

Mayor and Council Communication

DATE: 06/13/23

M&C FILE NUMBER: M&C 23-0467

LOG NAME: 2023 ROW ORDINANCE TO ALLOW CITATIONS FOR VIOLATIONS IN ROW

SUBJECT

(ALL) Adopt Ordinance Amending Chapter 30 "Streets and Sidewalks" of the Code of the City of Fort Worth Texas (2015) to Provide Regulations for Damage to Facilities and Violations in City Right-of-Way While Performing Construction or Excavation

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 30 "Streets and Sidewalks" of the Code of the City of Fort Worth Texas (2015) to provide regulations concerning damage to facilities and violations in City right-of-way while performing construction or excavation.

DISCUSSION:

Transportation and Public Works recommends amending Chapter 30 "Streets and Sidewalks" as amended, by adding Section 30-20 "Damage to and in Public Right-of-way" to provide regulations concerning damage to facilities and violations in City right-of-way while performing construction or excavation. The amendment reflects the City's desire to reduce damage to both City and private infrastructure, as well as better manage contractor activity in right-of-way in order to protect existing infrastructure located in the right-of-way and the public in general.

Section 30-20 "Damage to and in Public Right-of-Way" is a new section that defines what constitutes contractor offenses in the right-of-way, including the following: working in right-of-way without a permit, failures to comply with restrictions or requirements of the permit, or causes damage to public or private facilities located in the right-of-way. The new section also sets a fine amount of \$500.00 for each separate offense for each day or portion of a day during which the violation is committed, continued, authorized, directed or permitted and provides the Director of Transportation and Public Works or their designee the authority to enforce violations by issuing a citation that may be prosecuted in Municipal Court.

By adopting this amendment, the Public Works Department will be able to better regulate and manage work in the right-of-way to protect facilities and to provide for the health, safety and welfare of the residents. Enforcement action can be taken against individuals in charge of work being performed by contractor.

City staff will coordinate with stakeholders in the construction community and internal to the City to finalize City process for implementing and enforcing the ordinance requirements, prior to beginning enforcement.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of the recommendation will have no material effect on City funds.

Submitted for City Manager's Office by: William Johnson 5806

Originating Business Unit Head: Lauren Prieur 6035

Additional Information Contact: Monty Hall 8662