

1 Introduced by Council Member Gay:
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4 **ORDINANCE 2024-950**

5 AN ORDINANCE AMENDING SECTION 744.110 (STREET
6 EXCAVATIONS; WORK IN RIGHTS-OF-WAY; PERMIT;
7 VIOLATIONS, CIVIL PENALTIES, ENFORCEMENT AND
8 ABATEMENT), CHAPTER 744 (STREET CONSTRUCTION
9 REGULATIONS), *ORDINANCE CODE*, TO CLARIFY
10 SURETY REQUIREMENTS AND AMOUNTS DEPENDING ON
11 THE TYPE OF WORK BEING PERFORMED IN THE CITY'S
12 RIGHTS-OF-WAY, TO CLARIFY THE REQUIREMENTS FOR
13 DRIVEWAY IMPROVEMENTS IN THE CITY'S RIGHTS-OF-
14 WAY AND TO REQUIRE COMMUNITY OUTREACH AND
15 NOTIFICATION FOR CERTAIN PROJECTS OCCURRING IN
16 THE CITY'S RIGHTS-OF-WAY AND TO REQUIRE A
17 CONSTRUCTION, ENGINEERING AND INSPECTION
18 INSPECTOR FOR CERTAIN PROJECTS; PROVIDING FOR
19 CODIFICATION INSTRUCTIONS; PROVIDING AN
20 EFFECTIVE DATE.

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22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

23 **Section 1. Amending Section 744.110 (Street Excavations;**
24 **Work in Rights-of-Way; Permit; Violations, Civil Penalties,**
25 **Enforcement and Abatement), Chapter 744 (Street Construction**
26 **Regulations), *Ordinance Code*, is hereby amended to read as follows:**

27 **CHAPTER 744 - STREET CONSTRUCTION REGULATIONS**

28 * * *

29 **Sec. 744.110. - Street excavations; work in rights-of-way;**
30 **permit; violations, civil penalties, enforcement and abatement.**

31 * * *

1 (c) (1) For work conducted in the right-of-way that is
2 associated with the installation, maintenance or repair
3 of a driveway for a residential structure, which is less
4 than 1,000 linear feet in scope, or is not part of
5 proposed off-site improvement associated with approved
6 development, the applicant shall meet the following
7 requirements for surety. The applicant for a permit
8 required by this Section shall, at the time of applying
9 for a permit, file or have on file with the Director of
10 Public Works ~~an annual surety bond, or shall provide~~
11 ~~either: (1) a cash deposit, or (2) an unconditional and~~
12 ~~irrevocable letter of credit, which shall be effective~~
13 ~~for one year in the penal sum of \$5,000~~ \$10,000 in a form
14 approved by the Office of General Counsel, so as to
15 insure prompt payment of loss, damage, cost and expense
16 that may be incurred by the City or an adjoining property
17 owner in connection with the work, ~~including cost of~~
18 ~~erecting and maintaining warning signals, barricades or~~
19 ~~other preventive measures to eliminate safety hazards and~~
20 ~~maintain traffic flow, by reason of~~ due to the failure of
21 the applicant to restore or repair damage to a public
22 road, public right-of-way or public easement of the City
23 or the failure of the applicant to comply with this
24 Section and the conditions of the permit. ~~The allowable~~
25 ~~forms of security are outlined further in~~
26 ~~subsection 654.110(d), Ordinance Code.~~
27 ~~When the request is made for acceptance of the required~~
28 ~~improvements, the applicant shall provide security to the~~
29 ~~City, in one of the forms stated above, guaranteeing and~~
30 ~~warranting the workmanship and materials for a period of~~
31 ~~one year from the date of completion of all work~~

1 ~~performed pursuant to the permit.~~

- 2 (2) For any other work conducted in the right-of-way, ~~which~~
3 ~~is 1,000 linear feet or greater in scope, or is part of~~
4 ~~proposed off-site improvement associated with approved~~
5 ~~development,~~ the applicant shall meet the following
6 requirements for surety. The applicant for a permit
7 required by this Section shall, at the time of applying
8 for a permit, file or have on file with the Director of
9 Public Works an annual surety bond, ~~or either: (1) a~~
10 ~~cash deposit, or (2) an unconditional and irrevocable~~
11 letter of credit, which shall be effective for one
12 year, in the amount equal to 100 percent of the
13 estimated total cost of the required improvements or
14 \$10,000, whichever is more, as provided by the
15 developer's State of Florida licensed engineer and
16 approved by the Director. The surety bond and/or the
17 letter of credit shall be in a form approved by the
18 Office of General Counsel, so as to insure prompt
19 payment of loss, damage, cost and expense that may be
20 incurred by the City or an adjoining property owner in
21 connection with the work, including cost of erecting
22 and maintaining warning signals, barricades or other
23 preventive measures to eliminate safety hazards and
24 maintain traffic flow, by reason of the failure of the
25 applicant to restore or repair damage to a public road,
26 right-of-way or easement of the City or the failure of
27 the applicant to comply with this Section and the
28 conditions of the permit. The surety bond shall be
29 enforceable by and payable to the City. During the
30 process of construction, the Director may reduce the
31 dollar amount of the bond, ~~allow draws from the cash~~

1 ~~deposit~~, and allow reduction of the penal amount of the
2 letter of credit on the basis of work completed, but in
3 no case shall the reductions allowed provide for less
4 than 15 percent of the total estimated cost of the
5 improvement as security for the City.

