

ORDINANCE NO. 97-14

AN ORDINANCE THAT REGULATES AND PROVIDES FOR PERMITS FOR THE UTILIZATION OF COUNTY RIGHTS-OF-WAY; PROVIDING A PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the health, safety, and welfare of its citizens to control county rights-of-way; and

WHEREAS, the Board of County Commissioners finds that control and regulation of the rights-of-way is necessary for proper planning; and

WHEREAS, the Board of County Commissioners finds that it is necessary to grant permits for specific utilization of county rights-of-way.

NOW, THEREFORE, BE IT ORDAINED this 9th day of June, 1997, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. Title.

This ordinance shall be known as the County Right-of-Way Ordinance.

SECTION 2. Purpose.

The Board of County Commissioners finds that it is in the best interest of the health, safety and welfare of its citizens that the use of county rights-of-way be controlled and regulated and further that for purposes of land use regulation it is in the best interest to regulate and control the utilization of rights-of-way.

SECTION 3. Rights-of-Way.

Right-of-way is any county right-of-way in the incorporated or unincorporated areas of Nassau County, including any appendages thereof.

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 or his designee for items for which a permit may be granted.

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.

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

SECTION 7. Permit Procedures.

The Director of Public Works 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 at a minimum of forty five (45) days prior to the special event. The Director of Public Works 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 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; or any drainage structures.

a. The application for right of way permit should be submitted at least two 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.

3. Utility line permits for above ground or below ground utilization shall be submitted to the Director of Public Works 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;

(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, sewage, gas, power, telephone, and 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.

SECTION 8. Appeal Process.

Any individual or entity whose application is denied by the Director of Public Works 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 Court within said thirty (30) day period.

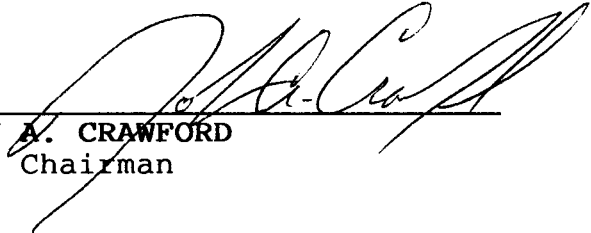
SECTION 9. Effective Date.

This Ordinance shall become effective as of July 1, 1997.

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 days in the county Jail.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



JOHN A. CRAWFORD
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN