

ORDINANCE NO. 2025-O-129

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING SECTION 28, ARTICLE IX, PUBLIC RIGHT-OF-WAY MANAGEMENT, SECTION 28-165, SECTION 28-181, SECTION 28-207, SECTION 28-216, SECTION 28-220, CREATING REGULATIONS THAT PROVIDE FOR GREATER CONTROL OF THE CITY RIGHT-OF-WAY AND TO ENSURE ENHANCED SAFETY. INCREASING PENALTY FINES, CLARIFYING PRE, POST, AND FINAL INSPECTIONS; AND AMENDING THE DEFINITION OF “RIGHT-OF-WAY USER”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is desirable to clarify existing regulations that will provide greater control over the City of Laredo Public Right-of-Way; and,

WHEREAS, clarification of regulations for work in the City of Laredo Public Right of Way to prevent / minimize damages, to ensure overall optimal conditions of the City of Laredo Public Right of Way; and,

WHEREAS, to update penalty fees from maximum \$2,000 to maximum \$4,000, therefore to deter work without following the process required; and,

WHEREAS, to update the restoration time from five days to two days to provide better service to our residents; and,

WHEREAS, clarifying the liability insurance amount to ensure a safer work environment and potential damages; and,

WHEREAS, clarifying pre-inspection and final inspection processes to monitor construction on the City of Laredo Public Right of Way.

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

Section 1. The City of Laredo Code of Ordinances, Chapter 28, is hereby amended as follows:

Sec. 28-165. Definitions.

Right-of-way Driveway (ROW) user means a person, its successors and assignees or a homestead owner (for the purpose of driveway and sidewalk permits of existing homes located on residential local streets with low traffic volumes only), that uses the right-of-way for purposes of work, excavation, or to install, construct, maintain and repair driveway and sidewalks. [Means a person excavating for irrigation on the ROW. Means a person obtaining a permit for Traffic Control Only (no excavation).]

Sec. 28-181. Commencement and completion.

After obtaining the ROW permit and prior to commencing the work, the permittee shall notify the right-of-way manager and shall commence and complete all work within the time specified in the ROW permit unless an extension of time is granted by the building development services department. The ROW contractor shall schedule an on-site pre-construction inspection with the building development services department prior to commencing work. [The ROW User shall inform all affected property owners of the permitted construction and to have the site ready for inspection by means of hydro-excavation, all water and sewer mains and service lines within the path of construction. A final inspection is required upon completion of the excavation]. ~~and final inspection upon completion of the excavation.~~

Sec. 28-207. Right-of-Way restoration requirements.

The work to be done pursuant to the ROW permit and any repair and subsequent restoration of the right-of-way must be completed within the dates specified in the permit. In the event of circumstances beyond the control of the permittee or when work is prohibited by unseasonable or unreasonable conditions, the building development services department may extend the dates on receipt of a substantiated supplementary application for a ROW permit extension.

All earth, materials, sidewalks, paving crossing, or improvement of any kind, which are owned or possessed by city and damaged, disturbed, or removed by a ROW user, shall be fully repaired promptly by the ROW user at its sole expense, as per the city standard specification manual. After any excavation, the ROW user shall, at its expense, restore the right-of-way, trench envelope, pavement structure and the surrounding area, to the same or better condition than it was prior to the excavation.

In the event the ROW user fails to restore the right-of-way in the manner and to the condition required herein, or fails to satisfactorily and timely complete all restoration, the city may, at its option, serve written notice upon the ROW user that, unless within ~~five (5) days~~ [two (2) days] after serving of such notice a satisfactory arrangement can be made for the proper restoration of the right-of-way by the ROW user, the city for any and all costs incurred by the city by reason of such prosecution and completion, including, without limitation, the applicable public inconvenience penalty will bill ROW user. Nothing contained herein shall limit any other remedies available to the city.

DIVISION 3. COSTS, FEES, AND ENFORCEMENT

Sec. 28-216. Penalties for violation of this article.

