

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX B OF THE MESQUITE CITY CODE, THE MESQUITE SUBDIVISION ORDINANCE, AS AMENDED, BY ADDING A NEW SECTION E TO ARTICLE VII THEREBY AMENDING REGULATIONS RELATED TO THE INSTALLATION OF UTILITIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on January 27, 2020, the Planning and Zoning Commission voted to recommend approval of proposed amendments to the Subdivision Ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendments.

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

SECTION 1. That Appendix B of the Mesquite City Code, the Mesquite Subdivision Ordinance, as amended, is hereby amended by adding a new Section E to Article VII to read as follows, said Ordinance and Article in all other respects to remain in full force and effect:

**E. Underground utilities required.**

- (1) Site plans and/or plats approved after March 3, 1986, shall require all electrical and communication utility (lateral and/or service distribution) lines and wires to be placed underground in new residential (single-family-detached, single-family-attached, multifamily) and nonresidential subdivisions.
- (2) Where electrical service is to be placed underground, electrical service for street lighting (conductors and conduits) shall also be placed underground.
- (3) All electrical and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations shall be pole-mounted, ground-mounted or placed underground.
- (4) Utility service to nonresidential properties from overhead distribution lines shall be placed underground from the right-of-way to the point of service.
- (5) The utility companies shall be responsible for developing administrative policies, tariffs and cost reimbursement procedures for the installation and extension of underground utilities.

- (6) Any utility location that deviates from the City's standard specifications shall be approved by the City of Mesquite through a subdivision variance.
- (7) The electrical utility company can, at its discretion, plan overhead feeders and/or feeder laterals on perimeters of subdivisions or property. "Feeders" are defined as those high-voltage supply lines that originate from substations used to distribute power throughout an area. "Laterals" shall mean those electric lines that emanate from feeder line and used to distribute power to smaller areas of electric consumers. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse or disconnect switch.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of February 2020.

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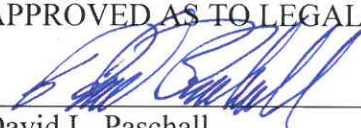
Bruce Archer  
Mayor

ATTEST:

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Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



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David L. Paschall  
City Attorney