

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ESTABLISHING CLEARANCE REQUIREMENTS FOR OVERHEAD ELECTRIC, COMMUNICATION, AND CABLE TELEVISION LINES; PROVIDING FOR VIOLATION OF THE ORDINANCE; PROVIDING A PENALTY; AND PROVIDING FOR RELATED MATTERS

Whereas, the City of Kyle, Texas, a home rule municipality (the "City") finds that it is reasonable and necessary to establish clearance requirements for overhead electric, communication, and cable television lines for the purpose of protecting the public health, safety, and welfare;

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

Section 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct, and that they are hereby adopted by the Council and made a part hereof for all purposes.

Section 2. Adoption of Clearance Regulations to Regulate Height of Overhead Lines. Chapter 38, Article II, Division 1 is hereby amended by adding Section 38-24, to be entitled "Height of Overhead Line" to read as follows:

Sec. 38-24. - Height of Overhead Line.

The minimum vertical clearance above the streets and rights-of-way at the largest vertical sag of the line shall be 22 feet for overhead electric lines, and 18 feet for overhead communication and cable television lines. Clearances for such lines shall be greater if required by the National Electrical Safety Code and governing laws. The electric, cable, or telecommunication utility or company, as appropriate, shall ensure that all overhead lines are constructed and maintained in compliance with the National Electrical Safety Code, except where generally accepted industry standards require greater protections for the City to safely maintain, operate, construct, reconstruct and repair any existing or planned street lighting facility, traffic signal pole, or other aboveground city facility, in which case such industry standards shall apply.

Section 3. Amendment of Conflicting Ordinances. Chapter 38, Article I of the City of Kyle Code of Ordinance is hereby amended to include 38.01 which was previously reserved. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 4. Violation Of Ordinance; Penalty. The violation of this ordinance shall be punished by fine not exceeding \$500.00. Each day an offense shall continue shall constitute a separate offense.

Section 5. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting regulation of public places that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrases be declared void.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section 8. Effective Date. This Ordinance shall take effect immediately from and after publication in accordance with the provisions of the City Charter and the Local Government Code.

PASSED AND APPROVED on First Reading this ____ day of _____, 2022.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2022.

THE CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary