at moderate speed on long intercity or intracity trips.

(Ordinance 1692, sec. 2, adopted 3/24/1955; Ordinance 2062, secs. 1, 2, adopted 11/20/1956; 1959 Code, sec. 28-70; 1983 Code, sec. 24-131; Ordinance 8568, sec. 37, adopted 3/8/1984; Ordinance 2000-O0035, sec. 2, adopted 8/24/2000)

Sec. 36.06.002 Purpose of article

The purpose of this article is to establish a general plan for the city and its streets, alleys and public utility facilities, including those which have been or may be laid out, and to establish a general plan for the extension of the city and of its roads, streets and public highways within the city and within five (5) miles of the corporate limits thereof, due regard being had for access to and extension of sewer and water mains and the instrumentalities of public utilities. Such master thoroughfare plan is in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and the general welfare of the general public, and has been designed to lessen congestion in the streets and provide safety from fire, panic and other dangers, and provide adequate light and air and prevent the overcrowding of land and to avoid undue concentration of population, and to facilitate adequate provisions for transportation, water, sewage and other public requirements and thereby promote the general good and welfare of the public. The master thoroughfare plan is proposed for amendment to the city council by the planning commission as conditions change within the city. (Ordinance 1692, sec. 1, adopted 3/24/1955; 1959 Code, sec. 28-71; 1983 Code, sec. 24-132; Ordinance 8568, sec. 38, adopted 3/8/1984)

Division 2. Map^{*}

Sec. 36.06.031 Adopted; signature and attestation

The master thoroughfare plan map of the city is hereby established and adopted and made a part of this article as if the same were set forth herein in detail. An original of each update shall bear the signature of the mayor and attestation of the city secretary who shall maintain that original in an ordinance file. (Ordinance 1692, sec. 3, adopted 3/24/1955; 1959 Code, sec. 28-72; 1983 Code, sec. 24-133; Ordinance 2000-O0035, sec. 3, adopted 8/24/2000)

Sec. 36.06.032 Original kept by planning department

A true and correct copy of the master thoroughfare plan shall be maintained in the planning department. (Ordinance 1692, sec. 3, adopted 3/24/1955; 1959 Code, sec. 28-73; 1983 Code, sec. 24-134; Ordinance 2000-O0035, sec. 4, adopted 8/24/2000)

Sec. 36.06.033 Failure to show distances and feet

When definite distances and feet are not shown on the master thoroughfare plan map, such streets are intended to be along all street, alley or platted lot lines or extensions of the same. (Ordinance 1692, sec. 3, adopted 3/24/1955; 1959 Code, sec. 28-76; 1983 Code, sec. 24-137)

Sec. 36.06.034 Amendment, supplementation, etc.

The city council may, by ordinance, amend, supplement, change, modify or repeal any of the provisions of this article or the master thoroughfare plan map. Any proposed ordinance change to the master thoroughfare plan map shall be made subject to a public hearing and a recommendation from the planning and zoning commission. (Ordinance 1692, sec. 5, adopted 3/24/1955; 1959 Code, sec. 28-77; 1983 Code, sec. 24-138; Ordinance 2000-O0035, sec. 7, adopted 8/24/2000)

ARTICLE 36.07 PAVING STREETS^{*}

Sec. 36.07.001 Generally

All pavement hereafter constructed upon any public street in the city by abutting property owners, their agents, servants, contractors or employees, whether under individual or joint paving agreements or under assessment programs, shall be constructed in accordance with the standard layout, design and specifications established in this article for paving and in accordance with standards for curb and gutter as described in [section 36.04.111](#). (1959 Code, sec. 28-89; Ordinance 6245, sec. 1, adopted 12/9/1971; 1983 Code, sec. 24-150; Ordinance 8568, sec. 41, adopted 3/8/1984)

Sec. 36.07.002 Street permit

It shall be unlawful for any person to construct, reconstruct, alter, repair, remove, or replace any paving on any public street within the city, with the exception of improvements required by [chapter 38](#) of this code, without first having obtained from the city engineer a permit for such construction in accordance with [sections 36.04.051](#) through [36.04.054](#), except that, as to paving improvements required by [chapter 38](#) of this code, the proponent for approval of final plat shall, prior to the approval of such plat, meet all of the requirements of subsection (b) of [section 36.04.053](#) pertaining to the furnishing of performance bond, public liability and property damage insurance, the indemnification and hold harmless agreement and the agreement to maintain safe conditions to the same extent and in the same manner as required by an applicant for a permit under [section 36.04.051](#). All paving construction, reconstruction, alteration, repair, removal, or replacement shall be in full compliance with all of the provisions of this code governing street and alley paving, including all of the requirements thereof regarding the payment of fees, furnishing of performance bond, public liability and property damage insurance certificates, and indemnification of the city against all loss, damages, expenses, or liability which may result in any manner from the construction of any such improvements. (1983 Code, sec. 24-151; Ordinance 8568, sec. 41, adopted 3/8/1984)

Sec. 36.07.003 Strip paving

(a) Strip paving is not considered standard, permanent paving, but only a temporary paving measure until full width paving with curb and gutter can be constructed.

(b) All strip paving will require city council approval.

(c) Should the city council approve strip paving at partial or total abutting property owner cost, it shall not relieve the property owner of responsibility for the cost of full width paving and curb and gutter when constructed.

(d) The strip paving shall be constructed in accordance with the design standards described in [section 36.07.004](#).

(1959 Code, sec. 28-90; Ordinance 6245, sec. 1, adopted 12/9/1971; 1983 Code, sec. 24-152; Ordinance 9706, sec. 1, adopted 10/13/1994)

Sec. 36.07.004 Standards and design

(a) The standard design, layout and plans for the construction, reconstruction, and/or replacement of all pavement for streets and drainage structures in the City of Lubbock shall conform to the subdivision regulations ([chapter 38](#)) and the master thoroughfare plan of the city and be constructed according to the most recent applicable specifications approved by the city council and plans approved by the city engineer.

(b) Full width paving shall consist of curb and gutter sections, as described in [section 36.04.111](#), with a roadway consisting of a minimum depth of six (6) inches of compacted caliche base and a four-course penetration type or one and one-half (1-1/2) inches of hot mix asphaltic concrete surface. The width shall be consistent with the master thoroughfare plan.

(c) Strip paving shall consist of shaped drainage ditch sections with a roadway consisting of twenty-eight (28) feet wide and a minimum depth of six (6) inches of compacted caliche base and a twenty-four-foot-wide four-course penetration type or one and one-half inches of hot mix asphaltic concrete surface.

(d) All work shall be done under the direction of the city engineer.

(e) Half-street paving must have the approval of the city engineer as to provisions for drainage, utilities and the removal of any obstructions in the proposed roadway; the acquisition by the developers or owners of any necessary temporary working easements shall be at their expense.

(1959 Code, sec. 28-91; Ordinance 6245, sec. 1, adopted 12/9/1971; Ordinance 7186, sec. 1, adopted 12/17/1975; 1983 Code, sec. 24-153; Ordinance 8568, sec. 42, adopted 3/8/1984; Ordinance 9706, sec. 2, adopted 10/13/1994; Ordinance 2000-O0035, sec. 8, adopted 8/24/2000)

Sec. 36.07.005 Exception

The provisions of this article shall not apply to the construction of any public works by or for the city on any public property. It shall be, however, the policy of the city to construct all street paving in accordance with the specifications and details provided by this article except in those cases where the city council should find it necessary in the public interest to vary therefrom. (1983 Code, sec. 24-154; Ordinance 8568, sec. 43, adopted 3/8/1984)

Sec. 36.07.006 City participation in cost of street pavement

The city may, at the option of the city council, participate in the total established contract cost of any street paving project to the extent as provided by the current city council paving policy. Any reimbursement to a developer for engineering services by any private consulting engineer which are associated with the city participation in paving shall be limited to six (6) percent. (1983 Code, sec. 24-155; Ordinance 8568, sec. 44, adopted 3/8/1984)

Sec. 36.07.007 Improvements to become city property upon acceptance

Any paving or drainage improvement constructed under this article upon any public street in the city, upon final acceptance by the city council or the city engineer, shall become the property of the city. (1983 Code, sec. 24-156; Ordinance 8568, sec. 45, adopted 3/8/1984; Ordinance 2005-O0080, sec. 1, adopted 8/8/2005)

Sec. 36.07.008 Assessments when pavement constructed by city

When street paving is constructed by or at the instance of the city, the cost thereof, including engineering cost, shall be assessed against the abutting property and the owners thereof, in accordance with the provisions of article 1105b, as amended, of Vernon's Annotated Civil Statutes of Texas and current city council paving policy. (1983 Code, sec. 24-157; Ordinance 8568, sec. 46, adopted 3/8/1984)

Editor's note—Article 1105b of Vernon's Annotated Civil Statutes of Texas referred to in the above section is now codified in V.T.C.A., Transportation Code, chapter 313.

