

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2024-950

Introducer/Sponsor(s): Council Member Gay

Date of Introduction: November 26, 2024

Committee(s) of Reference: NCSPHS, R, TEU

Date of Analysis: November 27, 2024

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 744 – Street Construction Regulations – to clarify surety bond requirements and amounts for work being performed in City rights-of-way. It adds language to require community outreach and notification to property owners of upcoming projects and requires a construction, engineering and inspection inspector for certain types of projects.

Background Information: Language is added providing that a project associated with the installation, maintenance or repair of a driveway for a residential structure can be performed with an unconditional and irrevocable letter of credit (removing the options for an annual surety bond or a cash deposit) for \$10,000 (up from the current \$5,000), with the cost of providing barricades, signals and other project safety features excluded from the covered cost. For projects other than a residential driveway, either an annual surety bond or an unconditional and irrevocable letter of credit in the amount equal to 100 percent of the estimated total cost of the required improvements or \$10,000, whichever is more, will be required.

The notification process for a right-of-way project adjacent to a single property would require 10 working days' notice only to the abutting property owner before commencement of the work, except in the case of an emergency where prior notice is not feasible. For projects affecting more than one property owner, the applicant must provide community outreach and notice to all properties within 350 feet of the proposed project area which shall be given at least 10 working days prior to work commencing, except in the case of an emergency. Community outreach is defined to include: i) contact information for the applicant, including an after-hours emergency contact; ii) the dates when the work will commence and the estimated completion date; iii) the work schedule, including the hours when construction will occur and whether the work will be conducted on weekends; iv) the purpose of the project; v) construction conditions, including lane closures, blocking of any driveways, or traffic impacts; vi) a map of the project work area and areas that may be affected, and vii) a list and expected duration of any possible utility disruptions. The proposed community outreach notice shall be submitted with the permit application to the Director of Public Works or their designee for review and approval.

A new requirement is created to mandate that, except for work done exclusively to benefit a single abutting residential property, any individual, firm, or company performing work in the City's right-of-way pursuant to a permit issued under the chapter shall retain a Construction, Engineering and Inspection (CEI) inspector to oversee the project. Additionally, a CEI inspector shall be required for any work done on private property if it is the intent of the project to turn over maintenance responsibilities to the City. That CEI inspector shall serve as the City's representative on the project and shall faithfully represent the City's interest in all matters, with special emphasis given to issues involving public safety, quality, timely completion of the work, appropriate restoration of the right-of-way to City standards and financial responsibility. The CEI inspector shall make periodic reports to the

City's Chief of Development Services regarding the status of the project. CEI inspectors shall be selected from a list of qualified personnel maintained by the Department of Public Works.

Policy Impact Area: Regulation of projects in City rights-of-way

Fiscal Impact: Undetermined costs for new notification procedures and for hiring of CEI inspectors

Analyst: Clements