

**ORDINANCE NO. 44-2019**

**AN ORDINANCE ADDING CHAPTER 29, "STREET AND SIDEWALKS," ARTICLE V, "STREET USE LICENSES," SECTION 29-96, "PIPELINE PAYMENT," OF THE ABILENE MUNICIPAL CODE, BY ADDING THE SECTION AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY**

**WHEREAS**, the city charter and code of ordinances provide for the use of the streets by a public utility franchise and for the use of the streets through a street use license; and,

**WHEREAS**, as it is currently written, the street use license ordinance does not provide a mechanism for compensation to the citizens for the long-term use of the streets by persons or companies that are not a public utility providing services to citizens inside of the city limits; and,

**WHEREAS**, there is a need to amend the code of ordinances to establish a per-rod payment to compensate the citizens for the use of the streets for the purpose of constructing, installing, laying, maintaining, operating and/or repairing a pipeline for the transportation of natural gas, oil or other hydrocarbons.

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

**PART 1:** That Chapter 29, Article V, Section 29-96 of the Abilene Municipal Code be added as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

**PART 2:** That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

**PART 3:** That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

**PASSED ON FIRST READING this 11<sup>th</sup> day of July, 2019.**

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on 21<sup>st</sup> day of July, 2019, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 4:30 p.m. on the 25<sup>th</sup> day of July, 2019, to permit the public to be heard.

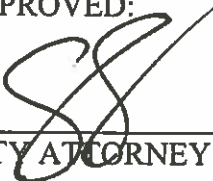
**PASSED ON SECOND AND FINAL READING this 25<sup>th</sup> day of July, 2019.**

**ATTEST:**

  
\_\_\_\_\_  
CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

**APPROVED:**

  
\_\_\_\_\_  
CITY ATTORNEY



**ORDINANCE NO. 44-2019**

**EXHIBIT "A"**

**Sec. 29-96 Pipeline payment.**

If the application is made for the purpose of constructing, installing, laying, maintaining, operating and/or repairing a pipeline for the transportation of natural gas, oil and/or other hydrocarbons across and under a public street or streets, this section shall apply. A per-rod license payment for the use of the streets, alleys, sidewalks or other public ways, shall be required, as negotiated in good faith by the City and the applicant.