

4/18/19

ORDINANCE NO. 31209

An ordinance amending Chapter 43, "Streets and Sidewalks," of the Dallas City Code by amending Sections 43-139 and 43-141; providing modification to the traffic control permit application requirements to include accessible pedestrian walkways or detours during construction; modifying the pavement restoration requirements for streets with a high paving condition index rating; providing additional notification requirements; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (19) of Subsection (c) of Section 43-139, "Permit Required; Exceptions; Conditions; Denial and Revocation," of Article VIII, "Certain Uses of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(19) A traffic control plan must be submitted with the permit application and must include detailed drawings showing the proposed traffic controls for vehicular and pedestrian traffic for each phase of the proposed work in the public right-of-way. Traffic control plans must show necessary pedestrian sidewalk detours, crosswalk closures, temporary covered walkways, or scaffolding for the safety of pedestrians that comply with the requirements of the latest edition of the Texas Manual of Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation and City of Dallas requirements. Traffic control plans must be approved by the City of Dallas before commencing work."

SECTION 2. That Paragraph (8) of Subsection (d) of Section 43-139, "Permit Required; Exceptions; Conditions; Denial and Revocation," of Article VIII, "Certain Uses of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(8) Plates must be sufficiently secured in place so as not to become dislodged or in any way cause a hazard to any traffic or cause any loud and disturbing noises and vibrations

through the use of materials such as asphalt, flexible plastic gaskets, wedges, or other non-asphaltic devices. [Asphalt-t] Transitions must be placed as required with a minimum 2:1 slope to provide a reasonably smooth riding surface.

SECTION 3. That Subsection (e) of Section 43-139, "Permit Required; Exceptions; Conditions; Denial and Revocation," of Article VIII, "Certain Uses of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(e) Unless it becomes necessary to conduct emergency activity, a permittee shall not cause or allow interference with traffic flow on a thoroughfare, arterial, or a community collector during the hours of 6:30 a.m. through 9:30 a.m. and 3:30 p.m. through 6:30 p.m., Monday through Friday."

SECTION 4. That Subsection (g) of Section 43-139, "Permit Required; Exceptions; Conditions; Denial and Revocation," of Article VIII, "Certain Uses of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(g) If no construction has commenced under a permit within 60[120] calendar days after issuance of the permit, the permit becomes null and void, and a new permit is required before construction may be performed in the public right-of-way or, for an above ground utility structure, in or outside of the public right-of-way. An extension to a permit may be granted by the director only before the permit expires."

SECTION 5. That Subsection (b), "General," of Section 43-141, "Miscellaneous Requirements for Street Excavation and Installations, Trench Safety, and Above Ground Utility Structures," of Article VIII, "Certain Uses of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(b) General.

(1) A pavement cut in the public right-of-way, or the placement of an above ground utility structure either in or outside of a public right-of-way, may be made prior to obtaining a permit only if a valid need to perform emergency activity exists. Immediate notice, including reasons for the emergency activity, must be given to the director. An application for a permit must be made not later than the second business day following commencement of the emergency activity.

(2) A pavement cut that is made in a concrete street that has a paving condition index of 70 or higher as shown on the City of Dallas Paving Management Database [~~newly~~

~~constructed, reconstructed, or resurfaced asphalt street that is not more than 60 months old]~~ will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, replacement of the entire concrete panel from joint to joint.

(3) A pavement cut that is made in an asphalt street that has a paving condition index of 70 or higher as shown on the City of Dallas Paving Management Database will require that, in addition to repairs made in compliance with the *Pavement Cut and Repair Standards Manual*, a surface treatment must be applied that consists of slurry seal or micro-surfacing, or an equivalent method approved by the director, for the purposes of sealing the repair edges of the cut and maintaining uniformity in appearance with the surrounding street surfaces. No surface treatment is required if the repairs are made to match pavement color and are approved by the director. The application of slurry seal or micro-surfacing must be made to the entire block of the street in which a cut is made. For an undivided street, the application must be made from curb to curb, and for a divided street, from median curb to outside curb. The *City of Dallas Slurry Seal and Micro-surfacing Specifications*, as amended, will govern design, material, testing, and construction of surface treatments.

(4[3]) The permittee and any person responsible for construction shall protect the public right-of-way surface, drainage facilities, and all other existing facilities and improvements from excavated materials, equipment operations, and other construction activities. Particular attention must be paid to ensure that no excavated material or contamination of any type is allowed to enter or remain in a water or wastewater main or access structure, drainage facility, or natural drainage feature. Adequate provisions must be made to ensure that traffic and adjacent property owners experience a minimum of inconvenience.”

SECTION 6. That Paragraph (1) of Subsection (h), “Signage and Other Display Materials,” of Section 43-141, “Miscellaneous Requirements for Street Excavation and Installations, Trench Safety, and Above Ground Utility Structures,” of Article VIII, “Certain Uses of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(1) A copy of the approved permit with verification that all public and private utilities/facilities were properly located must be displayed by the permittee at the worksite at all times during construction in the public right-of-way.”

SECTION 7. That Paragraph (2), “Notice to the Public,” of Subsection (i), “Notice Requirements,” of Section 43-141, “Miscellaneous Requirements for Street Excavation and Installations, Trench Safety, and Above Ground Utility Structures,” of Article VIII, “Certain Uses

of Public Right-of-Way,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(2) Notice to the public.

(A) If construction in the public right-of-way without excavation or a lane closure will last less than 24 hours, individual notice to property within 500 feet of the construction area is not required.

(B) If construction in the public right-of-way without excavation or a lane closure will last more than [at least] 24 hours [~~but less than 72 hours~~], the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice. Notification of multi-family properties may be given to the property management teams of those properties.

(C) If construction in the public right-of way with excavation or a lane closure will last less than 24 hours, the permittee must provide individual notice to each property within 500 feet of the construction area at least 24 hours before commencing construction by placing a door hanger or other similar notice. Notification to multi-family properties may be given to the property management teams of those properties.

(D) If construction in the public right-of-way with excavation or a lane closure will last more than 24 [72] hours, the permittee must provide individual notice to each property within 500 feet of the construction area with two separate notifications [~~at least 72 hours before commencing construction~~] by placing a door hanger or other similar notice. The first notification must be placed at least 10 days before commencing construction and the second notification must be placed 72 hours before commencing construction. Notification to multi-family properties may be given to the property management teams of those properties.

(E) If construction on a thoroughfare, arterial, or a community collector in the public right-of-way will involve complete street closures or extended traffic delays, at least two portable changeable message signs (CMS) that comply with the requirements of the latest edition of the Texas Manual of Uniform Traffic Control Devices, as amended, published by the Texas Department of Transportation and the City of Dallas requirements, are required to be installed facing each direction of traffic at least one week prior to commencing construction.

(E[~~D~~]) The individual notice must include the following:

- (i) permittee name and contractor name, if different;
- (ii) primary contact information for the permittee and contractor,  
if different; [-]
- (iii) location of the construction area; and
- (iv) estimated time of construction as authorized by the permit.”

SECTION 8. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 9. That Chapter 43 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

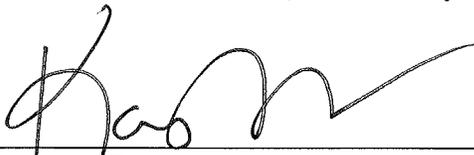
SECTION 10. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 11. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By   
Assistant City Attorney

Passed           **MAY 22 2019**



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 22 2019

ORDINANCE NUMBER 31209

DATE PUBLISHED MAY 25 2019

ATTESTED BY: