

ORDINANCE NO. 2026-07

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING CHAPTER 18 "STREETS AND PUBLIC PLACES", ARTICLE 18.04 "RIGHT-OF-WAY MANAGEMENT", SECTION 18.04.117 "MICROTRENCHING", TO THE CODE OF ORDINANCES; PROVIDING FOR PASSAGE, PUBLICATION, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City of Buda, Texas (the "City") is a Home Rule municipality located in Hays County, Texas, created under the provisions of Chapter 9 of the Texas Local Government Code and operating according to the enabling legislation of the State of Texas; and

WHEREAS, the Texas Local Governmental Code empowers the City to enact standards and regulations and provide for their administration, enforcement, and amendment; and

WHEREAS, the City Council has determined that establishing regulations related to Microtrenching within the City Right-of-Way will help encourage continued development of certain services within the City; and

WHEREAS, City staff presented to the City Council of the City of Buda certain proposed amendments to the Code of Ordinances related to Microtrenching Standards; and

WHEREAS, the City Council finds that notice of the consideration of the amendments to the Code of Ordinances was given as required by law; and

WHEREAS, the City Council finds all requirements of the City of Buda Code of Ordinances pertaining to amendments of the Code of Ordinances have been met; and

WHEREAS, the City Council finds certain amendments to the Code of Ordinances necessary to meet changing conditions and are in the best interest of the City; and

WHEREAS, the City of Buda deems it necessary to adopt such codes and regulations; and

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Buda held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2: Chapter 18 “Streets and Public Places”, Article 18.04 “RIGHT-OF-WAY MANAGEMENT”, Section 18.04.117 “Microtrenching” of the City of Buda, Texas Code of Ordinances is hereby added and adopted to read in accordance with **Exhibit “A”**, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

Section 3: The Microtrenching Standard Installation Detail shown in **Exhibit “B”**, which is attached hereto and incorporated into this Ordinance for all intents and purposes, is hereby adopted. The City shall reference the Microtrenching Standard Installation Detail when applicable, and such Microtrenching Standard Installation Detail shall be subject to amendment at the discretion of the Development Services Director and may be administratively approved and updated by the Development Services Director or the City Manager.

Section 4: Passage. Pursuant to Section 3.12 of the City Charter, the Council determined that the first reading of this Ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance was passed by the affirmative vote of four or more members of the City Council; therefore, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 5: Publication. The City Clerk is hereby directed to record and publish the attached rules, regulations, and policies in the City’s Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

Section 6: Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 7: Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.

Section 8: Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

Section 9: Proper Notice & Meeting. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

PASSED, APPROVED, AND ADOPTED on first and final reading by the City Council of the City of Buda, on this the 7th day of April, 2026.

THE CITY OF BUDA, TEXAS

Lee Urbanovsky, Mayor

ATTEST:

Alicia Ramirez, City Clerk

Exhibit "A"

ARTICLE 18.04 RIGHT-OF-WAY MANAGEMENT

Division 3 Use and Occupancy of Public Right-of-Way

(a) Definitions

"Microtrenching" shall mean a Construction Activity used to install underground broadband internet networks, involving the placement of conduits and fiber-optic cables in a shallow slot trench.

(b) Microtrenching Standards

(1) The Permit Holder shall microtrench based on the standards below and as shown on the adopted Microtrenching Standard Installation Detail.

1. Minimum Offset of Trench in Street from Face of Gutter – Zero (0) inches
2. Maximum Offset of Trench in Street from Face of Gutter – 36 inches
3. Number of Trenches Per Side of Street – Three (3) (each)
4. Maximum Width of Trench – Two and a half (2.5) inches
5. Minimum Depth of Trench in Residential/Collector Streets - Six (6) inches
6. Maximum Depth of Trench in Residential/Collector Streets – 16 inches
7. Minimum Depth of Trench in Arterial Streets – 10 inches
8. Maximum Depth of Trench in Arterial Streets – 16

inches

(2) Asphalt repair

1. First installed microtrench at face of gutter – Flowable backfill
2. Second installed microtrench at 18 inches from gutter – flowable fill, topped with two (2) inch thick asphalt pavement, 18" wide, centered over trench.
3. Third installed microtrench at 36 inches from gutter – flowable fill, topped with two (2) inch thick asphalt pavement, 18" wide, centered over trench.
4. Street crossings - flowable fill, topped with asphaltic sealer.

(3) Microtrenching is not permitted in the following areas unless approved in writing by the City

1. Concrete streets, driveways, sidewalks, curb and gutter, aprons, or other concrete structures.
2. Special pavements such as, decorative paving, bricks, concrete pavers, exposed aggregate
3. Concrete, stamped asphalt, or other unique non- concrete or non--asphalt materials.
4. Streets that are within their one year warranty post-construction
5. Crown of the street intersection

EXHIBIT B

Microtrenching Standard Installation Detail