Charter reference—Assessments for street improvements, [ch. 1, art. II, sec. 15](#).

State law reference—Assessment for street improvements, V.T.C.A., Transportation Code, sec. 311.091.

Sec. 36.07.009 Engineering for paving improvements

The performance of engineering services for paving and drainage improvements shall conform to the following:

- (1) The city engineering staff will perform or provide for engineering services on city council authorized street paving, alley paving or drainage projects.
- (2) The proponent may utilize engineering services performed by either the city engineering staff or an engineering consultant for improvements constructed by a street use permit ([section 36.07.002](#)) or alley use permit ([section 36.08.007](#)). If an engineering consultant is utilized, the requirements of subsection (3) following will apply.
 - (3) Paving and drainage improvements required by [chapter 38](#) (subdivision regulations) of this code shall conform to the following:
 - (A) The engineering plans, specifications, estimates and staking shall be done by the property developer's engineering consultant.
 - (B) The property developer's engineering consultant shall prepare plans for review and approval by the city engineer prior to actual start of construction. The consultant shall obtain from the city engineer the most current city council approved specifications for paving and drainage improvements for use on the project. The developer's engineering consultant shall be a professional engineer registered in the State of Texas whose specialty is civil engineering.
 - (C) The city engineer shall express written approval or disapproval of such plans and shall state the conditions, if any, of such approval or disapproval. No construction shall start prior to written approval by the city engineer.
 - (D) Testing and inspection of the paving or drainage improvement project shall be performed by the city engineering staff under the supervision of the city engineer. The city engineer may require certain tests of materials be performed by private testing laboratories.
 - (E) The developer's engineering consultant shall provide construction staking and grade elevations for the paving contractor as established by the plans approved by the city engineer. The city engineer shall receive cut and fill sheets and verification of stake alignment prior to actual construction.
 - (F) Upon completion of construction, the developer (in cooperation with the developer's engineering consultant) shall furnish to the city engineer:
 - (i) Complete and accurate reproducible drawings reflecting actual "as-built" construction signed and affixed with the seal of the developer's engineering consultant. The plan view shall be on a one inch equals fifty (50) feet scale with the profile on a one inch equals one foot or one inch equals two (2) feet vertical scale. The profile shall show the ground elevations prior to construction and the final gutter or flow line elevations as constructed.
 - (ii) A breakdown of actual quantities constructed and final costs for the work done on a form approved by the city engineer, signed and affixed with the seal of the developer's engineering consultant.
 - (G) After final inspection and approval of the paving improvements required by [chapter 38](#) of this code by the city engineer, the city engineer shall accept the said improvements, except where city costs are related to the said acceptance in which case the city engineer shall submit the said improvements to the city council for their consideration for approval and acceptance.
 - (4) The city engineer may allow city staff to perform engineering services on paving or drainage improvements required by [chapter 38](#) (subdivision regulations) of this code. This alternative, if requested by the developer, would only be considered on small developments (less than ten thousand dollars (\$10,000.00) construction cost as estimated by the city engineering staff using current city bid prices).

(1983 Code, sec. 24-158; Ordinance 8568, sec. 47, adopted 3/8/1984; Ordinance 9411, sec. 1, adopted 2/14/1991; Ordinance 2005-O0080, sec. 2, adopted 8/8/2005)

Sec. 36.07.010 Fees for paving improvements

- (a) The fees for engineering services, if any, on city council authorized paving and drainage projects shall be set by the city council.

(b) The fee to the proponent for all engineering services including staking, testing, and inspection by the city staff for street or alley use permit paving shall be six (6) percent of the total estimated cost of construction. Should the proponent choose to use an engineering consultant to perform allowed engineering services for street or alley use permit paving, the provisions of subsection (c) following will apply.

(c) The fee for engineering services on paving or drainage improvements required by [chapter 38](#) (subdivision regulations) of this code shall conform to the following:

(1) The fee to be charged by the city for review of plans, specifications and estimates prepared by the developer's engineering consultant shall be fifty dollars (\$50.00) or five-tenths of one percent of the estimated cost of construction, whichever is greater.

(2) The fee to be charged by the city for testing and inspection services of the improvements shall conform to the following table:

Estimated Construction Cost	Percent of Estimated Construction Cost For Testing and Inspection Fee
\$0.00 to \$20,000.00	4.0
\$20,001.00 to \$25,000.00	3.75
\$25,001.00 to \$30,000.00	3.5
\$30,001.00 to \$40,000.00	3.25
\$40,001.00 to \$50,000.00	3.0
\$50,001.00 to \$75,000.00	2.5
\$75,001.00 to \$150,000.00	2.0
Greater than \$150,000.00	1.5

(d) The fee to be charged for engineering services described in [section 36.07.009\(4\)](#) of this article shall be six (6) percent of the estimated construction cost.

(e) Additional fees may be required by the city engineer on a cost basis for:

(1) Additional charges for testing, inspection and staking in accordance with current city policies for work requested by the developer, including, but not limited to, increased costs for city personnel working weekends and/or holidays.

(2) Those instances when additional inspection and testing occur due to deficiencies in construction materials or workmanship.

(1983 Code, sec. 24-159; Ordinance 8568, sec. 48, adopted 3/8/1984; Ordinance 9411, sec. 2, adopted 2/14/1991)

Sec. 36.07.011 Brick streets

(a) Brick streets are protected as an important part of the city's history. Any portion of any brick street surface disturbed by any public or private agency for any reason must be replaced in a manner consistent with original construction. Any bricks removed from any street, whether through repair, reconstruction or removal, are the property of the City of Lubbock and must be returned to the streets department.

(b) Repair. Any utility cuts or other disturbances to brick street surfaces must be repaired in a manner consistent with original construction as outlined in [sections 36.05.002](#) and [36.05.003](#).

(c) Removal or reconstruction. Occasionally circumstances may lead to a request for removal or reconstruction of a section of a brick street. Requests for removal of brick streets must be reviewed by the urban design and historic preservation commission prior to project bid, and must be completed before removal or reconstruction can begin, as outlined in [section 40.03.3224](#).

(1983 Code, sec. 24-160; Ordinance 2006-O0069, sec. 3, adopted 6/8/2006)

ARTICLE 36.08 PAVING ALLEYS^{*}

Sec. 36.08.001 Statement of policy

All pavement hereafter constructed upon any public alley in the city by abutting property owners, their agents, servants, contractors or employees, whether under individual or joint paving agreements or under assessment programs, shall be constructed in accordance with the standard layout, design and specifications established in this article for paving alleys. (Ordinance 1797, sec. 1, adopted 11/22/1955; 1959 Code, sec. 28-79; Ordinance 6424, sec. 1, adopted 8/10/1972; 1983 Code, sec. 24-161)

Sec. 36.08.002 Exceptions

The provisions of this article shall not apply to the construction of any public works by or at the instance of the city on any public property. It shall be, however, the policy of the city to construct all alley paving in accordance with the specifications and details provided by this article, except in those cases where the city council should find it necessary in the public interest to vary therefrom. (Ordinance 1797, sec. 10, adopted 11/22/1955; 1959 Code, sec. 28-86; 1983 Code, sec. 24-162)

Sec. 36.08.003 Supervision

All projects required by [chapter 38](#) of this code or requiring a street or alley use permit and designed by a consulting engineer shall conform to [sections 36.07.009](#) and [36.07.010](#) of this code. (Ordinance 1797, sec. 4, adopted 11/22/1955; 1959 Code, sec. 28-82; 1983 Code, sec. 24-163; Ordinance 8568, sec. 49, adopted 3/8/1984)

Sec. 36.08.004 Design, layout, plans and specifications

The design, layout and plans shall be approved or furnished by the city engineer. The most recent city council approved specifications shall be furnished by the city engineer. (Ordinance 1797, sec. 2, adopted 11/22/1955; Ordinance 1837 adopted 2/14/1956; Ordinance 2107, sec. 1, adopted 1/10/1957; 1959 Code, sec. 28-80; Ordinance 4913, sec. 1, adopted 2/10/1966; Ordinance 6424, sec. 2, adopted 8/10/1972; 1983 Code, sec. 24-164; Ordinance 8568, sec. 50, adopted 3/8/1984; Ordinance 10022, sec. 7, adopted 10/23/1997; Ordinance 2000-O0035, sec. 9, adopted 8/24/2000)

Sec. 36.08.005 Specifications for concrete alleys

Concrete alley paving shall be constructed in accordance with the most recent city council approved specifications which shall be furnished by the city engineer. Alleys adjacent to nonresidential property that are proposed for traffic use or when site drainage is directed to the alley shall be paved to the point of discharge to a paved street, another paved alley, or drainage channel. (Ordinance 1797, sec. 3, adopted 11/22/1955; 1959 Code, sec. 28-81; Ordinance 4913, sec. 2, adopted 2/10/1966; Ordinance 6424, sec. 3, adopted 8/10/1972; 1983 Code, sec. 24-165; Ordinance 8568, sec. 51, adopted 3/8/1984; Ordinance 2000-O0035, sec. 10, adopted 8/24/2000)

Sec. 36.08.006 Brick alleys

(a) Brick alleys are protected as an important part of the city's history. Any portion of any brick alley surface disturbed by any public or private agency for any reason must be replaced in a manner consistent with original construction. Any bricks removed from any alley, whether through repair, reconstruction or removal, are the property of the City of Lubbock and must be returned to the streets department.

