

ORDINANCE NO. \_\_2025-03\_\_

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MURCHISON, TEXAS PROVIDING FOR AN ANNUAL UTILITY COMPANY RIGHT-OF-WAY REGISTRATION, RIGHT OF WAY CONSTRUCTION PERMIT, AND RULES GOVERNING RIGHT-OF-WAY CONSTRUCTION: PROVIDING A REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of Murchison, Texas ("City"), acknowledges the need to upgrade, maintain, replace, and install new utilities. The city also recognizes the disruptive impact these excavations have on the neighborhoods and traveling public.

**WHEREAS**, the City Council desires to establish rules and regulations that are designed to balance these competing needs, and to preserve and maintain public health, safety, welfare, and conveniences.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council for the City of Murchison, Texas as follows:

**SECTION 1.** This Ordinance shall be applicable to and control any Right-of-Way Construction that occurs in any Right-of-Way of the City of Murchison, to include fees and charges to be collected by the City for the permits or registration.

**SECTION 2.** All persons, firms or corporations applying for permits to do construction in the right-of-way of the City of Murchison, shall pay the fees prescribed by this ordinance.

**SECTION 3.** Definitions:

**Business Day**- a day when the City of Murchison, City Hall is open to the public for business.

**City**- shall mean the City of Murchison, Texas and its officers and employees.

**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's needs for uninterrupted service and re-establishment of service, if the service is interrupted and compels immediate action.

**Excavation**- shall mean activity that removes or otherwise disturbs soil in the ROW at a depth of (12") or more or disturbs any street or alley pavement of any depth.

**Project Large**- shall mean utility projects requiring installation or replacement of utility facilities in the ROW for a distance of or greater than one thousand (1,000) feet in length or any size excavation within the ROW of a street.

**Project Medium**- shall mean utility projects requiring installation or repair of facilities in the ROW for greater than twenty-five (25) feet in length and less than one thousand (1,000) feet in length not in a street.

**Project Small**- shall mean utility projects requiring installation or repair of facilities in the ROW for less than twenty-five (25) feet in length and not in a street.

**ROW**- shall mean 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, or the airwaves above the city's right-of-way regarding wireless telecommunications.

**ROW User**- shall mean a franchise utility, a certified telecommunications company, or any other privately or publicly owned utility authorized to conduct business to install, construct, maintain, or repair facilities in the city right-of-way.

**SECTION 4. Enforcement-** Any person who violates any provisions of this article shall be guilty of a misdemeanor 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. Further, any person or entity who by their negligent acts, omissions, or violation of this ordinance causes the City of Murchison any expenditures for staff time, shall be responsible to the city for all costs for resources expended.

**SECTION 5. Registration Requirements-** All persons or contractors performing work within the ROW must first register with the city and supply all required information before being issued an initial permit. An application form will be provided. In addition to a completed application form, proof of insurance, as specified in section shall be provided at the time of application. All first-time contractors shall provide references for similar work performed within the ROW from (3) three entities to the City of Murchison. Most applications will be approved in a timely manner, however; the city reserves the right to present ANY registration or permit application to the Murchison City Council at its next regularly scheduled City Council Meeting.

**SECTION 6. Utility emergency excavation and damage to ROW user facility-**

- (a) When a ROW user suddenly and unexpectedly finds it necessary to make an excavation to preserve life or property and/or to restore interrupted essential



services, the excavator may begin work before obtaining a ROW permit. The person excavating or ROW user SHALL apply for a ROW permit no later than the next following business day.

- (b) If a permit holder during an excavation cuts or damages another ROW user's facilities, the ROW user whose facility that was damaged may perform the work necessary to repair their facility without obtaining a permit if no further excavation is needed. Cleanup of ROW due to hit utility is the responsibility of the original permit holder that damaged the utility.
- (c) The original permit holder for an excavation is responsible for meeting all the requirements of this article, including backfilling and paving repairs, for all extended excavation attached to the original excavation.

**SECTION 7. Permit required-** Any person, excluding the city utility contractor, conducting any activity within the city's ROW is required to apply for a permit prior to commencing, unless said work is an emergency as authorized by Section 6. The City of Murchison may issue a "bulk permit" for routine maintenance or repair of existing and/or new service line(s) or utility work in the ROW for excavations that are repetitive in nature within a continued section of ROW and not one continuous excavation. Updates shall be given to the city on a daily, weekly, or other schedule as required by the city.

**SECTION 8. Permit Information-** A permit issued under this article is personal to the permitted person, contractor or ROW user and is not transferable. The permit does not grant access to private property.

**SECTION 9. Insurance-** The applicant for permit shall furnish a certificate of insurance evidencing general liability provided by an insurance company. The certificate of insurance shall be filed with each application for a permit and the general liability required herein shall have a minimum limit of one-million dollars (\$1,000,000.00). The general liability shall extend additional insurance status to the city.

