

CITY OF ARDMORE  
ENGINEERING DEPARTMENT  
Ardmore, Oklahoma

Commission Letter No.: 5408  
Meeting Date: May 2, 2022

Mayor and Commissioners  
City of Ardmore  
Ardmore, Oklahoma

SUBJECT: Amendment to Section 25  
of the Ardmore Code of Ordinances

Dear Mayor and Commissioners:

The purpose of this agenda item is to amend Chapter 25, Article IV of the Ardmore Code of Ordinances by adding new sections 25-100.1 through sections 25-100.5. This ordinance is needed to address any proposed or existing lines, cables, pipelines, and appurtenances to the same placed in the City's Right-of-Way by various utility companies as well as our franchisees and their subcontractors.


The Engineering Department has been receiving several requests over the last couple of years to place new lines or cables in the City's right-of-way. Due to the influx of so many requests, the Department has determined that new controls are needed to maintain the City's Right-of-Way integrity. These controls will allow us to keep a tight regulation of our Right-of-Way so that not just anyone can place lines in the wherever and however they wish.

This ordinance allows for the Engineering Department to collect annual fees for such Right-of-Way occupancy. These fees will be due at the time of permitting and every year afterward in perpetuity. It also allows for the Department to better control the nature of the installation and ensure that our pavement, curb and gutter, and Right-of-Way are put back to as good or better condition before installation began.

Sincerely,

  
Josh Randell, PE, CFM  
City Engineer (Interim)

Encls  
Ordinance

Reviewed by:   
City Manager

ORDINANCE NO. 3128

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE IV, OF THE ARDMORE CODE OF ORDINANCES BY ADDING NEW SECTIONS 25-100.1 THROUGH 25-100.5, PERTAINING TO LAYING LINES, CABLES, PIPELINES, APPURTENANCES OF ANY TYPE, EXCAVATION FOR THE PURPOSE OF LAYING LINES, OR PIPELINES OF ANY TYPE, IN EASEMENTS OR RIGHTS-OF-WAY OF THE CITY, REQUIRING PERMITS AND AGREEMENTS WITH THE CITY, REQUIRING AS-BUILT PLANS, PROVIDING FOR APPLICABILITY OF OTHER REGULATIONS, PROVIDING FOR EMERGENCY REPAIRS ,PROVIDING FOR REPEALER, PENALTIES FOR VIOLATION; SEVERABILITY AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF ARDMORE

SECTION 1. **Amendatory.** Chapter 25, Article IV of the Ardmore Code of Ordinances is hereby amended by adding new sections 25-100.1 through sections 25-100.5, as follows:

**SECTION 25-100.1 PERMIT REQUIRED.**

(A) (1) No person, firm or corporation shall lay lines, cables, pipelines, appurtenances of any type, excavate for the purpose of laying lines, or pipelines of any type, in easements or rights-of-way of the city, until a permit therefore has been issued in accordance with this subchapter and a fee paid as provided. The fees shall be \$450.00, due at time of application for permit and thereafter an annual inspection fee of \$.05 per lineal feet of facility in the right of way, due on the one year anniversary of the issuance of the permit in each year thereafter that the facilities are in place in the right of way.

(2) No fee shall be charged to applicants holding a valid franchise in the city however franchise holders and their sub-contractors shall be required to obtain a permit.

(B) In addition to the other requirements of this subchapter, applicants for a permit shall submit:

(1) A written description of the easements or rights-of-way where the applicant proposes to lay line or pipeline;

(2) Three sets of plans for the installation of the lines or pipelines, subject to the approval of the City Engineer;

(3) The names of all contractors and subcontractors engaged by the applicant to install the line or pipeline;

(4) The proposed pressure of any pipeline and a description of the substance to be transmitted; and

(5) The approximate dates for both the commencement and the completion of its installation

## **SECTION 25-100.2 AGREEMENT WITH CITY.**

Prior to issuance of any permit to any person, firm or corporation, except the holder of a valid franchise in the city, the City Engineer shall approve a written agreement between the applicant and the city which includes, but is not limited to the following terms:

(A) The lines or pipelines shall be constructed, repaired, renewed and maintained by the applicant, at the applicant's own cost and expense, in a safe, proper and workmanlike manner, and at the times and in the manner as not to prevent or interfere with the safe, proper and convenient movement of traffic along, over and across the easements, alleys, and rights-of-way described in the application.

(B) The applicant shall agree to fully defend, protect, indemnify and hold harmless the city, its employees and agents, from and against each and every claim, demand or cause of action and any liability cost, expense including, but not limited to reasonable attorney's fees and expenses incurred in defense of the city, damage or loss in connection therewith, which may be asserted by the applicant, applicant's employees or agents, subcontractors or any third party including, but not limited to the city's agents, or employees, on account of personal injury or death, or property damage caused by, arising out of, or in any way incidental to, or in connection with the construction, maintenance, operation, altering, repairing or renewing of lines or pipelines, except as may result solely from the city's negligence.

(C) (1) The applicant shall backfill, and power tamp all trenches, fill all holes caused by shrinkage, remove all excess dirt, restore any damaged pavement in accordance with city standards and leave the easements and rights-of-way described in the application in a solid and safe condition, and subject to the inspection and approval of the City Engineer.

(2) If applicant shall fail to make any repairs or do any work required of the applicant within ten days after receipt of written notice from the city calling attention thereto and requesting the repair or work to be done, then the city shall have the right to make the repairs or do the work at the expense of the applicant and the applicant shall reimburse the city for the cost and expense of the repairs or work promptly upon bill rendered therefore by the city to the applicant.

(D) The applicant shall agree that, in the event the city makes a request to relocate or adjust the applicant's lines, pipelines or appurtenances thereto where the same are situated in easements or rights-of-way, the applicant will comply therewith or bear the entire cost of the relocation or adjustment.

(E) Other terms and conditions as the City may require shall be followed

(F) The signed agreement shall be appended to the permit and shall be a part of the permit requirements

**SECTION 25-100.3 SUBMISSION OF AS-BUILT PLANS.**

Upon completion of the installation of the line or pipelines authorized in the permit, the applicant shall submit to the city one set of as-built plans for future reference and locating of the lines or pipelines and shall install the above-ground markers or warnings as may be required by the City Engineer.

**SECTION 25-100.4 APPLICABILITY OF OTHER REGULATIONS.**

Nothing in this subchapter shall be construed to exempt the applicant, its agents, employees or subcontractors from the approved city specifications for right of way excavation, cutting, or disturbance.

**SECTION 25-110.5 EMERGENCY REPAIRS OF FACILITIES IN RIGHTS OF WAY.**

In the event of the immediate need of emergency repairs to facilities in the rights of way the owner of the facilities or its agent may make the repairs without first obtaining a permit however upon making the repairs the owner of the facilities or its agents shall within 10 days of completion of the emergency repairs provide the plans, as-builts,, and permit/agreement as required for the repairs to the city engineer or his designee.

**Section 2: Repealer.** All ordinances or parts thereof, which are inconsistent with this Ordinance are here by repealed.

**Section 3: Savings Clause.** Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued of existing, under any act or Ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 4: Severability.** If any one or more of the sections, sentences, clauses, or parts of this Ordinance shall, for any reason, be held invalid, the invalidity of such section, sentence, clause, or part, shall not affect or prejudice in any way the applicability and validity of any other provision of this Ordinance. It is hereby declared to be the intention of the Mayor and Board of Commissioners of the City of Ardmore that this section of the Code of Ordinances for the City of Ardmore, Oklahoma, 2014, would have been adopted had such unconstitutional, illegal, or otherwise invalid section, sentence, clause, or part had not been included.

**Section 5: Emergency.** It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Ardmore and the inhabitants thereof that this ordinance be put into full effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval

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The undersigned hereby certify that the foregoing ordinance was introduced before the Ardmore City Commission on the \_\_\_\_ day of \_\_\_\_\_, 2022, and was duly adopted and approved by the Mayor and City Commission of the City of Ardmore on the \_\_\_\_ day of \_\_\_\_\_, 2022, after compliance with notice requirements of the Oklahoma Open Meeting Law.

CITY OF ARDMORE  
A MUNICIPAL CORPORATION

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Mayor

ATTEST:

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City Clerk