(b) Repair. Any utility cuts or other disturbances to brick alley surfaces must be repaired in a manner consistent with original construction as outlined in [sections 36.05.002](#) and [36.05.003](#).

(c) Removal or reconstruction. Occasionally circumstances may lead to a request for removal or reconstruction of a section of a brick alley. Requests for removal of brick alleys must be reviewed by the urban design and historic preservation commission prior to project bid, and must be completed before removal or reconstruction can begin, as outlined in [section 40.03.3224](#).

(1983 Code, sec. 24-166; Ordinance 2006-O0069, sec. 4, adopted 6/8/2006)

Editor's note—See corresponding note located in [Appendix A](#) of this code.

Sec. 36.08.007 Alley use permit

It shall be unlawful for any person to construct, reconstruct, alter, repair, remove or replace any paving on any public alley within the city, with the exception of improvements required by [chapter 38](#) of this code, without first having obtained from the city engineer a street or alley use permit for such construction in accordance with [sections 36.04.051](#) through [36.04.054](#). All paving, construction, reconstruction, alteration, repair, removal or replacement shall be in full compliance with all of the provisions of any ordinance of the city governing streets and paving including all of the requirements thereof regarding the payment of fees, furnishing of performance bond, public liability and property damage insurance certificates, and indemnification of the city against all loss, damages, expenses, or liability which may result in any manner from the construction of any such improvements. (Ordinance 1797, sec. 5, adopted 11/22/1955; 1959 Code, sec. 28-83; 1983 Code, sec. 24-167; Ordinance 8568, sec. 53, adopted 3/8/1984)

Sec. 36.08.008 Improvements to become city property upon acceptance

Any paving constructed under this article upon any public alley in the city, upon final acceptance by the city council or the city engineer, shall become the property of the city. (Ordinance 1797, sec. 7, adopted 11/22/1955; 1959 Code, sec. 28-85; 1983 Code, sec. 24-169; Ordinance 8568, sec. 55, adopted 3/8/1984)

Sec. 36.08.009 Assessments when pavement constructed by city

When alley paving is constructed by or at the instance of the city, the cost thereof, including engineering cost, shall be assessed against the abutting property and the owners thereof to the extent of ninety (90) percent of the total cost, in accordance with the provisions of article 1105b, as amended, of Vernon's Annotated Civil Statutes of Texas. (Ordinance 1797, sec. 11, adopted 11/22/1955; 1959 Code, sec. 28-87; Ordinance 4913, sec. 4, adopted 2/10/1966; 1983 Code, sec. 24-170)

Editor's note—Article 1105b of Vernon's Annotated Civil Statutes of Texas referred to in the above section is now codified in V.T.C.A., Transportation Code, chapter 313.

Charter reference—Assessments for street improvements, [ch. 1, art. II, sec. 15](#).

State law reference—Assessment for street improvements, V.T.C.A., Transportation Code, sec. 311.091.

Sec. 36.08.010 Maintenance of alley paving

It shall be the duty of any abutting property owner to keep any paving outside of the ten-foot paving centered on the centerline of the alley abutting such property in good and safe condition and free from any defects and hazards of whatsoever kind and character. The abutting property owner shall be primarily liable and shall indemnify and save harmless the city from and against any and all actions, claims, damages, costs and expenses which may be suffered by the city as a result of the abutting property owner's failure to so maintain said paving. (1959 Code, sec. 28-88; Ordinance 4913, sec. 5, adopted 2/10/1966; 1983 Code, sec. 24-171)

ARTICLE 36.09 UTILITY CONSTRUCTION IN PUBLIC RIGHTS-OF-WAY

Division 1. Generally

Sec. 36.09.001 Definitions

For purposes of this article, the following definitions shall apply:

Business day shall mean a day when the municipal building of the City of Lubbock is open to the public for business.

Emergency shall mean operations and repairs necessary to respond to a situation that endangers life, health and safety, or property, or a situation in which the public need for uninterrupted service and reestablishment of service, if the service is interrupted compels immediate action. Upgrading of facilities, new service installation and neighborhood improvement projects are not emergency operations.

Excavation shall mean an activity that removes or otherwise disturbs soil in the right-of-way at a depth of sixteen inches (16") or more, or disturbs any street or alley pavement of any depth.

Major project shall mean a utility project requiring installation or replacement of utility facilities in the right-of-way for a distance greater than one (1) mile.

New street shall mean the paved portion of the street right-of-way that has been constructed or reconstructed in the

last five (5) years.

Pavement condition index (PCI) shall mean a measure of the condition of the street, on a scale of 1 to 100. The PCI is available from the pavement management office of the city's street maintenance department.

Permit holder shall mean any person, partnership, corporation, utility, ROW user or any other legal entity that has been granted a permit for construction work in the city's right-of-way or other public property.

ROW user shall mean a franchised utility, a certificated telecommunications company, or any other privately or publicly owned utility authorized to conduct business using city right-of-way in order to install, construct, maintain or repair their facilities in the city right-of-way. The term "ROW user" shall also include any contractor or other agent or person engaged by a ROW user to work on facilities located in city right-of-way. The granting of a permit to a contractor or agent of a ROW user shall be deemed to be the granting of a permit to the ROW user for purposes of this article.

Sanitary sewer service line shall mean a service line that is a privately owned (typically) 4" diameter underground gravity pipe that extends from the city's municipal sewer main to the residential/commercial/industrial structure receiving service. The service line conveys the wastewater generated by customers to the municipal wastewater collection system.

Sewer main line shall mean a municipally owned and maintained 6" or greater underground gravity pipeline located within public ROW or easement that collects wastewater from sewer service lines via sewer taps and conveys wastewater toward sewer trunk lines and interceptors.

Street in good condition shall mean the paved portion of the street right-of-way that has a PCI of 92 or above.

TMUTCD shall mean the Texas Manual on Uniform Traffic-Control Devices, latest edition.

Traffic control shall mean the planning and installation of all signs, signals, markings, and other devices used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel, the purpose of which is to promote highway safety and efficiency by providing for the orderly movement of all road users on streets, highways, bikeways, and private roads open to public travel throughout the state and the nation.

Trenchless technology shall mean a type of subsurface construction work that requires few trenches or no continuous trenches, utilizing various methods, materials, and equipment for the installation of new, replacement, or rehabilitation of existing underground infrastructure with minimal disruption to surface traffic, business, and other activities.

Utility shall mean any privately or publicly owned entity which uses public rights-of-way to furnish to the public any general public service, including, without limitation, sanitary sewer, storm sewer, gas, electricity, water, telephone, telecommunications, petroleum products, telegraph, heat, steam or chilled water, together with the equipment, structures, and appurtenances belonging to such entity and located within and near the right-of-way.

White lining means marking an excavation site with washable marking paint or flags prior to requesting a utility locate in order to further identify the site.

(1983 Code, sec. 24-172; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.002 Penalties and correction of deficiencies

(a) Any person who violates any provisions of this article shall be guilty of a misdemeanor in accordance with [section 1.01.004](#) of the Code of Ordinances and upon conviction shall be subject to a fine not to exceed the amount specified by state law for such offenses. Each day of such violation shall constitute a separate offense. Said penalty is cumulative, and not exclusive, of any other rights or remedies said city may have.

(b) Any person who shall perform work on or about a public right-of-way and who shall violate any provision of this article or fail to comply with the barricade plan made a part of such permit shall cause said work to be subject to a cease work order and/or revocation of permit or civil legal remedies as provided by this article.