**SECTION 10. Work done without permit-** Except for emergency excavations outlined in Section 6 of this ordinance, any person conducting ROW construction in the City of Murchison's ROW without a valid permit and who refuses to vacate the ROW after notification from the city could be subject to civil or criminal penalty. Further, the individual or company disturbing the ROW without a permit shall be responsible to the city for the expense to restore the ROW to its original condition. The city reserves the right to deny future permits to any individual or company disturbing the ROW without a permit.

**SECTION 11.** Coordination with city or city utility contractor- Permit holder SHALL coordinate with the city or the cities utility contractor, to allow the city to maintain services to customers within the ROW affected by construction throughout the duration of the project. Failure to coordinate as described herein may result in suspension or revocation of a validly issued permit.

**SECTION 12.** Permit application/denial- A permit may be denied for any of the following reasons:

1. Application not on city provided application form.
2. Failure to provide proof of liability insurance as required by this ordinance.
3. The proposed activity would violate another city ordinance, state or federal statute.
4. The permit application contains false or misleading information.
5. The activity would cause a public health or safety hazard.
6. The ROW user or contractor applying for a permit has history of non-conformance and/or outstanding unresolved compliance issues with this city or another.
7. Any other reason that the city decides would not be in its best interest.

**SECTION 13.** Appeal of registration or permit denial- A ROW user or other applicant that has been denied registration or a permit may appeal that denial upon written request as follows:

Appellant shall provide, within five (5) business days of denial, a written notice of appeal to the city secretary. The appeal should include any corrections or other changes needed to be made to the initial application which caused the denial and/or a letter with reasons why the permit should not be denied. The city secretary or the mayor will provide a written decision within 10 days. If the denial is upheld, the applicant may then appeal to that decision to the Murchison City Council at its next regularly scheduled meeting.

**SECTION 14.** Issuance- The city of Murchison may issue a permit under this section by the following criteria once all registration and permit requirements are met and after assuring that the health, welfare, and safety of the public will not be unreasonably impaired:

1. Within five (5) business days for projects deemed small or medium.
2. Within ten (10) business days for projects deemed large.

The city reserves the right to require more days for issuance based on the circumstances and will notify the applicant if it is necessary.



**SECTION 15.** Revocation or suspension of registration and/or permit- The city reserves the right, as provided herein, to revoke or suspend any permit without refund of any fees, in the event of a breach by the permit holder of the terms of this ordinance or any city ordinance or any other reason deemed appropriate.

**SECTION 16.** Responsibilities of permit holder-

1. The permit holder shall be responsible for maintaining the site in a clean and orderly manner.
2. The permit holder shall be responsible for any damage cause to city property or on private property.
3. The permit holder shall make the work site accessible to any city employee or elected official as well as the city's utility contractor for inspection or any other reason deemed necessary.
4. The permit holder must have the approved permit on-site during all work.

**SECTION 17.** Construction Schedule-

1. The permit holder must notify the city forty-eight (48) hours before any work begins within the ROW.
2. Work performed pursuant to a ROW permit must commence fourteen (14) calendar days of the date of the permit.
3. All excavation shall be performed during the hours of 7:00 a.m. and 3:00 p.m. Monday through Friday. No work may be completed on city holidays or weekend days unless approved by the city or in the case of an emergency.
4. Any other terms deemed necessary by the city.

**SECTION 18.** Repair of city utilities- Damages done by a permit holder to city utilities should be repaired by the city and/or a city approved third party utility service provider. The city will issue a claim to the permit holder or their insurance company for cost reimbursement.

**SECTION 19.** Permit application fees-

1. A permit application fee for work deemed small will be \$ 50.00.
2. A permit fee for work deemed medium will be \$ 100.00.
3. A permit fee for work deemed large will be \$ 150.00.

**SECTION 20.** Timeline exceeded- There will be a fee of fifty dollars (\$50.00) per day that exceeds the completion date established on the permit. If weather prevents the work

to be completed by the completion day, the permit holder shall file for an extension in person at Murchison City Hall at no additional charge.

**SECTION 20.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, subsections and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared unconstitutional by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections 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 or illegal phrase, clause, sentence, paragraph, subsection, or section.

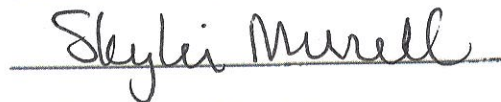
**SECTION 21.** This Ordinance shall become effective immediately upon its passage by the City Council for the City of Murchison, Texas.

PASSED and APPROVED by the City Council for the City of Murchison, Texas this 9 day of December, 2025.

APPROVED BY:

A handwritten signature in blue ink, appearing to read "Bradley H. Gray", is written over a horizontal line.

Bradley H. Gray, Mayor

A handwritten signature in blue ink, appearing to read "Skyler Murrell", is written over a horizontal line.

Skyler Murrell, City Secretary