6 When the request is made for acceptance of the required
7 improvements, the applicant shall provide security to
8 the City in the amount equal to 15 percent of the
9 actual total cost of the improvements, in a form
10 approved by the Office of General Counsel, guaranteeing
11 and warranting the workmanship and materials for a
12 period of one year from the date of completion of all
13 work performed pursuant to the permit. The allowable
14 forms of security are outlined further in
15 subsection 654.110(d), Ordinance Code, and shall be
16 enforceable by and payable to the City.

17 (3) For any project proposed to be conducted in the right-
18 of-way where the proposed project area abuts only one
19 property, the applicant must provide notice to the
20 abutting property owner no less than ten (10) working
21 days prior to the work commencing unless the work is
22 conducted on an emergency basis and prior notification
23 is not feasible. For any project that is proposed to
24 be conducted in the right-of-way where the proposed
25 project area abuts more than one property, the
26 applicant must provide community outreach and notice
27 to all properties within 350 feet of the proposed
28 project area. Notice of the work shall be given at
29 least ten (10) working days prior to work commencing
30 unless the work is conducted on an emergency basis and
31 prior notification is not feasible. The community

1 outreach notice must include: i) contact information
2 for the applicant, including an after-hours emergency
3 contact; ii) the dates when the work will commence and
4 the estimated completion date; iii) the work schedule,
5 including the hours when construction will occur and
6 whether the work will be conducted on weekends; iv)
7 the purpose of the project; v) construction
8 conditions, including lane closures, blocking of any
9 driveways, or traffic impacts; vi) a map of the
10 project work area and areas that may be affected, and
11 vii) a list and expected duration of any possible
12 utility disruptions. The proposed community outreach
13 notice shall be submitted with the permit application
14 to the Director of Public Works or their designee for
15 review and approval.

16 (4) *Construction, Engineering and Inspection (CEI)*
17 *requirements. Except for work done exclusively to*
18 *benefit a single abutting residential property, any*
19 *individual, firm, or company performing work in the*
20 *City's right-of-way pursuant to a permit issued under*
21 *this Chapter shall retain a CEI inspector to oversee*
22 *the project. Additionally, a CEI inspector shall be*
23 *required for any work done on private property if it*
24 *is the intent of the project to turn over maintenance*
25 *responsibilities to the City. The CEI inspector shall*
26 *serve as the City's representative on the project and*
27 *shall faithfully represent the City's interest in all*
28 *matters, with special emphasis given to issues*
29 *involving public safety, quality, timely completion of*
30 *the work, appropriate restoration of the right-of-way*
31 *to City standards and financial responsibility. If*

1 deficiencies are noted by the CEI inspector, remedial
2 actions must be immediately performed. Appeals of the
3 CEI inspector's determination regarding deficiencies
4 or remedial actions may be made to the Public Works
5 Director or his or her designee. The CEI inspector
6 shall exercise independent professional judgment in
7 performing its obligations and responsibilities under
8 this section and shall make periodic independent
9 reports to the City's Chief of Development Services
10 regarding the status of the project. The applicant
11 shall select a CEI inspector from a list maintained by
12 the Department of Public Works. Until Public Works
13 develops this list, applicants shall select, and the
14 Public Works Director must approve, a CEI inspector or
15 firm that is trained and certified to provide CEI
16 services through the Florida Department of
17 Transportation's Construction Training and
18 Qualification Program, the American Concrete Institute
19 or a similar organization for the type of work
20 proposed in the application. The Department of Public
21 Works may develop a policy or procedures to assist in
22 implementing the requirements of this subsection.

23 * * *

24 **Section 2. Codification Instructions.** The Codifier and
25 the Office of General Counsel are authorized to make all chapter
26 and division "tables of contents" consistent with the changes set
27 forth herein. Such editorial changes and any others necessary to
28 make the Ordinance Code consistent with the intent of this
29 legislation are approved and directed herein, and changes to the
30 Ordinance Code shall be made forthwith and when inconsistencies are
31 discovered.

1 **Section 3. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

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5 Form Approved:

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7 /s/ Jason R. Teal

8 Office of General Counsel

9 Legislation Prepared By: Erin Mason

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