(c) Utility owner and the permittee are responsible to ensure that all utility construction work performed on its behalf is done in accordance with all requirements of this article and in conformance with all City of Lubbock Code of Ordinances, and correction is made to any deficiencies identified by the City of Lubbock. All utility owners and/or their agent(s) are required to document all phases of work,

including pre- and post-construction, with photographs from a construction inspector hired on behalf of the utility owner to oversee all excavation(s) within the public right-of-way and dedicated city easements.

(1983 Code, sec. 24-216; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Secs. 36.09.003–36.09.030 Reserved

Division 2. Permits; Registration

Sec. 36.09.031 Permit required

- (a) It shall be unlawful for any person, partnership, corporation, utility, ROW user or other business entity to engage in utility construction activities of any nature that will encroach upon or be located in, on or within a street, alley or other public right-of-way or other public property within the City of Lubbock without having first obtained a “construction permit” from the city engineer to perform the work unless said work is commenced in an emergency situation as authorized by this article.
- (b) A permit shall be required for utility installations in the streets and alleys of new subdivisions that have been accepted by the city or that are in the process of being accepted by the city through the platting procedures for new subdivisions as described by chapter 38 of this code. This permit does not grant access rights to private property. Any access needed by the permit holder to private property will require permission and/or coordination of any construction activities with the developer or property owner. In the event of a joint trench for multiple utilities, the contractor excavating the trench will be responsible for securing the permit.
- (c) However, no permit shall be required for the installation and connections necessary to initiate service to a customer’s property or routine repair and maintenance of existing facilities that will interfere with traffic for less than one hour or excavate less than sixteen (16) inches in depth, unless such activity requires the breaking of pavement, boring, or excavating with equipment greater than hand tools or a vibrating plow designed to install lines up to a three-inch diameter.
- (d) Failure to provide any of the required information listed on the permit application will result in denial of the permit.
- (e) The city engineer also may issue an annual “general permit” for routine maintenance or repair of existing and new facilities or service line utility work in the right-of-way for excavations that exceed sixteen (16) inches in depth or work that interferes with traffic for more than one (1) hour or an activity that requires breaking the pavement or boring. Notification of routine work shall be given to the city on a daily, weekly or such other schedule as may be prescribed by the city engineer.
- (f) A permit issued under this section grants access to the city’s public right-of-way only on business days between the hours of 7:00 a.m. to 5:00 p.m. The utility owner and/or their contractor shall notify the City of Lubbock water/sewer dispatch at 806-775-2588 to report any emergency situations that will require work to be performed beyond 5:00 p.m. or any time on the weekend or holidays.
- (g) A permit is required for installations in the downtown underground duct system of the central business district.

(1983 Code, sec. 24-173; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.032 Backfilling, compaction, etc.

All backfilling, compaction, pavement restoration, barricading and other traffic-control measures for work within the public right-of-way, and other city-owned properties, shall strictly comply with the requirements of this article. (1983 Code, sec. 24-174; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.033 Notice

Notice for purposes of this article shall be made to city and emergency service providers via electronic message (e-mail), overnight courier (generally used carrier with tracing available), or hand delivery with signed receipt or facsimile to the city department or emergency service provider. (1983 Code, sec. 24-175; Ordinance 2007-O0122,

Sec. 36.09.034 Registration required

All ROW users and other persons obtaining a permit under [section 36.09.031](#) must first register with the city and supply contact information and other requested information before they will be issued an initial permit. Registration information must be renewed annually thereafter. All ROW users or other registered persons shall report any changes in its registration information within thirty (30) days of such change. No ROW user or other person shall be authorized to engage in any utility construction activities without first registering and obtaining the applicable permit for the work from the city. (1983 Code, sec. 24-176; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.035 Registration information

The information required for registration includes the following:

- (1) Identity and legal status of ROW user and names of all operators of any facilities on or in the right-of-way;
- (2) Name, address, telephone number, fax number and email address of officer, agent or employee responsible for the accuracy of the registration information;
- (3) Name, address, telephone number, fax number and email address of the local representative of the right-of-way user who shall be available at all times to act on behalf of the ROW user in the event of an emergency;
- (4) If applicable, certification number issued by the public utility commission;
- (5) General description of services to be provided; and
- (6) Insurance information.

(1983 Code, sec. 24-177; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.036 Permit application

- (a) Applications for a construction permit that will affect public right-of-way shall be made on forms provided by the City of Lubbock and such applications shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:
 - (1) That construction will be in accordance with all applicable codes, rules and regulations.
 - (2) The location of all aboveground facilities to be installed, including poles.
 - (3) The location, depth and other characteristics of all facilities to be installed under the surface of the ground, including lines which are within the public right-of-way.
 - (4) The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are known by the applicant at the time of application to be within the right-of-way along the underground route proposed by the applicant.
- (b) The city engineer or his or her designee may, in his or her discretion, require additional information to determine whether:
 - (1) The construction methods to be employed will adequately protect existing structures, fixtures, facilities within or adjacent to the public rights-of-way.
 - (2) A landscape plan for protecting or restoring any areas to be disturbed during construction is necessary.
- (c) All permit applications shall be accompanied by a certification that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.
- (d) Should a contractor be engaged by a franchised utility, utility or certificated telecommunications company authorized to perform work in the city's public right-of-way, the contractor's registration information shall include information applicable to both the franchised utility, utility or telecommunications company and the contractor if the employer is not already registered with the city. The permit will be issued to the person, contractor or legal entity actually performing the work in the right-of-way.

(1983 Code, sec. 24-178; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.037 Insurance

(a) The applicant for permit shall furnish a certificate of insurance evidencing general liability provided by an insurance company that carries an AM Best Rating A or better. The company, or companies, must be authorized to do business in this state, or evidence of self-insurance satisfactory to the city evidencing that the city is adequately protected from any liability or damages resulting by virtue of applicant's construction. The certificate of insurance shall be filed with each application for a permit. The general liability required herein shall have a minimum limit of one million dollars (\$1,000,000.00) per occurrence limit with a two million (\$2,000,000.00) general aggregate limit. The general liability will also extend additional insured status to the City of Lubbock.

(b) By acceptance of a permit, the applicant agrees to indemnify and hold harmless the city, its officers, agents, servants, and employees from any and all claims, damages, suits, attorneys' fees, causes of action, and judgments which may result in any manner from the construction or laying of any improvements upon any public street, alley, or right-of-way in the city.

(c) By acceptance of a permit, the applicant agrees to, during the period of construction and prior to the acceptance of such improvements by the city, maintain such public street, alley, or right-of-way in a safe condition and issue all necessary instructions and take all precautions as may be reasonably required to maintain such public streets or alleys in a safe condition for all public use.

(d) Permits for utility work performed by city crews within the public right-of-way or on public property shall not require insurance.

(1983 Code, sec. 24-179; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.038 Issuance

(a) The city engineer shall issue a permit under this section within five (5) business days of the submittal of the application when the following conditions are met:

(1) The plans for the proposed construction are in conformity with the standards and specifications of the city for such work, and the applicant has paid such fees required by [section 36.09.036](#).

(2) The applicant has submitted a duly executed application, containing all of the information and data called for by [section 36.09.036](#), including the proposal by the applicant, as part of such application, to indemnify the city against all loss, damages and liability as provided in subsection (b) of [section 36.09.037](#), and to maintain the streets or alleys in safe condition and to issue instructions and take the precautions for public safety as provided in subsection (c) of [section 36.09.037](#).

(3) That the certificates of public liability and property damage insurance have been furnished to the city engineer for permits issued under [section 36.09.031](#) all in accordance with the provisions of [section 36.09.037](#).

(4) The operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means and access to and from the property affected and adjacent properties.

(5) That the health, welfare, and safety of the public will not be unreasonably impaired.

(b) The city engineer may require more time than five (5) days to issue the permit for major utility projects in the ROW. A major project is installation or replacement of a utility facility greater than one (1) mile in length. Meetings to review the project may be required between the permit applicant and the city engineer or his or her designee for major projects.

(1983 Code, sec. 24-180; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.039 Construction schedule

The permit holder shall submit a written construction schedule if required by the permit to the city engineer or his or her designee two (2) business days before commencing any work in or about the public rights-of-way. (1983 Code, sec. 24-181; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.040 Notice to affected property owners and emergency responders

(a) The permit holder shall notify property owners of intended work if the work may impact the owner's ability to access their property, or impact their normal daily activities, such as accessing their solid waste dumpster to dispose of household trash.

