

ORDINANCE NO. 2011-03

AN ORDINANCE PROHIBITING THE UNDERGROUND BURYING OF WIRING, CABLE, FIBER OPTICS, OR TELECOMMUNICATIONS FACILITIES WITHIN RIGHTS-OF-WAY INSIDE THE CITY LIMITS OF CANTON EXCEPT IN NEW SUBDIVISIONS AND BY SPECIAL PERMISSION; REPEALING ALL ORDINANCES OR SECTIONS IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council deems an ordinance regulating the burying of underground cable, fiber optics, wiring, and telecommunications facilities within the city limits of the City of Canton is necessary for the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, that the following ordinance be enacted as follows:

SECTION 1. The burying of underground cable, wiring, fiber optics and telecommunications facilities within public rights-of-way inside the City limits is hereby prohibited except in new subdivisions and by special permission of the City Council.

SECTION 3. Violations and Penalties

Any person, firm or corporation found guilty of violating any of the provisions of this ordinance shall be subject to a fine not to exceed two hundred dollars (\$200.00), together with the costs of such prosecution. Each day during which a violation continues shall be considered a separate offense.

SECTION 4. Effective Date

The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties and effective date of this Ordinance to be published in a newspaper having general circulation in the City of Canton, Texas, prior to its effective date. Following the publication, this ordinance shall be in full force and effect.

SECTION 5. Repeal of Conflicting Ordinances

All other ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. Severability Clause

If any section, subsection, phrase, sentence or portion of this Ordinance is for any held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

PASSED, ADOPTED AND APPROVED by a majority of the Canton City Council on this the 22nd day of February, 2011.



William R. Wilson, Mayor

ATTEST:



Julie H. Seymore, City Secretary