

Requested by: Building Department
Prepared by: City Clerk's Office

ORDINANCE NO. 2013-26

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 62, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III, DRIVEWAYS AND CURB CUTS, SECTION 62-62, RIGHT-OF-WAY USE AUTHORIZATION; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the building department has determined that a revision of the code is required to better ensure the timely completion of construction projects in the city's right-of-ways; and

WHEREAS, the city council finds that the proposed revisions are in the best interest of the health, safety, and welfare of the citizens of the City of Venice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 62, Streets, Sidewalks and Other Public Places, Article III, Driveways and Curb Cuts, is hereby amended as follows:

Sec. 62-62. Right-of-way use authorization.

In addition to any applicable building permit, a A right-of-way use authorization shall be obtained from the city engineer or his designee prior to initiating the installation of any improvements or conducting any construction activities within the city right-of-way (ROW). A site plan, description of the proposed work, completed ROW use authorization application, and applicable fee shall be submitted to the city engineer for review and approval. A performance and payment bond in the form of a letter of credit, cash bond or surety bond, equal to 125% of the contract amount for the improvement to be built within the ROW may be required of the owner of the property making the request as a condition of the permit. If required, the bond shall be in favor of the city, to be drawn upon for failure to comply with the permit conditions and in a form approved by the city's finance director. ~~Any building encroachment over the ROW or permanent use of the ROW will require city manager approval.~~ Any improvement placed within a city ROW, easement, or other public property that does not meet ~~the requirements of the city standards~~ details will require approval of the city engineer, an approved ROW use authorization, and license agreement. Improvements placed within a city

The City of Venice Code of Ordinances is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

ROW, easement or other public property that meet the requirements of the city standards ~~details~~ may be required to execute a license agreement by the city engineer based on the specific use. The license agreement shall require approval by the city ~~engineer~~ manager or his designee and signature by the mayor. The executed license agreement shall be recorded with the county clerk of court and shall run with the land until such time as the agreement is terminated in accordance with its license terms. Installation of pavers within the ROW or easement shall require construction in accordance with the city paver installation guidelines and a license agreement. The license agreement and paver installation guidelines are incorporated by reference as part of this article and are on file in the city clerk's office. Any removal, replacement, maintenance, or restoration costs associated with improvements authorized to be installed in the ROW shall be the sole responsibility of the persons entitled to the possession of adjoining property unless improvements are accepted by city council through formal turnover procedures. Failure of the adjoining property owner or contractor to remove, replace, maintain, or restore improvements or complete the work within the time allowed under the permit authorized within the ROW may result in a code enforcement ~~penalty and/or charges~~ action, calling any applicable bond, proceeding in any court of competent jurisdiction or any combination thereof. ~~from the city to complete the required work.~~ The city shall be indemnified against any and all liabilities, losses, claims demands, damages, or causes of action that may arise or be made against the city by reason of or in any way related to or arising from the construction of improvements in the city ROW, easements, or other public property unless improvements are accepted by city council through formal turn-over procedures. Upon completion of the approved activity, the applicant shall certify in writing to the city engineer that all authorized work within the ROW has been completed in accordance with the approved plans and that the work site and all other affected property has been restored to existing or better condition than existed prior to construction activity. Final inspections of the site by the engineering and building departments ~~are~~ is required upon completion of approved activity. A minimum of 24 hours notice shall be provided to the ~~engineering~~ departments to schedule final inspections.

SECTION 3. To the extent of any conflict between the provisions of this ordinance, and any other ordinance, resolution, or agreement of the city, the provisions of this ordinance shall prevail.

SECTION 4. Severability. If for any reason a provision of this ordinance or the application thereof to any person, group or persons, or circumstances are held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the ordinance are severable.

SECTION 5. Effective date. This ordinance shall take effect immediately upon its adoption, as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 13TH DAY OF AUGUST, 2013.

First Reading: July 23, 2013

Final Reading: August 13, 2013

Adoption: August 13, 2013

John W. Holic, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

(SEAL)

Approved as to form:

City Attorney David Persson

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