(b) The permit holder shall place door hangers on the front door of businesses and residences adjacent to the affected route that shall include: the name of the franchise utility for which the work is being performed, the type of work, expected work schedule, and a name and contact information, including daytime and emergency contact names and numbers, for both the permit holder and the franchise utility. Such notification shall be done at least five (5) business days prior to commencing the permitted work and record of such notifications shall be retained by the permit holder.

(c) Should damage occur to abutting private property, or damage occur to utility service to the private property, the permit holder will contact the property owner immediately and coordinate the repairs to the property or service with the owner.

(d) The permit holder shall contact emergency response agencies, such as police, fire and ambulance service prior to commencement of any work that may impact access to a street or alley. Emergency response agencies shall be notified by the permit holder if a residential or commercial street is to be closed for any length of time, or one lane or more of a collector or thoroughfare street is to be closed for any length of time, or if an alley is to be blocked for more than 48 hours. Service agencies that may be impacted, such as solid waste collection, shall be contacted, and alternate service coordinated, prior to the beginning of work that may impact these services.

(e) Service shall be returned to the city customer within twenty-four hours from notice of damage and the cost of repairs shall be borne by the utility owner. Only a licensed plumber registered with the City of Lubbock Building Safety Department shall perform temporary repairs to city water and sewer taps and repair private water lines and gas lines in the alleys and streets. The licensed plumber shall certify in writing that repairs to these service line(s) were performed in accordance with the most recent version of City of Lubbock Plumbing Ordinance ([Article 28.10](#)).

(f) The utility owner and/or their contractor shall notify the City of Lubbock water/sewer dispatch at 806-775-2588 to report all Orangeburg service lines encountered. The City of Lubbock will replace Orangeburg sewer lines at no cost to the utility owner and/or their contractor.

(g) Damaged main lines will be repaired by the City of Lubbock. The City of Lubbock will issue a claim to the utility owner, contractor, or their insurance company for cost reimbursement.

(h) If solid waste dumpsters have to be relocated in the alleys due to construction activates the utility owner and/or contractor shall notify the affected customers and the City of Lubbock Solid Waste dispatch at 806-775-2482. The notice shall specify the address, number of the dumpster being relocated, and the duration of service interruption.

(1983 Code, sec. 24-182; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.041 Compliance with permit

All construction activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city engineer and his or her representatives shall be provided access to the work and such further information as he or she may require to ensure compliance with such requirements. (1983 Code, sec. 24-183; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.042 Display of permit and signage

(a) The permit holder shall maintain a copy of the construction permit and approved plans at the construction site, which shall be displayed and made available for inspection by the city engineer or his or her representatives at all times when construction work is occurring.

(b) All permitted utility owner and contractor vehicles and equipment must be clearly marked with the company name while performing construction or other work. Signage, with minimum dimensions of 4 feet by 4 feet, with the utility's name and contact phone number must be displayed at the beginning and the end of the traffic-control work zone on the thoroughfare.

(1983 Code, sec. 24-184; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.043 Survey of underground facilities

If the construction permit specifies the location of new facilities by depth, line, grade, proximity to other facilities or other standard, the city engineer or his or her designee may require the permit holder to provide written verification, if reasonably necessary, of the location of such facilities by a registered surveyor. If requested by the city engineer or his or her designee, the permit holder shall relocate any facilities that are not located in compliance with permit requirements. (1983 Code, sec. 24-185; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.044 Noncomplying work

Upon order of the city engineer or his or her designee, all work that does not comply with the permit, the approved plans and specifications for the work, or the requirements of this article, shall be removed. (1983 Code, sec. 24-186; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.045 Completion of construction

The permit holder shall promptly complete all construction activities so as to minimize disruption of the public rights-of-way and other public and private property. All construction work authorized by a permit within the public rights-of-way, including restoration, must be completed within one hundred twenty (120) calendar days of issuance, or by such other date as may be agreed upon by the city engineer and his or her designee. (1983 Code, sec. 24-187; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.046 Utility construction as-built drawings

Within sixty (60) calendar days after completion of construction, the permit holder shall furnish the city engineer with a complete set of plans, certifying to the city that they accurately depict the location of all utility facilities constructed pursuant to the permit. (1983 Code, sec. 24-188; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.047 Restoration of right-of-way improvements

(a) Upon completion of any construction work, the permit holder shall promptly repair or restore any and all public street rights-of-way, including any and all public and private fixtures, structures and facilities lawfully located therein, to as good as or better a condition as before the start of construction. Unpaved portions of alley rights-of-way shall be leveled, filled, bladed and worked in such a manner as to leave the alley in a safe and usable condition. Complete preconstruction photographs or videos of the work site are required of all permit holders and shall be submitted to the city engineer upon request.

(b) Persons placing physical obstructions such as landscaping objects, irrigation systems and fences within the right-of-way without legal authorization shall bear the risk of damage to such obstructions due to utility construction work. The repair or replacement of such unauthorized physical obstructions unavoidably damaged by utility construction work shall be the sole responsibility of the adjacent property owner or other person placing such unauthorized physical obstruction in the right-of-way.

(1983 Code, sec. 24-189; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.048 Restoration of trees, shrubs and other vegetation

(a) All landscaping trees, shrubs and other vegetation damaged or disturbed within the street right-of-way as a result of the construction, installation, maintenance, repair or replacement of utility facilities in the street right-of-way shall be replaced or restored as nearly as may be practicable, to at least as good a condition as prior to performance of work by the permit holder. Trees may be replaced with trees of similar size and the same or similar species up to four (4) inches in caliper. Trees larger than four (4) inches in caliper shall be replaced with trees of the same or similar species with a caliper of no less than three (3) inches and no more than four (4) inches.

(b) All restoration work within the public rights-of-way shall be done in accordance with landscape plans approved by the city engineer or his or her designee, if such landscape plan is required by [section 36.09.036\(b\)\(2\)](#) of this article.

(c) Pruning or trimming of trees or shrubs by the city, a ROW user or a utility deemed necessary due to any imminent threat to public safety or that may potentially damage overhead utility lines does not require a permit under this article.

(1983 Code, sec. 24-190; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.049 Responsibility of permit holder or ROW user

The permit holder, ROW user or a contractor hired by the permit holder or ROW user shall be responsible for performance of and compliance with all provisions of this article. (1983 Code, sec. 24-191; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.050 Conformance with master thoroughfare plan

A permit holder or ROW user shall consult the city's master thoroughfare plan ("MTP") prior to the acquisition of any interest in real property in the city for the installation or relocation of utility service lines or other utility equipment or facilities along or adjacent to any street, right-of-way, thoroughfare, highway, or any proposed street, right-of-way, highway or thoroughfare to attempt to minimize any future conflict regarding the location of such facilities. All permit holders or ROW users are charged at all times with constructive notice of the MTP. The city shall have no liability for the value of or loss by a permit holder or ROW user for any improvements constructed in the area shown in the MTP subsequent to the effective date of this article. All permit holders and ROW users placing utility equipment or facilities that conflict with the MTP at the time of permit issuance shall be responsible for moving such equipment or facilities without cost to the city. (1983 Code, sec. 24-192; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.051 Rights of utility in event of closure or abandonment of right-of-way

In the event the city closes, vacates, abandons or conveys any right-of-way containing facilities of a ROW user, any such closure, vacation, abandonment or conveyance of land shall be subject to the rights of the ROW user. (1983 Code, sec. 24-193; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.052 Denial of permit

A permit may be denied for any of the following reasons:

- (1) Failure to provide proof of liability insurance acceptable to the city.
- (2) Failure to secure any required permit for work of the nature required.
- (3) Failure to perform in accordance with the requirements of these provisions and to correct any deficiencies after notice.
- (4) The excavation would be in a new street and not otherwise permitted by this article.
- (5) The proposed warning or other traffic-control procedures or equipment do not comply with the requirements of the TMUTCD or the requirements of the city engineer.
- (6) The proposed activity would violate a city ordinance or state or federal statute.
- (7) The permit application contains false or misleading information.
- (8) The activity would cause a public health or safety hazard.
- (9) The ROW user is not authorized to do business within the city.
- (10) The ROW user is in violation of this article relative to work in progress.

(1983 Code, sec. 24-194; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.053 Revocation or suspension of permit

(a) The city reserves its right, as provided herein, to revoke or suspend any permits of the utility owner and/or contractor, without refund of the permit fee, in the event of a breach by the permit holder of the terms and/or conditions of the permit or of this chapter or any city ordinance. A breach of the terms of the permit shall include, but not be limited to, the following:

- (1) The violation of any provision of this article;
- (2) An evasion or attempt to evade any provision of the permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (3) Any material misrepresentation of any fact in the permit application;
- (4) The failure to meet insurance or indemnification requirements;
- (5) The failure to complete the work in a timely manner;
- (6) The failure to correct a condition indicated on an order issued pursuant to this article;
- (7) Repeated offenses, including but not limited to, traffic-control violations;

- (8) Failure to repair facilities damaged in the right-of-way; or
- (9) Violation of any provision of this article.

