

ORDINANCE NO 03-10

AN ORDINANCE OF THE CITY OF AVON PARK, FLORIDA, PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; PROVIDING FOR REGULATION OF USE OF CITY RIGHTS OF WAY (ROW) BY OTHERS INCLUDING PERMITTING, FEES, CONDITIONS OF PERMIT ISSUANCE, INSPECTIONS, MAINTENANCE OF TRAFFIC, RESTORATION OF ROW AND ADJACENT AREAS, STANDARDS FOR SAFETY AND WORK IN ROW, LOCATION OF UTILITIES IN ROW; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA:

Section 1. DEFINITIONS AND ABBREVIATIONS

Section 1.1 Purpose.

The purpose of this section is to define the words, terms and phrases used to express the standards and procedures established in these regulations.

Section 1.2 Context.

The following words, terms and phrases shall have the meanings as ascribed to them herein. Where the contextual indication of any word, term or phrase herein defined clearly connotes a different meaning, the contextual connotation shall be applied.

- A. **Gender.** Words used in the feminine shall include the masculine gender and words in the masculine shall include the feminine.
- B. **Number.** Words used in the singular shall include the plural and words used in the plural shall include the singular.
- C. **Tense.** Words used in the present tense shall include the future tense and past tense.
- D. The word **shall** is mandatory. The word **may** is permissive.

Section 1.3 Codes.

All definitions found in and inclusive to construction codes adopted by the CITY, such as the Standard Building Code, Electrical Code, Fire Prevention Code, Gas Code, Mechanical Code,

Plumbing Code and other Codes governing construction standards are here included in this article by reference.

Section 1.4 Abbreviations.

As used in this Code, certain abbreviations shall be taken to mean:

1	AADT: Annual Average Daily Traffic
2	AASHTO: American Association of State Highway and Transportation Officials
3	ACOE: United States Army Corps of Engineers
4	Reserved
5	ADT: Average Daily Trips
6	Reserved
7	ASTM: American Society for Testing and Materials
8	BCC: Board of County Commissioners
9	Reserved
10	BOA: Highlands County Board of Adjustment
11	Board: The Board of County Commissioners of Highlands County
12	CAA: Certificate of Archaeological Appropriateness
13	Reserved
14	CERCLA: Comprehensive Environmental Response Compensation Liability Act
15	CFRPC: Central Florida Regional Planning Council
16	CHA: Certificate of Historical Appropriateness
17	CIE: Capital Improvements Element
18	CITY: The City of Avon Park
19	COUNCIL: City Council of Avon Park
20--22 Reserved	
23	CRW: Concurrency review workgroup
24	Reserved
25	DOT: See FDOT
26	Reserved
27	DRI(s): Development(s) of Regional Impact
28	ECR: Environmental Clearance Report
29--31 Reserved	
32	FAA: Federal Aviation Administration
33	FAR: Floor Area Ratio
34	FCC: Federal Communication Commission
35	Reserved
36	FDEP: Florida Department of Environmental Protection
37	FDOT: Florida Department of Transportation
38, 39 Reserved	
40	FEMA: Federal Emergency Management Agency
41	FHWA: Federal Highway Administration
42	FIRM: Flood Insurance Rate Maps of the National Flood Insurance Program

43	FLUE: Future Land Use Element
44	Reserved
45	FMSF: Florida Master Site File
46	FUD: Flexible Unit Development
47	F.S./FS: Florida Statutes
48	FWC: Florida Fish and Wildlife Conservation Commission
49	gpd: Gallons per day
50	gpcd: Gallons per capita per day
51	gpm: Gallons per minute
52--57 Reserved	
58	HPC: Historic Preservation Commission
59	HRS: Florida Department of Health and Rehabilitative Services
60--64 Reserved	
65	IFAS: Institute of Agriculture Services of the University of Florida
66--68 Reserved	
69	LDR(s): Land Development Regulation(s)
70	LDTA: Local Development Traffic Analysis
71	Reserved
72	LOS: Level of Service
74	Manuf: Manufactured
75	Reserved
76	MOT: Maintenance of Traffic
77	MUTCD: Manual on Uniform Traffic Control Devices
78	NRAC: Highlands County Natural Resources Advisory Commission
79	NRE: Natural Resources Element of the Comprehensive Plan
80	PD: Planned Development Districts
81	PL: Federal Public Law
82--83 Reserved	
84	P&Z: City of Avon Park Planning and Zoning
85--87 Reserved	
88	Ridge: The Lake Wales Ridge in Highlands County
89	Reserved
91	RPC: See CFRPC
92	R.V./RV: Recreational Vehicle
93	SCS: See US SCS
94	SEC: Section
95	SFWMD: South Florida Water Management District
96	SHWL: Seasonal High Water Line
97--99 Reserved	
100	SFWMD: Southwest Florida Water Management District
101	SWIM: Surface Water Improvement Management
102	Reserved
103	TRW: Technical Review Workgroup
104	TDR(s): Transfer of Development Right(s)

105	Reserved
106	UAO: Utility Agency/Owner
107--108 Reserved	
109	USDA: United States Department of Agriculture
110	WHPZ: Well Head Protection Zones
111	Reserved
112	WMD(s): Water Management District(s)
113	Reserved

Section 1.5 Definitions and interpretations.

1. **Abandoned.** To give up by leaving or ceasing to operate.
2. **Accessory structure.** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.
3. **Accessory use.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
4. **Actual crossing operation.** That phase of the work authorized by the utility permit, when the casing or incased carrier pipe is being placed within the physical limits prescribed to determine the required casing length; this will not include preliminary work, such as jacking pit construction, equipment set-up, etc.
5. **Addition (to an existing building).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing walls is new construction.
6. **Adequate.** The minimum ability necessary to satisfy a requirement of the City of Avon Park.
7. **Adjacent.** Immediately adjoining and sharing a common property line or boundary.
8. **Agriculture.** The science and art of producing plants and animals for use by mankind, including the preparation of land resource to accommodate such practices and, to a variable extent, the preparation and harvesting of such products. The term "agriculture" encompasses activities that are customarily associated with aquaculture and fisheries, horticulture, viticulture, siculture, and aeviculture, livestock and poultry operations, bee keeping, stable and kennel operations, animal husbandry, ranching, dairy operations, forestry, or any other practice that is typical of, and necessary to, or in keeping with these activities.

9. **Agriculture easement.** A right to or interest in the use of real property for agricultural uses but not including the right to develop the property.
- 10-12. **Reserved.**
13. **Alteration, altered or repaired.** Any changes in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress and egress or other changes affected or regulated by the building code or this Code except for minor changes or repairs not involving the aforesaid features.
14. **Alternative tower structure.** A manmade structure that supports one or more antenna, and that either conceals or camouflages the presence of transmission towers from public view by unobtrusively blending in aesthetically with the surrounding environment. Alternative tower structures include, but are not limited to, simulated trees, clock towers, bell steeples, light and utility pole replacements which match the appearance of the existing or adjacent light and utility poles, and similar structures.
- 15-16. **Reserved.**
17. **Antenna.** Any apparatus designed for the sending and/or receiving of electromagnetic waves. These include, but are not limited to telephone, radio, television, and satellite or wireless personal communications. Types of antennas, include but are not limited to whip antennas, panel antennas, and dish antennas. As used in this chapter, the term antenna includes all antennas integrated and used as a single unit, such as an antenna array.
25. **Arterial road.** A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every federal highway and every FDOT designated Florida Intrastate Highway System route is an arterial road.
26. **As built.** Plans that show horizontal locations and vertical elevations tied to known reference point (e.g., state plane coordinates) of all deviations from approved plans.
- 26A. **Assisted living facility.** Residences that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. See "residential health care facility; retirement community."
27. **Automobile wrecking.** The dismantling or disassembling of motor vehicles or trailers, including the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

28. **Auxiliary lane.** The portion of the roadway adjoining the traveled way for parking, access ramps, speed changes, turning, storage for turning, weaving, truck climbing or other purposes supplementary to through traffic movement.
34. **Building:**
- a. Any structure, either temporary or permanent, having a roof and used for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition shall include tents, awnings or vehicles situated on private property and serving in any way the function of a building.
 - b. Any structure built for support, shelter, or enclosure for any occupancy or storage.
35. **Reserved.**
41. **Canal.** Any manmade waterway used for the purpose of drainage, irrigation, or transportation which collects and then diverts or directs the flow of surface water or groundwater. A ditch is not a canal.
42. **Reserved.**
43. **Capital improvement.** Physical assets constructed or purchased to provide, improve, or replace a public facility and which are large scale and high in cost.
46. **Certified welder.** A person who has been trained and meets all applicable requirements for the particular type of welding being performed under a permit.
51. **Collector road.** A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed, designed and intended to collect and distribute traffic between local roads or arterial roads.
52. **Commercial uses.** Activities which are predominantly connected with the sale, rental, and distribution of products or the performance of services.
53. **Commercial vehicle.** Any vehicle designed, intended or used for transportation of people, goods or things, other than private passenger vehicles and trailers.
54. **Reserved.**
56. **Competent.** Legally fit or qualified and adequate for the stipulated purpose.
60. **Conduit.** An enclosure for protecting wires and cables.