Each violation of this article for failure of a ROW user to secure a ROW permit ~~[or follow the established procedures]~~ shall be punishable as follows: for the first offense, a ROW ~~permit~~ ~~[penalty fee of four thousand dollars (\$4,000.00)]~~ ~~fee for one thousand dollars (\$1,000.00)~~ shall be imposed; for the second offense a ROW ~~permit~~ ~~[penalty] fee of two [four] thousand dollars~~ ~~[and the offender's ROW registration shall be suspended for a period of one hundred eighty (180) days during which no permits of any kind shall be approved for such ROW user. Any suspended ROW users shall pay a reinstatement fee of two thousand five hundred dollars (\$2,500.00) if and when the building development services department approves the ROW user's reinstatement.]~~ approves the ROW user's reinstatement. ~~(\$2,000.00)~~ shall be imposed, and for a third offense, a ROW permit fee of four thousand two hundred dollars (\$4,200.00) shall be imposed. After the third offense, an offender's registration shall be suspended for a period of one hundred eighty (180) days during which no permits of any kind shall be approved for such ROW user. Any such suspended ROW users shall pay a reinstatement fee of two thousand five hundred dollars (\$2,500.00) if and when the building development services department approves the ROW user's reinstatement. Any fines that are collected pursuant to this section shall be deposited into Fund No. 1530.

DIVISION 4. INDEMNIFICATION, INSURANCE, BONDING, AND LIABILITY

Sec. 28-220. Insurance.

TYPE	ROW Utility Users	AMOUNT
1.	Worker's Compensation Employer's Liability	Statutory \$2,000,000.00 [\$1,000,000.00]
2.	Commercial General (Public) Liability Insurance to include coverage for the following:	
a)	Premises/Operations	Bodily Injury and Property Damage of \$2,000,000.00 per occurrence \$5,000,000.00; general aggregate or its equivalent in umbrella or excess liability coverage.
b)	Independent Contractors	
c)	Products/Completed Operations	
d)	Contractual Liability	
e)	Personal Injury	
f)	Explosion, Collapse, Underground	
g)	Broad from Property Damage, to Include Fire Legal Liability	
3.*	Business Automobile Liability	Combines single limit for bodily injury and property damage of \$1,000,000.00 per occurrence or its equivalent.
a)	Owned/Leased Vehicles	
b)	Non-owned Vehicles	
c)	Hired Vehicles	
4.*	Professional Liability (Claims made from)	\$200,000.00 per claim to pay on behalf of the insured all sums which the Insured shall become legally obligated to pay as damages by Reason of any act, malpractice, error or omission in professional services.
5.*	Contractor's Pollution Liability Coverage	\$500,000.00 written on a claim made from with a two-year extended reporting period.
6.*	Pollution Liability Motor Carrier and Trucker Coverage Endorsing the Upset, Overturn and Remediation of a Load in Transport.	\$500,000.00 per occurrence written on an occurrence form. Combined single limit for bodily injury and property damage.
* If applicable		

TYPE	ROW <i>[TCP only, Irrigators,] Driveway Users</i>	AMOUNT
1.	Worker's Compensation Employer's Liability	Statutory \$500,000.00
2.	Commercial General (Public) Liability Insurance to include coverage for the following:	
a)	Premises/Operations	Bodily Injury and Property Damage of \$2,000,000.00 <i>[\$500,000.00]</i> per occurrence \$5,000,000.00 <i>[\$1,000,000.00]</i> ; general aggregate or its equivalent in umbrella or excess liability coverage.
b)	Independent Contractors	
c)	Products/Completed Operations	
d)	Contractual Liability	
e)	Personal Injury	
f)	Explosion, Collapse, Underground	
g)	Broad from Property Damage, to Include Fire Legal Liability	
3.*	Business Automobile Liability	Combines single limit for bodily injury and property damage of \$1,000,000.00 per occurrence or its equivalent.
a)	Owned/Leased Vehicles	
b)	Nonowned Vehicles	
c)	Hired Vehicles	
4.*	Professional Liability (Claims made from)	\$200,000.00 per claim to pay on behalf of the insured all sums which the Insured shall become legally obligated to pay as damages by Reason of any act, malpractice, error or omission in professional services.
5.*	Contractor's Pollution Liability Coverage	\$500,000.00 written on a claim made from with a two-year extended reporting period.
6.*	Pollution Liability Motor Carrier and Trucker Coverage Endorsing the Upset, Overturn and Remediation of a Load in Transport.	\$500,000.00 per occurrence written on an occurrence form. Combined single limit for bodily injury and property damage.
* If applicable		

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

Section 5. This Ordinance shall become effective after publication.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
_____ DAY OF _____ 2025.**

**DR. VICTOR D. TREVINO
MAYOR**

ATTESTED:

**MARIO MALDONADO, JR.
CITY SECRETARY**

APPROVED AS TO FORM:

CITY ATTORNEY

**DOANH “ZONE” T. NGUYEN
CITY ATTORNEY**
