

**TOWN OF POETRY, TEXAS
ORDINANCE NO. 2023-05-02**

AN ORDINANCE OF THE TOWN OF POETRY, TEXAS, AMENDING THE TOWN'S RIGHT-OF-WAY MANAGEMENT REGULATIONS TO REQUIRE INSURANCE COVERAGE APPLICABLE TO THE INSTALLATION, CONSTRUCTION, OPERATION AND MAINTENANCE OF ALL UTILITY FACILITIES AND THE USE, OCCUPANCY AND MAINTENANCE OF PUBLIC STREETS, ALLEYS AND RIGHTS-OF-WAY WITHIN THE TOWN AND SUBJECT TO THE TOWN'S AUTHORITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, in Ordinance No. 2023-01-01, effective on or about the 17th day of January, 2023. the Town Council of the Town of Poetry, Texas has adopted regulations for the proper management of the Town's streets, highways and rights-of-pursuant to Sections 311.002 and 311.003 of the Texas Transportation Code; and

WHEREAS, the Town Council finds and determines that the Town's regulations should include an additional requirement that utility providers and other persons performing work within the Town's rights-of-way should, as a permit condition, maintain certain categories of insurance to protect the utility providers, the Town, its citizens, and the general public in case of events causing damage and/or injury, and that the amendments provided for in this Ordinance are in the best interests of the public health and safety and of the citizens of the Town of Poetry.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS:

SECTION 1. That Ordinance No. 2023-01-01, adopted by the Town Council of the Town of Poetry, Texas, and the regulations adopted therein, be and is hereby amended to add a new

(1) *Owners.* Each owner applying for a permit shall obtain, maintain, and provide proof of the each of the following types of insurance and coverage limits:

- a. Commercial general or excess liability on an occurrence form with minimum limits of \$5,000,000.00 per occurrence and \$10,000,000.00 aggregate. This coverage shall include the following:
 - Products/completed operations to be maintained for one year if applicable.
 - Personal and advertising injury if applicable.
 - Owners and contractor's protective liability.
 - Explosion, collapse, or underground (XCU) hazards.
 - Coverage limits may be reduced upon demonstration of fiscal responsibility acceptable to the town.
- b. Automobile liability coverage with a minimum policy limits of \$1,000,000.00 combined single limit. This coverage shall include all owned, hired and non-owned automobiles.
- c. Workers compensation and employers liability coverage. Statutory coverage limits for coverage A and \$500,000.00 coverage B employers liability.

(2) *Contractors and sub-contractors.* Each contractor and sub-contractor applying for a permit shall obtain, maintain, and provide proof of insurance for the same types of insurance coverages outlined in subsection (1) above; however, the policy limits under the general liability insurance shall be \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. All other coverages provisions outlined in subsection (1) above shall apply."

SECTION 2. That all ordinances of the Town of Poetry, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the Town of Poetry not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

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DULY PASSED AND APPROVED by the Town Council of the Town of Poetry, Texas, on this the 16th day of May, 2023.

APPROVED:

Sara Sentewich
MAYOR

ATTEST:

Anna S. Shelden
TOWN SECRETARY



APPROVED AS TO FORM:

/s/ David M. Berman
TOWN ATTORNEY