(b) If the city engineer, or his or her designee, determines that the permit holder has committed a breach of any law or condition of the right-of-way construction permit, the city engineer shall first make a written demand upon the permit holder to remedy such violation. The city engineer may provide specifications to cure the breach. Continued violation may be cause for suspension or revocation of the permit, civil legal action, or both. The city engineer may suspend the permit upon failure to correct the breach. Within five (5) business days of receiving notification of the breach, the permit holder shall contact the city engineer with a plan, acceptable to the city engineer, for correction of the breach. The permit holder's failure to provide a plan or the permit holder's failure to implement the approved plan within the time stated in the written demand for remedy shall be cause for revocation of the permit.

(c) The city engineer, or his or her designee, may immediately suspend the work and issue an immediate stop-work order for all current permits issued if there is major damage to another utility caused by the utility owner or its contractor on or about a public right-of-way and/or there is an imminent and immediate threat to the health, safety and welfare of the public in his or her opinion. In the event the stop-work order is not obeyed, the failure to immediately stop work shall be deemed a criminal violation of this article and the permit may be revoked. In addition, civil legal action for trespass, injunction and damages may result.

(d) Utility permits may be denied or a stop-work order issued to the utility owner for failure to relocate its utilities within six months of notification from the city in order for the city to complete its capital improvement projects.

(1983 Code, sec. 24-195; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.054 Appeal of permit denial or revocation

A ROW user or other applicant that has been denied a permit or a permit holder that has had a permit revoked may appeal the denial or revocation upon written request as follows:

(1) Appellant shall provide, within five (5) business days of denial or revocation, a written notice of appeal filed with the city engineer. The notice must state the alternatives available and routes explored, hardship encountered, cost comparison of other alternatives and a statement of any other significant factors. The city engineer shall provide a written decision within five (5) business days of receipt of the appeal. Failure to render a decision within five (5) business days shall constitute a denial.

(2) If a further denial is given or the revocation upheld, the appellant may thereafter file a written notice of appeal with the director of public works within five (5) business days. The notice must state the alternatives available and routes explored, hardship encountered, cost comparison of other alternatives and a statement of any other significant factors. The director of public works shall provide a written decision within the ten (10) business days. Failure to render a decision within ten (10) business days shall constitute a denial.

(3) If a further denial is given or the revocation upheld, the appellant may thereafter file a written notice of appeal to the permit and license appeal board of the City of Lubbock with the city secretary within five (5) business days of receipt of the director of public works' written decision. The city secretary shall notify the director of public works and the appellant of the time and place of hearing of the appeal by the permit and license appeal board of the City of Lubbock.

(1983 Code, sec. 24-196; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.055 Utility emergency excavations

(a) Nothing in this article shall be construed to prevent any person, utility, permit holder or ROW user from maintaining any pipe, conduit, or duct in or under any street, or right-of-way by virtue of any law, ordinance or permit, from making an emergency excavation as may be necessary for compliance with law or in response to a situation endangering life, health and safety, or property, or in a situation in which the public need to reestablish interrupted service compels immediate action. The excavator is required to notify the city engineer, with submittal of the permit application information, the next business day following an emergency excavation within the public right-of-way. Except as specifically provided otherwise in this section, excavations authorized by this section shall be subject to all

requirements of this article.

(b) If a permit holder in the course of an excavation cuts or damages another ROW user's facilities, the damaged ROW user may perform the work necessary to repair their facility without obtaining a permit. The original permit holder for the excavation is the responsible party for ensuring that the backfilling and paving repairs meet the requirements of this article.

(1983 Code, sec. 24-197; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.056 Reporting

When the work under any permit hereunder is completed, the permit holder shall contact the City of Lubbock's Construction Inspector Supervisor at 806-775-3751 and furnish the city engineer a completion certificate. (1983 Code, sec. 24-198; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.057 Work done without permit

No cut, excavation, grading or disturbing of the right-of-way in any way shall be made other than excavations necessary for emergency work without first securing a permit. No permit holder, utility or ROW user shall at any time open or encumber more of the right-of-way than shall be reasonably necessary to complete a project in the most expeditious manner. (1983 Code, sec. 24-199; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Secs. 36.09.058–36.09.090 Reserved

Division 3. Standards for Excavation, Backfill and Paving Repairs

Sec. 36.09.091 Excavation under supervision of city engineer

(a) Any permit holder, utility or ROW user engaged in making or backfilling any excavation in any right-of-way shall at all times while such work is in progress keep at the job location the permit, or a copy thereof, and shall, on demand, exhibit the permit to the city engineer or his or her designee. At all times while the work is in progress the permit holder, utility or ROW user shall also maintain at the job location, a sign, barricade, or other device bearing the permit holder's, utility's or ROW user's name.

(b) All excavations and other construction in the rights-of-way, streets and alleys shall be conducted so as to interfere as little as practicable with the use of rights-of-way and with the use of private property, in accordance with any lawful and reasonable direction given by or under the authority of the governing body of the city under the policy and regulatory powers of the city necessary to provide for public convenience. The permit holder, utility or ROW user shall reasonably protect and prevent any damage to utility facilities, sewer facilities, water facilities, lawns, shrubbery, trees, fences, structures, or other property encountered in his work. The permit holder, utility or ROW user shall not trespass upon private property. The permit holders, utilities or ROW users shall determine the boundary between public right-of-way and private property.

(c) All transmission and distribution structures, lines, equipment and facilities erected by a permit holder, utility or ROW user within the city shall be so located as to cause minimum interference with the proper use of the public rights-of-way, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets.

(d) The city reserves the right to lay, and allow to be laid, electricity, sewer, gas, water and other pipelines or cables and facilities, as well as drainage pipes and channels and streets and to perform, and allow to be performed, any underground and overhead installation or improvement that may be deemed necessary or proper by the governing body of the city, in, across, along, over or under any right-of-way or public place occupied by a utility or ROW user and to change any curb or sidewalk or the grade of any street and to maintain all of the city's facilities. In allowing such work to be performed by others, the city shall not be liable to a utility or ROW user for any damage caused by those persons or entities. Nothing herein shall relieve any third party from responsibility for damages caused to a permit holder, utility or ROW user by such third party.

(e) If the city requires a utility, permit holder or ROW user to adapt or conform its facilities, or in any way or manner to alter, relocate or change its property to enable any other corporation or person, except the city, to use, or to use with greater convenience, any right-of-way or public place, the utility or

ROW user shall not be required to make any such changes until such other corporation or person shall have undertaken, with solvent bond or cash payment, to reimburse a utility or ROW user for any loss and expense which will be caused by or arise out of such removal, change, adaptation, alteration, conformance or relocation of a utility or ROW user's facilities; provided, however, that the city shall never be liable for such reimbursement.

(f) Any utility owner and/or their contractor performing construction in any city right-of-way have maintain a representative at the site at all times while such work is in progress, and who shall be able to clearly communicate with the city staff and the citizens of Lubbock.

(g) In dedicated easements, only the dedicated utility shall be allowed into such easements, unless the land owner and city engineer grant written approval.

(h) Utility construction in city-dedicated easements shall require a ROW utility construction permit.

(i) All excavation work shall be performed during business hours of 7:00 a.m. to 5:00 p.m. Monday through Friday, unless written approval is granted by the city engineer, or in the case of an emergency. Installations by boring will not be allowed after 2:00 p.m. on Fridays.

(1983 Code, sec. 24-200; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.092 Field utility coordination

(a) The permit holder, utility or ROW user shall notify the department at each of the following times during a project:

(1) Two (2) business days before the start of construction;

(2) Two (2) hours before beginning the initial backfill;

(3) Two (2) hours before beginning the paving of the street or alley;

(4) Twenty-four (24) hours prior to commencement of any boring activities, by calling the City of Lubbock Construction Inspector Supervisor at 806-775-3751; and

(5) Upon completion of the project.

(b) The permit holder, utility or ROW user shall mark the site of the proposed excavation with white lining and/or flags prior to making a request for locates and actual excavation.

(c) The permit holder, utility or ROW user shall make a request for a utility locate not more than 14 days and not less than 48 hours prior to the commencement of the proposed excavation. Such request shall be made to the state one-call center. Such requests shall be made by telephone or facsimile and shall include the date, location, extent and reason for such proposed excavation.