61. **Cone of influence.** An area around one or more major water wells, the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or Drayton depth.
62. **Confining layer.** An impermeable stratum separating one aquifer from another aquifer. The confining layer is made up of soils that act as a retardant to the downward flow of groundwater into the confined aquifer. The depth to this layer shall be determined by a Florida registered professional engineer or geologist for a proposed project. The concretaceous layer commonly known as the "hard pan" is not the confining layer for the purposes of this section.
69. **Contractor.** The individual, firm or company contracting with a UAO or City of Avon Park to work for furnishing materials or in contract as a subcontractor for a prime contractor, firm or company.
72. **County.** Highlands County, Florida.
73. **City Manager.** The City of Avon Park administrator or his/her designee.
74. **Director of Public Works.** The administrative entity responsible for the enforcement of certain sections of this chapter. A designated representative may be appointed to carry out these responsibilities.
75. **Cultural site.** Those ceremonial or religious sites of Native American Cultures which have been so designated by the Florida Department of State, Division of Historic Resources.
78. **Deferral.** An action to postpone to a later date or time a public hearing, prior to the notice of said public hearing being submitted for publication in a newspaper.
79. **Demolition by neglect.** Deterioration of a designated historic property or a property in a designated historic district by virtue of the withholding of ordinary maintenance and repair to the extent that the property or structure could be reasonably expected to become unsafe.
80. **Demolition.** The act or process of wrecking, destroying or removing a building, structure or monument, or any part thereof.
81. **Density.** The number of dwelling units per gross acre of land.
85. **Developer.** Any person, including a governmental agency, undertaking any development, or any person who acts in his own behalf or as the agent of the owner of

a specific property or properties and engages in the process of development of said property (either proposed or actual).

86. **Development.** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials. The term "development" shall also include the definition of that term found in F.S. § 380.04, as from time to time amended.
87. **Development order/permit.** Any order or approval by City of Avon Park that grants, denies, or grants with conditions an application including but not limited to any building permit, zoning action or permit, plat approval, certification, variance, or other action having the effect of permitting new development, redevelopment, or ongoing development.
90. **Disturb.** An improperly conducted intentional or deliberate physical intrusion upon or into an archaeological resource for purposes of development, mining, agriculture, or otherwise, the effect of which diminishes or degrades the original integrity of an archaeological site or its contents.
91. **Disturbed lands.** Any surface area that is mined or reconfigured as a direct or incidental result of earth moving activities.
92. **Ditch.** A long, narrow, shallow trench or furrow that has been dug in the ground for irrigation, drainage, or boundary line purposes.
93. **Drainage basin.** The area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.
94. **Drainage facilities.** A system of manmade structures designed to collect, convey, hold, divert, retain, or discharge stormwater, and includes stormwater sewers, canals, detention structure, and retention structure.
95. **Reserved.**
96. **Drug store.** See # 227, pharmacy.
97. **Dwelling.** Any building or part thereof, other than a mobile home, designed for occupancy in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, containing living, sleeping, housekeeping accommodations, cooking, and sanitary facilities for occupancy by one or more families.

98. **Dwelling, multiple-family.** A dwelling designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
99. **Dwelling, single-family or one-family.** A detached dwelling designed for or occupied by one family only.
100. **Dwelling, two-family.** A dwelling designed for or occupied by two families as a dwelling, with housekeeping and cooking facilities for each.
101. **Dwelling unit.** A space, area or portion of a building designed for and occupied by one family as a dwelling, containing living, sleeping, housekeeping accommodations, cooking, and sanitary facilities for occupancy by one or more families with housekeeping and cooking facilities for the exclusive use of such family.
- 102-106. **Reserved**
107. **Emergency.** A situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action that will effect the safety of the public or a condition that will cause damage to the City's right-of-way; during a situation of this type the UAO can and may protect the public safety sooner by using equipment on hand, than by strictly complying with the requirements of this section.
108. **Emergency services.** Emergency services are fire, emergency management, and emergency operations services.
110. **Environmental clearance.** Those procedures and processes that are used to establish remedies for any negative impacts a specific development proposal may have on natural resources.
112. **Erected.** The term "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations, fill, drainage and the like shall be considered a part of erection.
113. **Erosion control.** The method used to protect City rights-of-way and any of its facilities by complying with all City, County, state, and federal regulations; normally this is accomplished by placing sod in all areas disturbed by the utility construction.
114. **Essential services.** Essential services are police, sheriff, or other public safety services not covered in emergency services.
116. **Fall zone.** The area surrounding a ground-mounted tower within which a Florida licensed professional engineer certifies that the tower is designed to fall or collapse in the event of structural failure of all or part of the tower.

132. **Frontage of a building.** The side or wall of a building, approximately parallel to a street line.
133. **Frontage of a property.** The lot line which abuts a street or separates the lot from the street.
134. **Functionally dependent facility.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
135. **Garage, community.** A building or part thereof, used for indoor parking of a self-propelled private passenger vehicle, for use of residents in the vicinity and providing only incidental services for such vehicles as are parked therein.
136. **Governmental agency:**
- a. The United States or any department, commission, agency, or other instrumentality thereof;
 - b. The State of Florida or any department, commission, agency, or other
 - c. Any local government, as defined in this chapter, or any department, commission, agency, or other instrumentality thereof; and,
 - d. Any school board or other special district, authority, or other governmental entity.
137. **Ground-mounted tower.** A monopole tower, lattice tower or guyed Tower.
140. **Guyed tower.** A ground-mounted transmission tower that is supported, in whole or in part, by guy-wires and ground anchors.
141. **Haul route.** Those roads upon which vehicles transport the excavated materials from the mine to a publicly maintained road as proposed and approved in the mining operations plan.
156. **Infrastructure.** Those manmade structures which serve the common needs of the population, such as: sewage disposal systems, potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems, utilities; piers; docks; wharves; breakwaters; bulkheads; sea walls; bulwarks; revetments; causeways; marinas, navigation channels, bridges, and roadways.

157. **Inspector.** Authorized representative of the City.
159. **Interference of traffic.** The obstruction, impeding, or otherwise disruption of vehicle movement.
162. **Land.** The earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land including water surfaces and lands under water.
163. **Land clearing.** Engaging in a land management practice or practices, which will result in the destruction of natural resources (as identified on the conservation overlay map; i.e., xeric uplands, cutthroatgrass seep, or wetlands), with the natural resource being replaced or succeeded by something else (e.g. bare soil, different resource type, or invaded by non-native species) which precludes the long-term (five years) recovery of the original natural resource type. Land clearing activities which impact listed species may also be subject to state and federal regulation. The following activities do not constitute "land clearing" and do not require a land clearing permit even when undertaken in areas with natural resources as identified on the conservation overlay map:
- a. Maintenance of roads, rights-of-way, and utility easements;
 - b. Construction or maintenance of fence lines up to 20 feet on each side of the fence;
 - c. Maintenance of existing drainage and stormwater management systems;
 - d. Maintenance of the fire breaks and fire lines up to 40 feet wide;
 - e. Maintenance burning other than bay heads;
 - f. Maintenance of native range according to the Best Management Practices of the U.S. Natural Resources conservation Service;
 - g. Maintenance or improvement of improved pasture and land in active agricultural production;
 - h. Removal of non-native vegetation;
 - i. Surveying pursuant to Florida Statutes;

- k. Clearing for all activities and uses outside the conservation areas depicted on the conservation overlay map pursuant to Natural Resource Policy 3.4; or
 - l. Whenever life or property is threatened or endangered during a civil emergency.
164. **Land development regulations.** Include local zoning, subdivision, building, and other regulations controlling the development of land.
165. **Lattice tower.** A ground-mounted guyed or self-supporting three or four-sided, open, steel frame transmission tower.
166. **Level of service.** An indicator of the extent or degree of service provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility or the comparison of public school enrollment to school capacity in a given concurrency service area.
168. **Livestock.** All animals of the equine, bovine or swine class, including horses, mules, cattle, hogs, sheep, goats and other grazing animals.
170. **Local road.** A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.
171. **Lot.** A parcel of land of at least sufficient size to meet minimum requirements for use, coverage and area and to provide such yard and open space as is required. A lot shall have frontage on an improved public road or street where required by the terms of this Code and may consist of:
- a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of record; of complete lots of record and portions of lots; or of portions of lots of record;
 - d. A parcel described by meets and bounds;
 - e. Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Code. Includes the words "plot" or "parcel."

