

Ordinance No. 157

AN ORDINANCE OF THE CITY OF ANGUS, TEXAS AMENDING THE CODE OF ORDINANCES, CITY OF ANGUS, TEXAS, TO ADD CHAPTER 55, RAILROADS, SETTING FORTH RULES AND REGULATIONS FOR RAILROADS/RAILROAD CROSSINGS, PROVIDING A PENALTY FOR VIOLATIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Angus, Texas has determined that the City of Angus, Code of Ordinances be amended to add Chapter 55, Railroads, setting forth rules and regulations for Railroads/Railroad Crossings, providing an effective date and providing a penalty for violations; and

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGUS, TEXAS that Chapter 55, Railroads, be added to the City of Angus, Code of Ordinances to include the following Railroad/Railroad Crossing Regulations with procedures and penalties as outlined herein:

**Sec. 55. - 1 RAILROAD/RAILROAD CROSSING REGULATIONS**

All railroad tracks which cross public streets, avenues, or alleys within the City, as well as those which may hereafter be constructed, or which may hereafter become accessible for use by the public, shall be governed by the following regulations:

(1) It is hereby made the duty of all railroad companies and managers thereof, which own, control, or operate railroads, railroad lines and /or railroad tracks through the corporate limits of the City of Angus to provide, at intersections with public streets, crossings easy to access and suitable for the use of public street traffic. The crossings shall be constructed of a material consistent to the standards of construction of abutting streets.

(2) Where the City of Angus shall find any crossing to be in need of repair, or where the same is not suitable for the safe use of public street traffic, and in all instances where the City is undertaking a pavement project which runs over an across any railroad right-of-way, the City shall give written notice to such railroad company or to its local agent that street repairs are required, and shall specify the location and type of repairs to be made. It shall be the duty of the railroad company so notified to commence such repairs and public street improvements within sixty days after notice has been so given, and the failure so to do shall constitute a violation of this article, punishable as herein provided.

(3) It shall be the duty of each railroad company whose lines are constructed, or which may hereafter be constructed, so as to cross any public street, avenue or alley within the City, to maintain such crossing in good repair and condition, at its own expense, including that part of the public street which lies between the railroad tracks, and within the railway company's right-of-way; and such crossing shall be kept free of obstructions of every kind. All repairs and maintenance work shall be subject to the approval of the City of Angus.

(4) It shall be the duty of each railway company which owns, controls or operates a railroad line, train, and/or tracks through or within the City of Angus to provide necessary facilities sufficient and adequate to drain all excess water resulting from rains, or other weather conditions; and such railway company shall, at its own expense, furnish, construct and maintain all necessary culverts, ditches, sewer lines, or other drainage facilities that may be prescribed by the City of Angus. It shall be the duty of the railway company to rectify any

within sixty days after written notice thereof has been given such company by the City of Angus.

(5) It shall be the duty of each railway company which operates a line within or through the City of Angus to erect and maintain safety devices for the protection of public vehicles and pedestrians; such safety devices and the expenses of maintaining such safeguards and safe conditions shall be borne solely by such railway line.

(6) It shall be the duty of each railway company which operates a line within or through the City of Angus to erect and maintain in good condition proper and adequate lights at all streets and sidewalk crossings.

(7) If and when the City of Angus deems a crossing to be hazardous, or not properly lighted, or not sufficiently guarded by safety devices, the City shall so notify the railroad company, and such unsafe conditions shall be rectified by the installation of properly and sufficient safety devices and/or lights as may be necessary to safeguard the welfare of the public.

(8) It shall be the duty of the railroad company to keep and use flags on at all crossings within the City which are not sufficiently safeguarded by safety devices, when called upon to maintain such flagmen by the City of Angus.

(9) It shall be unlawful for any officer, agent or employee of any railway corporation to willfully obstruct for more than 10 minutes at any one time any street by permitting their train to stand on or across such crossing. (Texas §471.007. Obstructing Railroad Crossings. Offense)

**Sec. 55-2. - Penalties**

An offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$300. (Texas §471.007. Obstructing Railroad Crossings. Offense)

**Sec. 55-3. - Effective Date**

This ordinance shall take effect on Oct. 9, 2018.

PASSED AND APPROVED this 9th day of October, 2018.

Julie Hapkin  
Mayor

ATTEST:

Trina Jeffers  
City Secretary

Corsicana Daily Sun  
 405 E. Collin St  
 P.O. Box 622  
 Corsicana, Texas 75151-0622

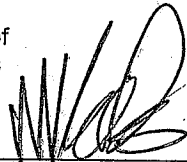
\*\*\*\*\*AFFIDAVIT\*\*\*\*\*

CITY OF ANGUS  
 6008 SOUTH 1-45 WEST  
 CORSICANA, TX 75110

| Date              | Quantity | Description   | Unit | Rate | Total  |
|-------------------|----------|---------------|------|------|--------|
| 11/27/2018        | 6.00     | ORDINANCE 160 |      | 9.94 | 59.64  |
| 11/27/2018        | 6.00     | ORDINANCE 159 |      | 9.94 | 59.64  |
| 11/27/2018        | 6.00     | ORDINANCE 154 |      | 9.94 | 59.64  |
| 11/27/18          | 6.00     | ORDINANCE 157 |      | 9.94 | 59.64  |
| 11/27/18          | 6.00     | ORDINANCE 158 |      | 9.94 | 59.64  |
| 11/29/18          | 6.00     | ORDINANCE 160 |      | 9.94 | 59.64  |
| 11/29/18          | 6.00     | ORDINANCE 159 |      | 9.94 | 59.64  |
| 11/29/2018        | 6.00     | ORDINANCE 154 |      | 9.94 | 59.64  |
| COUNTY OF NAVARRO |          |               |      |      | 477.12 |

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL KORMOS, says he is the MANAGING EDITOR of the CORSICANA DAILY SUN, a daily newspaper having general circulation in said county and state and that the notice, a copy of which is hereto attached, was published in said newspaper on the dates listed above.

MICHAEL KORMOS



MICHAEL KORMOS

SUBSCRIBED AND SWORN TO BEFORE ME, this the

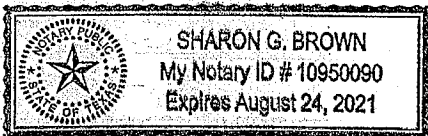
7TH

DAY OF DECEMBER 2018



SHARON G. BROWN

Notary Public in and for the State of Texas



SHARON G. BROWN  
 Notary Public