

1 Introduced by Council Member Gay and substituted by the Rules
2 Committee:

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5 **ORDINANCE 2024-950-E**

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

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

19 **Section 1. Amending Section 744.110 (Street excavations;**
20 **work in rights-of-way; permit; violations, civil penalties,**
21 **enforcement and abatement), Chapter 744 (Street Construction**
22 **Regulations), *Ordinance Code*.** Section 744.110 (Street excavations;
23 work in rights-of-way; permit; violations, civil penalties,
24 enforcement and abatement), Chapter 744 (Street Construction
25 Regulations), *Ordinance Code*, is hereby amended to read as follows:

26 **CHAPTER 744 - STREET CONSTRUCTION REGULATIONS**

27 * * *

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

30 * * *

31 (c) (1) For work conducted in the right-of-way that is associated

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

1 ~~warranting the workmanship and materials for a period of~~
2 ~~one year from the date of completion of all work performed~~
3 ~~pursuant to the permit.~~

- 4 (2) For any other work conducted in the right-of-way, ~~which is~~
5 ~~1,000 linear feet or greater in scope, or is part of~~
6 ~~proposed off site improvement associated with approved~~
7 ~~development,~~ the applicant shall meet the following
8 requirements for surety. The applicant for a permit
9 required by this Section shall, at the time of applying
10 for a permit, file or have on file with the Director of
11 Public Works an annual surety bond, ~~or either: (1) a cash~~
12 ~~deposit,~~ or ~~(2) an unconditional and irrevocable letter of~~
13 credit, which shall be effective for one year, in the
14 amount of \$50,000 ~~equal to 100 percent of the estimated~~
15 ~~total cost of the required improvements, as provided by~~
16 ~~the developer's State of Florida licensed engineer and~~
17 ~~approved by the Director.~~ The surety bond and the letter
18 of credit shall be in a form approved by the Office of
19 General Counsel, so as to insure prompt payment of loss,
20 damage, cost and expense that may be incurred by the City
21 or an adjoining property owner in connection with the work,
22 including cost of erecting and maintaining warning signals,
23 barricades or other preventive measures to eliminate safety
24 hazards and maintain traffic flow, by reason of the failure
25 of the applicant to restore or repair damage to a public
26 road, right-of-way or easement of the City or the failure
27 of 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. In the event the
30 City draws upon the surety bond or letter of credit
31 required pursuant to this subsection, the applicant shall

1 be required to replenish the bond or letter of credit (as
2 applicable) to the full amount of \$50,000 immediately upon
3 notice from the City. ~~During the process of construction,~~
4 ~~the Director may reduce the dollar amount of the bond,~~
5 ~~allow draws from the cash deposit, and allow reduction of~~
6 ~~the penal amount of the letter of credit on the basis of~~
7 ~~work completed, but in no case shall the reductions allowed~~
8 ~~provide for less than 15 percent of the total estimated~~
9 ~~cost of the improvement as security for the City.~~

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

- 20 (3) For any project proposed to be conducted in the right-of-
21 way where the proposed project area abuts only one property
22 and the estimated time of construction is more than two
23 (2) days, the applicant must provide notice to the abutting
24 property owner no less than five (5) days prior to the work
25 commencing unless the work is conducted on an emergency
26 basis and prior notification is not feasible. For any
27 project that is proposed to be conducted in the
28 right-of-way where the proposed project area abuts more
29 than one property and the estimated time of construction
30 is more than two (2) days, the applicant must provide
31 community outreach and notice to all properties within 350

1 feet of the proposed project area. Notice of the work shall
2 be given at least five (5) days prior to work commencing
3 unless the work is conducted on an emergency basis and
4 prior notification is not feasible. The community outreach
5 notice must include: i) contact information for the
6 applicant, including an after-hours emergency contact; ii)
7 the purpose of the project; iii) a description of the
8 project work area and areas that may be affected; and iv)
9 a list and expected duration of any possible utility
10 disruptions. The proposed community outreach notice shall
11 be submitted with the permit application to the Director
12 of Public Works or their designee for review and approval.
13 Providers of communication services shall be exempt from
14 this subsection (3)(c) requirement pursuant to Section
15 337.401, Florida Statutes.

16 (4) An applicant for a permit must provide three points of
17 contact for each project: (1) the project lead, (2) the
18 chief engineer or a senior employee of the company
19 overseeing the project, and (3) the government or external
20 affairs (or equivalent position) contact of the company.

21 (5) The requirements of this subsection (c) shall not be
22 applicable to the City or any independent agency of the
23 City so long as the agency has policies and practices in
24 place which fulfill the requirements of this subsection.

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

1 shall be made forthwith and when inconsistencies are discovered.

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

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6 Form Approved:

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8 /s/ Mary E. Staffopoulos

9 Office of General Counsel

10 Legislation Prepared By: Mary E. Staffopoulos

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