172. **Lot frontage.** The front of a lot shall be construed to be the portion nearest the street line. For the purpose of determining yard requirements on corner lots and through lots, all yards of a lot adjacent to a street shall be considered frontage, and yards shall be provided as required.
173. **Lot measurements.**
- a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - b. Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured across the rear of the required front yard.
174. **Lot of record.** A lot which exists as shown or as described on a plat or deed recorded in the public records of Highlands County, Florida maintained by the Highlands County Clerk of Courts for recording plats and deeds.
175. **Lot types.** The diagram #3, which follows illustrates terminology with reference to "corner" lots, "interior" lots, "reverse frontage" lots and "through" lots:

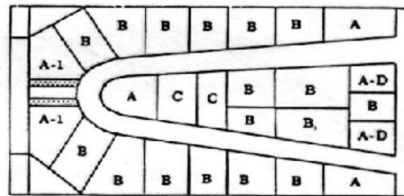


Diagram No. 3 - Lot Types

- a. **A--Corner lot.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot line meet at an interior angle of less than 135 degrees. See lots marked A-1 in diagram.
- b. **B--Interior lot.** A lot other than a corner lot with only one frontage on a street other than an alley.
- c. **C--Through lot.** A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as "double frontage lots."
- d. **D--Reverse frontage lot.** A lot in which the frontage is at right angles, or approximately right angles to the general pattern in the area involved. A reverse frontage lot may also be a corner lot (see A--D).

177. **Major crossing.** Pipe crossings eight inches or greater in outside diameter; crossing requiring well point dewatering; and other crossings of an unusual and difficult nature as determined by the Director of Public Works.
180. **Manhole.** An opening in an underground system which workmen or other may enter for the purpose of making installations, inspections, repairs, connections and tests.
183. **Material change in appearance.** A change that will affect the exterior architectural features of a historic property or of any structure, site or monument within a historic district and may include any one or more of the following:
- a. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
 - b. Demolition of a historic property;
 - c. Commencement of excavation;
 - d. Change in the location of advertising visible from the public way or any historic property; or
 - e. The erection, alteration, restoration or removal of any building or other structure within a historic district, including walls, fences, steps, pavements or other appurtenant features, except exterior paint alterations.
184. **May.** Is permissive. Where "may" is used, it is considered to denote permissive usage.
185. **Mean sea level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. The term is synonymous with National Geodetic Vertical Datum (NGVD).
186. **Median.** The portion of a highway or street separating the traveled ways for traffic moving in opposite directions
202. **National Geodetic Vertical Datum (NGVD).** Is a vertical control used as a reference for establishing varying elevations within the floodplain.
203. **Natural drainage features.** The naturally occurring features of an area which accommodates the flow of stormwater, such as streams, rivers, lakes and wetlands.

204. **Reserved.**
205. **Neighborhood park.** A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.
206. **New construction.** Structures for which the "start of construction" commenced on or after the effective date of this Code.
207. **Nonconforming.** The physical features or use of a particular property, which existed prior to this Code's effective date of adoption and which do not conform to the requirements or standards, established herein.
208. **Nonconforming lots of record.**
- a. In any category in which dwellings are permitted, notwithstanding limitations imposed by other provisions of this plan, residential dwellings and customary accessory buildings may be erected on any single lot record previously recorded as of January 1, 1971. This provision shall apply even though such lot fails to meet the requirements for minimum size that is applicable in the category, provided that the lot shall conform to all applicable zoning requirements, except those involving area of the category in which the lot is located.
 - b. No parcel of land of less than street frontage and area requirements for the category in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a separate single-family lot, except when properly authorized by the applicable planning and zoning regulations.
 - c. A building permit for a dwelling shall not be issued unless a lot has at least 30 feet of frontage on a street.
209. **North American Industry Classification System.** A classification system published by U.S. Executive Office of the President Office of Management and Budget that classifies all non-residential activities, primarily for industry and business.
212. **Objective.** A specific, measurable, intermediate end that is achievable and marks progress toward a goal.
215. **On-site.** Within the contiguous limits of an area of land under one ownership or control and upon which farming or construction activities are taking place. Areas of

land that are divided by public or private roads, railroads and linear easements are considered contiguous if such areas are under one ownership or control.

