

ORDINANCE 2005 - 22

AN ORDINANCE AMENDING ORDINANCE 97-14, REGULATING AND PROVIDING FOR PERMITS FOR THE UTILIZATION OF COUNTY RIGHTS-OF-WAY; SPECIFICALLY AMENDING SECTION 4, PROHIBITED ACTS; SECTION 5, USES FOR WHICH PERMITS SHALL NOT BE ISSUED; SECTION 6, PERMITTED USES; SECTION 7, PERMIT PROCEDURES; SECTION 8, APPEAL PROCESS; and SECTION 10, PENALTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to amend Ordinance 97-14.

NOW, THEREFORE, BE IT ORDAINED this 11th day of April, 2005, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 97-14 is hereby amended as follows:

1. SECTION 4. Prohibited Acts.

Any utilization of the rights-of-way or appendages thereof whether above ground or underground is prohibited without obtaining a permit from the ~~Director of Public Works~~ Engineering Services Director or his designee for items for which a permit may be granted.

2. SECTION 5. Uses For Which Permits Shall Not Be Issued.

1. Commercial Use - Prohibited commercial use includes, but is not limited to, the sale or display of any merchandise servicing or repair of vehicles, except the rendering of emergency service, the storage or parking of

vehicles, except in emergencies or special events, and the display of advertising of any sort. Commercial use shall not include any utilization by public authorities or County road crews.

2. Recreational Use - Those uses include camping, sleeping, parking of a vehicle except for emergencies or special events, and any other use that obstructs traffic or poses a safety problem as determined by the ~~Director of Public Works~~ Engineering Services Director.

3. SECTION 6. Permitted Uses.

1. The following uses shall be permitted pursuant to the requirements of this Ordinance:

- a. Parking for special events
- b. Installation of driveways or drainage structures
- c. Utility lines either above grade or below ground
- d. Water and sewer lines.
- e. Roadway improvements.

4. SECTION 7. Permit Procedures.

The ~~Director of Public Works~~ Engineering Services Director or his designee shall issue permits for uses in Section Six (6) of this Ordinance based upon the following:

1. Requests for special events parking should be submitted a minimum of forty-five (45) days prior to the special event. The ~~Director of Public Works~~ Engineering Services Director may approve a specific permit. The application and permit forms shall be approved by the Board of County Commissioners. Applications for permits shall be submitted a minimum of forty-five (45) days prior to the special event.

2. An application for a right-of-way permit should be submitted to and approved by the ~~Director of Public Works~~ Engineering Services Director or his designee prior to commencement of any planned construction activities within the County right-of-way. Construction activities include, but are not limited to: utility installation; driveway connection; sidewalks, drainage alterations; roadway improvements; or any drainage structures.

a. The application for right-of-way permit should be submitted at least two (2) weeks prior to the particular construction activity.

b. Any fee applicable for right-of-way permits shall be approved by separate resolution by the Board of County Commissioners based upon the recommendation of the ~~Director of Public Works~~ Engineering Services Director.

3. Utility line permits for above ground or below ground utilization shall be submitted to the ~~Director of Public Works~~ Engineering Services Director or his designee at least thirty (30) days prior to the expected construction of the utility lines.

a. The permit utilized for utility lines shall be a license, and the license shall provide the following:

(1) To require the licensee to repair any damage or injury to the road or highway by reason of the exercise of the privileges granted in any instrument creating such license and to repair the road or highway promptly, restoring it to a condition ~~at least equal to that which existed immediately prior to the infliction of such damage or injury~~ as required by Ordinance 99-17, as amended;

(2) Whereby the licensee shall hold the Board of County Commissioners and members thereof harmless from the payment of any compensation or damages resulting from the exercise of the privileges granted in any instrument creating the license;

(3) As may be reasonably necessary, for the protection of the County and the public;

(4) In the event of widening, repair or reconstruction of any such road, the licensee shall move or

remove such water, sewer, gas, power, telephone, or any other utility lines and television lines at no cost to the County.

4. Applications for water and sewer line permits shall be the same as those for utility lines. In addition, the applicant for a water and sewer line permit, at the time of submitting for the application, shall provide the County with their five-year master distribution plan.

5. Applicants for water and sewer lines and utility lines shall indicate the service area on a map indicating future buildout areas.

6. SECTION 8. Appeal Process.

Any individual or entity whose application is denied by the ~~Director of Public Works~~ Engineering Services Director or his designee may appeal said decision to the Board of County Commissioners within thirty (30) days of the date of denial. The appeal will be filed with the Clerk of the Court within said thirty (30) day period.

7. SECTION 9. Effective Date.

This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

8. SECTION 10. Penalty.

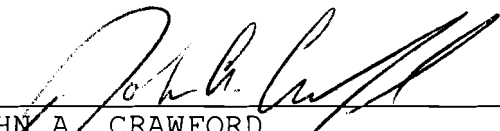
It is unlawful for any person to violate this Ordinance. A violation of any section of this Ordinance

shall subject the violator to a penalty, upon conviction,
of up to \$500 and/or ~~thirty~~ sixty (60) days in the County
Jail.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

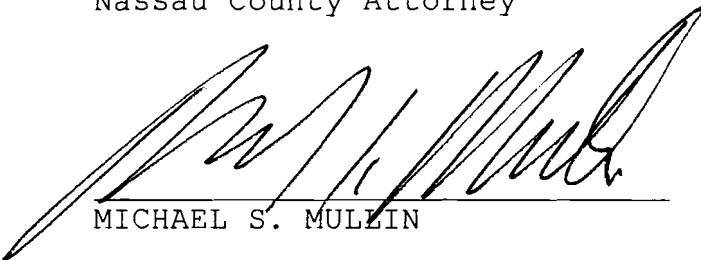

~~ANSLEY N. ACREE~~ THOMAS D. BRANAN, JR.
Its: ~~Chairman~~ Vice Chairman

ATTEST:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

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