(d) The use of markers, stakes, poles, barricades or other devices shall be used in such a way to avoid damage to adjoining property. The use of "nonpermanent" or "biodegradable" markers is required.

(e) The permit holder, utility or ROW user shall mark the proposed excavation site with paint and/or flags in colors established by the one-call system. The markings shall be placed a distance of not less than five (5) feet in all directions from the outside boundary of the site to be excavated.

(f) All excavations shall commence within 14 day of the date of the utility locate. In the event that the excavator fails to commence work within 14 days or the utility locate marks are not visible at the time the excavation is scheduled to commence, the permit holder, utility or ROW user is required to request a new utility locate.

(g) Compliance with the Texas Utilities Code is required at all times.

(h) All barricades, plates, cones, traffic directional equipment, and all other traffic-control devices owned by the permit holder, utility or ROW user and used on or near any excavation shall be clearly and visibly marked with the name of the permit holder, utility or ROW user, as applicable, at all times such equipment is used on or near the right-of-way. An exception to the marking requirement may be made in the event the traffic-control equipment is not owned by the permit holder, utility or ROW user.

(i) If work is being performed that will block any lanes of traffic in a street or deny access to an alley or driveway and the work site will be left unattended, the permit holder, utility or ROW user shall place a sign at each end of the work site with the name and contact information of the permit holder, utility or ROW user performing the work. Such signs may be placed on barricades or freestanding.

(j) The permit holder shall prominently display the utility owner's and contractor's names and phone numbers on a sign, having minimum dimensions of 4 ft. by 4 ft., at the beginning and ending of the traffic-control work zone.

(k) All open pits shall be backfilled within three (3) calendar days or covered with materials of sufficient strength and construction (H 20 load rated steel plate(s)) to permit vehicular traffic to pass over such excavation(s).

(l) All existing water and sewer mains shall be physically located prior to boring by way of potholing with a hydro excavation method.

(1983 Code, sec. 24-201; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.093 Excavation details; backfill; compaction; pavement restoration

(a) Details related to trench excavation, backfill, compaction and pavement restoration are described in plates 1-07, 2-07, 3-07, 4-07, 5-07, 6-07, and 7-07. These plates are included in and a part of this article.

(b) Paving shall be repaired in accordance with the City of Lubbock Utility Excavation Manual and the City of Lubbock Minimum Design Standards and Specifications.

(1983 Code, sec. 24-202; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.094 Standard location of utilities in alleys

The standard location for municipally owned utilities, public utilities, and telecommunications are shown on plate 8-07, included in this article. (1983 Code, sec. 24-203; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.095 Supervision by city of location of poles and conduits

(a) All poles in the right-of-way shall be of sound material and straight, and all other utility facilities, either along the ground surface or above ground, such as manholes, valve boxes, vault covers, risers, boxes, etc., shall not interfere with the flow of water in any gutter or drain, and shall be placed so as not to unduly interfere with either vehicular or pedestrian travel.

(b) Any aboveground utility facility shall be placed in a manner that will be compliant with the Americans with Disabilities Act (ADA) in order to maintain the required clear width for pedestrians with disabilities. Should a utility facility encroach into an existing sidewalk, additional sidewalk construction shall be required if necessary to maintain clear width for an ADA accessible route. Aboveground facilities shall also be located so they will not violate the city's right-of-way visibility requirements.

(c) The location and route of all conduits, fiber, cables, utilities and facilities placed and constructed within the city's rights-of-way by a utility, permit holder or ROW user in the construction and maintenance of its system within the City of Lubbock shall be subject to the reasonable and proper control, direction and approval of the city.

(1983 Code, sec. 24-204; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.096 Backfill of excavated area

(a) Open trenches may be temporarily backfilled for the convenience of the permit holder or the public safety. At least two (2) hours prior to beginning permanent backfill operations, the permit holder shall notify the city engineer of the time the backfill will begin.

(b) All excess water and mud shall be removed from the trench prior to backfilling. Any backfill placed during a rainy period or at any other times, where water cannot be prevented from entering the trench, will be considered temporary and shall be removed as soon as weather permits. All disturbed base material or any base that has been undermined shall be removed and discarded.

(1983 Code, sec. 24-205; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.097 Restoration of pavement

(a) Unless otherwise specified in the permit, restoration of the asphalt pavement of any street, alley,

right-of-way or other public place shall be performed by the permit holder, utility, ROW user or by the city street maintenance department, upon request by the permit holder, utility or ROW user. Nothing in this section shall relieve the permit holder, utility or ROW user from the responsibility to maintain the excavation or installation in a safe condition until it is repaved by the city or otherwise restored. If the permit holder, utility or ROW user making the excavation requests repaving by the city, the permit holder, utility or ROW user shall pay for repaving at a rate to be established by the city.

(b) No trench shall be opened in any street for the purpose of laying pipes, conduits or ducts more than four hundred (400) feet in advance of the pipe, conduit or ducts being placed in the trench, other than with the prior written consent of the city engineer.

(c) All excavations shall comply with the standards and requirements established from time to time by the city engineer for compaction, backfill and pavement restoration.

(d) Any excavated pavement, debris and other rubble shall be removed, together with any surplus material, during the same business day from the time such material is placed upon the street. After backfilling is completed, and prior to repaving the cut, the permit holder, utility or ROW user shall remove all loose paving material and saw cut the edges of the excavation at the street surface to the satisfaction of the city engineer.

(e) Whenever any caving occurs in the sidewalls of any excavation, the pavements above such caving shall be cut away, trench backfilled and pavement restored. In no case shall any side or lateral tamping fill any void under a pavement.

(f) All materials and construction practices shall be in conformance with City of Lubbock Standard Paving Specifications.

(g) Any paving failures, including surface, base, or subgrade failures that occurred due to the ROW user's work in the street shall be repaired by the ROW user, regardless of whether the damage is caused by equipment, construction methods, detour of traffic or any other reason.

(1983 Code, sec. 24-206; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.098 Cleanup of right-of-way

(a) In every case and at all times, the work of removing from the right-of-way all obstructions, surplus materials, debris and waste matter of every description caused by and accumulated from the excavation shall be the responsibility of the permit holder, utility or ROW user. Streets shall be cleaned by use of a street sweeper or other acceptable means. The permit holder, utility or ROW user shall clean the surrounding area, as outlined above, within one (1) business day upon completion and approval of all trench work and pavement restoration unless the city engineer, sufficient reason therefore having been given to his satisfaction, grants an extension of time.

(b) Phasing of construction clean-up must be done in a manner to completely clean the alleyway prior to moving into the next alleyway. Any hand holes left open to pull cable after clean-up must be covered to protect the public.

(1983 Code, sec. 24-207; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.099 Substandard repair of pavement or right-of-way due to utility work

In case the pavement or the surface of the street, alley, or right-of-way in, over or near any excavation should become depressed, cracked, or broken any time or fails in any way at any time after the excavation has been made and during the remaining life of the street, the permit holder, utility or ROW user who performed the excavation shall be required to repair such defective work commencing within fifteen (15) business days after receipt of notification from the city to bring the work into compliance with applicable obligations of this article. Failure to complete the repair within a reasonable time after notification may result in the permit holder, utility or ROW user being required to reimburse the city for the cost to restore the street, right-of-way or alley. "Life of the street" is defined as until such time as the street is reconstructed or the PCI (pavement condition index) of the street has a value of less than 50. (1983 Code, sec. 24-208; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.100 Inspection

The permit holder, utility or ROW user shall make the work site accessible to the city, and others as authorized by

law, for inspection at all reasonable times during performance of the work. (1983 Code, sec. 24-209; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.101 Materials testing

The city engineer or his or her designee may require testing of materials used in construction in or near the right-of-way to determine conformance to required specifications, including, but not limited to, compaction tests on backfill materials, subgrade, concrete, asphaltic concrete and other construction materials as may be deemed necessary. (1983 Code, sec. 24-210; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.102 Utility excavation in ROW restored to good condition

(a) The permit holder, utility or ROW user shall complete pavement restoration of the excavated area within thirty (30) days on thoroughfare streets, collector streets, industrial streets, residential streets and alleys after final backfill is completed and accepted by the city engineer. The permit holder, utility or ROW user shall conduct the work with a minimum disturbance to existing utilities and shall coordinate all work in or near the existing utilities with the utility owners.

