

CITY OF COUPLAND, TEXAS

ORDINANCE No. 2025-05-20-04

AN ORDINANCE OF THE CITY OF COUPLAND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COUPLAND, TEXAS, ESTABLISHING REGULATIONS PERTAINING TO EXCAVATIONS, CONSTRUCTION, AND INSTALLATIONS IN CITY RIGHTS OF WAY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

**WHEREAS**, the City of Coupland, Texas, desires to establish regulations for excavations, construction, and installations in the city rights-of-way to promote the health, safety, and welfare of the citizens of Coupland, Texas; and

**WHEREAS**, Section 311.002 of the Texas Transportation Code provides that general law municipalities have exclusive control over their highways, streets, and alleys; and

**WHEREAS**, the City Council of the City of Coupland, Texas, as a Texas type A general law municipality finds that the following regulations are consistent with Texas law and will regulate the use of the City of Coupland's rights-of-way for the benefit of the health, safety, and welfare of the citizens of the City of Coupland, Texas.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Excavations, Construction, and Installations in City Rights-of-Way.** The City of Coupland hereby adopts Excavations, Construction, and Installations Ordinance attached hereto as **EXHIBIT A** and incorporated by reference herein.

**Section 3. Repealing all Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are amended to the extent of such conflict or inconsistency. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Coupland, the terms and provisions of this ordinance control.

**Section 4. Savings Clause.** The City Council of the City of Coupland, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

**Section 5. Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance was considered 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, Chapter 551, Texas Government Code.

**Section 7. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF May, 2025.

ATTEST:

Rachel Wrzuszcak  
Rachel Wrzuszcak, City Secretary

Russell Schmidt  
Russell Schmidt, Mayor