

1 The Neighborhoods, Community Services, Public Health and Safety
2 Committee offers the following Substitute to File No. 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.~~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 improvements, the applicant shall provide security to the City, in one of the forms stated above, guaranteeing and warranting the workmanship and materials for a period of one year from the date of completion of all work performed~~

1 ~~pursuant to the permit.~~

- 2 (2) For any other work conducted in the right-of-way, ~~which is~~
3 ~~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 cash~~
10 ~~deposit, or (2) an unconditional and irrevocable letter of~~
11 credit, which shall be effective for one year, in the
12 amount of \$50,000 ~~equal to 100 percent of the estimated~~
13 ~~total cost of the required improvements, as provided by~~
14 ~~the developer's State of Florida licensed engineer and~~
15 ~~approved by the Director.~~ The surety bond or ~~and~~ the letter
16 of credit shall be in a form approved by the Office of
17 General Counsel, so as to insure prompt payment of loss,
18 damage, cost and expense that may be incurred by the City
19 or an adjoining property owner in connection with the work,
20 including cost of erecting and maintaining warning signals,
21 barricades or other preventive measures to eliminate safety
22 hazards and maintain traffic flow, by reason of the failure
23 of the applicant to restore or repair damage to a public
24 road, right-of-way or easement of the City or the failure
25 of the applicant to comply with this Section and the
26 conditions of the permit. The surety bond shall be
27 enforceable by and payable to the City. ~~During the process~~
28 ~~of construction, the Director may reduce the dollar amount~~
29 ~~of the bond, allow draws from the cash deposit, and allow~~
30 ~~reduction of the penal amount of the letter of credit on~~
31 ~~the basis of work completed, but in no case shall the~~

1 ~~reductions allowed provide for less than 15 percent of the~~
2 ~~total estimated cost of the improvement as security for~~
3 ~~the City.~~

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

14 (3) For any project proposed to be conducted in the right-of-
15 way where the proposed project area abuts only one property
16 and the estimated time of construction is more than two
17 (2) days, the applicant must provide notice to the abutting
18 property owner no less than five (5) days prior to the work
19 commencing unless the work is conducted on an emergency
20 basis and prior notification is not feasible. For any
21 project that is proposed to be conducted in the right-of-
22 way where the proposed project area abuts more than one
23 property and the estimated time of construction is more
24 than two (2) days, the applicant must provide community
25 outreach and notice to all properties within 350 feet of
26 the proposed project area. Notice of the work shall be
27 given at least five (5) days prior to work commencing
28 unless the work is conducted on an emergency basis and
29 prior notification is not feasible. The community outreach
30 notice must include: i) contact information for the
31 applicant, including an after-hours emergency contact; ii)

1 the purpose of the project; iii) a description of the
2 project work area and areas that may be affected; and iv)
3 a list and expected duration of any possible utility
4 disruptions. The proposed community outreach notice shall
5 be submitted with the permit application to the Director
6 of Public Works or their designee for review and approval.
7 Providers of communication services shall be exempt from
8 this subsection (3)(c) requirement pursuant to Section
9 337.401, Florida Statutes.

10 (4) An applicant for a permit must provide three points of
11 contact for each project: (1) the project lead, (2) the
12 chief engineer or a senior employee of the company
13 overseeing the project, and (3) the government or external
14 affairs (or equivalent position) contact of the company.

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

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

27 **Section 3. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.
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1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Mary E. Staffopoulos

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