(b) Excavation in new streets. There shall be no excavation in new streets (less than five years of age) without the prior approval of the city engineer. Any request for a permit to excavate a new street shall include a description of the proposed work and proposed restoration of the area, as well as a statement as to why alternate procedures cannot or should not be used in lieu of excavating a new street. However, prior approval will not be required for excavations of up to fifty (50) linear feet for utility tie-ins needed from an existing subdivision to a new subdivision during development.

(c) Excavation of streets in good condition. A permit holder, utility or ROW user shall perform jacking and boring operations in a manner that does not weaken or impair the right-of-way upon completion of restoration of the excavation.

(1) Excavation in all streets in good condition regardless of age shall not occur without a permit and prior approval of the city engineer. Streets assigned to a PCI (pavement condition index) of 92 or above by the pavement management system are deemed to be in good condition and are subject to the same review procedures as excavation of new streets. The PCI can be obtained from the city's pavement management office of the street maintenance department.

(2) Restoration of the excavated area of streets in good condition shall be in accordance with this article.

(3) If excavation of an asphalt street in good condition is approved, and 25% or more of the asphalt street surface (50% or more of a designated thoroughfare street) is disturbed, a complete block to block, curb to curb pavement repair, including removal and replacement of the complete pavement surface, will be required. An alternative surface treatment may be submitted for consideration by the city engineer.

(d) Excavation in Portland cement concrete (PCC) pavement surface. If the existing pavement is PCC, the concrete shall be cut first with a saw to a minimum depth of half the thickness of the concrete which shall also cut the reinforcing steel. The concrete can then be broken out with an air chisel or pavement breaker. No more than 6" of PCC shall be broken back beneath the saw cut.

(e) Responsibility for excavated area maintenance. A permit holder, utility or ROW user shall maintain their repairs in the right-of-way for the life of the street as defined in this article.

(1983 Code, sec. 24-211; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Secs. 36.09.103–36.09.130 Reserved

Division 4. Barricades

Sec. 36.09.131 Submission of plan

(a) After the issuance of a right-of-way construction permit, or any other permit involving the placement of barricades, the contractor, subcontractor, corporation, firm, company, utility, permit holder, ROW user or other person who shall undertake to perform any work upon, in, under, above, or about

any street, alley, curb, gutter, sidewalk, or any public right-of-way or for any other reason desires to place barricades on right-of-way within the city, shall furnish the city traffic engineer with a scale "barricade plan" or sketch showing the work area, the space within the right-of-way required for the work, and a proposed plan, referred to in this section as a "barricade plan" for the use of barricades, signals, signs, flags, flares, and other traffic-control and safety devices about the work area.

(b) The barricade plan shall conform to the requirements set forth in the barricade manual adopted below, and such plan shall be deemed a part of said permit.

(c) This section shall not apply to the utility companies or the city when either are engaged in work involving overhead signals, communications, and/or electric circuits; provided that said utility companies or city shall establish and maintain adequate warning devices when engaging in work involving overhead signals, communications, and/or electric circuits.

(1983 Code, sec. 24-212; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.132 Adoption of manual

The "Texas Manual on Uniform Traffic-Control Devices for Streets and Highways," as prepared by the Texas Department of Transportation (TXDOT), and all later revisions thereto, shall be the official barricade manual for the city. (1983 Code, sec. 24-213; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.133 Additional requirements

(a) The city may require that the work be done only at certain hours during the day or night, that materials or equipment used in such work and dirt and materials removed from any excavation be located other than adjacent to the work area where feasible, and that any excavation be covered with materials of sufficient strength and construction to permit vehicular traffic to pass over such excavation at peak traffic hours, where such requirement shall be deemed necessary in the interest of safety and to avoid traffic congestion.

(b) Traffic control shall be placed on site no more than twenty-four (24) hours prior to construction beginning. Traffic control will be taken down, and the street reopened, if permit holder is not onsite for two business days. Traffic-control devices shall only be placed around the current construction area, and not around the entire project.

(1983 Code, sec. 24-214; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

Sec. 36.09.134 Continuing validity of permit

Prior to or upon institution of or during the proceeding of or prior to completion of any work for which a permit is required hereunder, as an express condition precedent to the continuing validity of said permit, all specifications of the barricade plan and all regulations set forth in the barricade manual in connection therewith including, but not restricted to, proper maintenance of barricades, signals, signs or other traffic-control or safety devices, must be complied with, carried out and conformed to in their entirety. Failure to do so will render said permit null and void and of no further force or effect as if no permit had ever been issued or granted. (1983 Code, sec. 24-215; Ordinance 2007-O0122, sec. 1, adopted 12/6/2007; Ordinance 2018-O0100 adopted 8/23/2018)

ARTICLE 36.10 WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Sec. 36.10.001 Definitions

City. The City of Lubbock, Texas and its officers and employees.

Collocation. The installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Design manual. The City of Lubbock, Texas Public Right-of-Way Communication Facilities Design Manual. The design manual is incorporated by reference into this article and the terms and conditions of the design manual are binding upon any entity acting under any portion of this article. In the event of any discrepancy or ambiguity between this article, this code, or the design manual, the design manual will control.

Director. The City of Lubbock Public Works Director or his designee.

Entity. Means, but is not limited to, any person, business, company, agency, or other group or individual, whether

or not formally established, that acts or affects any activity contemplated under this article.

Network node. Equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term includes, but is not limited to: Equipment associated with wireless communications; a radio transceiver, an antenna, a battery-only backup power supply, or comparable equipment, regardless of technological configuration; and Coaxial or Fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation. The term does not include: an electric generator; a pole; or a macro tower.

Node support pole. A pole installed by a network provider for the primary purpose of supporting a network node.

Permit. A new wireless communication facility permit issued by the city authorizing the installation, removal, modification, or other work in accordance with the design manual.

Pole. A service pole, municipally owned utility pole, node support pole, or utility pole.

Right-of-way. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or waterway. The term does not include a private easement, private property, publicly-owned property, or the airwaves above the city's right-of-way with regard to wireless telecommunications.

(Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.002 Design manual incorporated into this article

The design manual is incorporated by reference into this article, and the terms and conditions of the design manual are binding upon any entity acting under any portion of this article. In the event of any discrepancy or ambiguity between this article, this code, the design manual, or chapter 284 of the Texas Local Government Code, the later shall control. (Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.003 Penalties and correction of deficiencies

(a) Any entity that violates any provision of this article shall be guilty of a misdemeanor in accordance with [section 1.01.004](#) of the Code of Ordinances and upon conviction shall be subject to a fine not to exceed the amount specified by state law for such offenses. Each day of such violation shall constitute a separate offense. Said penalty is cumulative, and not exclusive, of any other rights or remedies the city may have.

(b) Any entity who shall perform work on or about a public right-of-way and who shall violate any provision of this article shall cause said work to be subject to a cease work order and revocation of permit or civil legal remedies as provided by this article.

(Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.004 Permit required

It shall be unlawful for any entity to engage in the installation, modification, or repair of a network node, node support pole, pole, or other wireless communication facility that will encroach upon or be located in, on, or within a street, alley, or other public right-of-way within the city without having first obtained a permit in order to perform the work, unless said work is commenced in an emergency situation as authorized by this article.

(Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.005 Permit application; fee

(a) Applications for a permit required under this article shall be made on forms provided by the city and such applications shall be accompanied by drawings, plans, and other responsive documents, with such application forms and documents being subject to the design manual, which is incorporated into this article by reference.

(b) The director or his designee may, in his sole discretion, require additional information from the applicant of a permit required under this article before the director issues said permit.

(c) All applications for a permit under this article shall be subject to an application fee, with such fee being listed in the design manual, which is incorporated into this article by reference. City departments and contractors hired by the city for work related to this article shall be exempted from payment of the application fee.

(Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.006 Insurance

The applicant for a permit shall furnish a certificate of insurance for public liability and property damage, issued

by a solvent insurance company or companies authorized to do business in this state, or evidence of self-insurance satisfactory to the city evidencing that the city is adequately protected from any liability or damages resulting by virtue of applicant's construction. The insurance requirements of this article are subject to the insurance requirements listed in the design manual which is incorporated into this article by reference. Upon receipt of the permit, an applicant assumes the insurance and indemnity requirements provided in the design manual. (Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.007 Issuance

According to the design manual, the director shall issue a permit to an applicant upon the applicant's submission to the director of a complete application including any application documents required under the design manual. (Ordinance 2017-O0091 adopted 8/10/2017)

Sec. 36.10.008 Other fees and regulations provided in the design manual

The design manual contains fees and charges applicable to work performed under this article. The design manual also contains all allowable regulations for any work related to this article. An applicant for a permit is responsible for the applicable fees and regulations provided in the design manual. (Ordinance 2017-O0091 adopted 8/10/2017)