

1 The Rules Committee offers the following Substitute to File No.
2 2024-950:

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4 Introduced by Council Member Gay:

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7 **ORDINANCE 2024-950**

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

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

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

28 **CHAPTER 744 - STREET CONSTRUCTION REGULATIONS**

29 * * *

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

* * *

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

~~When the request is made for acceptance of the required~~

1 ~~improvements, the applicant shall provide security to the~~
2 ~~City, in one of the forms stated above, guaranteeing and~~
3 ~~warranting the workmanship and materials for a period of~~
4 ~~one year from the date of completion of all work performed~~
5 ~~pursuant to the permit.~~

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

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

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

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

1 than two (2) days, the applicant must provide community
2 outreach and notice to all properties within 350 feet of
3 the proposed project area. Notice of the work shall be
4 given at least five (5) days prior to work commencing
5 unless the work is conducted on an emergency basis and
6 prior notification is not feasible. The community outreach
7 notice must include: i) contact information for the
8 applicant, including an after-hours emergency contact; ii)
9 the purpose of the project; iii) a description of the
10 project work area and areas that may be affected; and iv)
11 a list and expected duration of any possible utility
12 disruptions. The proposed community outreach notice shall
13 be submitted with the permit application to the Director
14 of Public Works or their designee for review and approval.
15 Providers of communication services shall be exempt from
16 this subsection (3)(c) requirement pursuant to Section
17 337.401, Florida Statutes.

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

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

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28 **Section 2. Codification Instructions.** The Codifier and the
29 Office of General Counsel are authorized to make all chapter and
30 division "tables of contents" consistent with the changes set forth
31 herein. Such editorial changes and any other changes necessary to

1 make the Ordinance Code consistent with the intent of this legislation
2 are approved and directed herein, and changes to the Ordinance Code
3 shall be made forthwith and when inconsistencies are discovered.

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

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8 Form Approved:

9
10 /s/ Mary E. Staffopoulos

11 Office of General Counsel

12 Legislation Prepared By: Mary E. Staffopoulos

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