- 216. **Open space(s).** Undeveloped lands suitable for passive recreation or conservation uses.
- 217. **Open space easement.** A right or interest in real property where access may be restricted or unrestricted; activities may be passive or active; vegetative cover may be natural or improved; and, where all structures are limited only to non-habitable recreational use.
- 217A. **Ordinary high water line.** The boundary between uplands and submerged lands beneath nontidal navigable natural water bodies.
- 218. **Overburden.** Any soil or rock removed to gain access to the resource in the process of extraction and such soil or rock before or after it is removed. This does not include tailings or screenings generated by processing the resource.
- 219. **Parcel of land.** Any area of land capable of being described with such definitiveness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.
- 220. **Park.** A neighborhood, community, or regional park.
- 221. **Park model.** The term "park model" shall have the same definition as provided for the term "park trailer" in F.S. § 320.01.
- 222. **Parking.** The term "parking" shall mean the temporary, transient storage of private passenger automobiles used for personal transportation while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental, or other purpose other than specified above. "Parking" as defined herein shall apply only to open air storage of automobiles.
- 223. **Pavement.** A paved travel way, normally including an asphalt or concrete surface designed to carry the anticipated traffic for a specified design period.
- 224. **Permittee.** The right-of-way user responsible for permitted maintenance or construction whether by their own forces or by contractors and subcontractors properly licensed by a municipality, the County, or by the state.
- 225. **Person.** Includes a person, firm, association, organization, partnership, trust, company or corporation as well as an individual. Also means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

226. **Personal services.** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
228. **Reserved.**
229. **Pole-attached antenna.** Antennas attached to electric transmission or distribution poles, street lights, traffic signals or similar facilities.
230. **Policy.** The way in which programs and activities are conducted to achieve an identified goal.
231. **Pollution.** Is the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.
233. **Potable water facilities.** A system of structures designed to collect, treat, or distribute potable water, which must obtain a water use permit from a water management district and includes water wells, treatment plants, reservoirs, and distribution mains.
236. **Professional engineer.** A duly qualified individual currently licensed to practice engineering in the State of Florida, pursuant to F.S. Ch. 471, practicing in the discipline required for the particular task as indicated in the specific section of the regulations governing transmission towers.
237. **Public facilities.** Government offices or facilities, transportation systems or facilities, sewage systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems, and public health systems or facilities.
238. **Public potable water well.** Any well serving 15 or more residential households or serving a commercial or industrial property.
239. **Public recreation sites.** Sites owned or leased on a long-term basis by a federal, state, regional, or local government agency for purposes of recreational use.
240. **Public services.** Any administrative, entitlement, protective, maintenance, or utility service provided by the City of Avon Park to the general public.
- 240A. **Public utility.** An enterprise providing to the public a utility service deemed necessary for the public health, safety, and welfare.

- 240B. **Public utility facilities.** Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, wastewater, and public transit, to the public.
241. **Qualified.** The ability, shown by license, registration, certification, etc. to perform required tasks as needed to perform certain job duties.
- 242A. **Quasi-public use.** A use owned or operated by a nonprofit, religious, or eleemosynary institution and providing educational, cultural, recreational, religious, or similar types of programs.
243. **Receiving area.** Parcels of land within a designated development area, which are permitted to increase density, as specified herein, and receive development rights purchased from the owners of land in a sending area. The transfer capacity of these development rights is based on the number of transferable development rights which a specified receiving area can accommodate.
244. **Reclamation.** Reasonable rehabilitation of land where mining has occurred in accordance with the reclamation criteria of appropriate sections of Chapter 16C, Florida Administrative Code, depending on the type of proposed mining.
245. **Reserved.**
- 245A. **Recreational vehicle park.** The term "recreational vehicle park" shall have the same definition as the term "RV park (FUD)". Also see campground.
- 245B. **Recreational vehicle.** The definition of the term "recreational vehicle, shall have the same meaning as provided for the term "recreational vehicle-type unit" in F.S. § 320.01, including the terms "travel trailer," "camping trailer," "truck camper," "motor home," "private motor coach," "van conversion," "park trailer," and "fifth wheel trailer," as defined in F.S. § 320.01, from time to time amended and shall include other recreational vehicle-type units designed for travel, recreation, and vacation uses not specifically described above.
246. **Refuse.** All domestic solid waste as defined by this Code.
248. **Relocation.** The adjustment of utility facilities required by a road project or a City driveway permit, such as removing and reinstalling the facility, including necessary right-of-way on new locations, moving or rearranging existing facilities or changing the type of facility, including any necessary safety and protective measures; it shall also mean constructing a replacement facility when necessary for continuous

operation of the utility service, the project economy, or a sequence of road construction or maintenance operations.

- 251. **Residential uses.** Activities within land areas used predominantly for housing.
- 252A. **Restoration (historic structures).** Modifications, changes, or repair of an historic structure in compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as incorporated into the All Florida Building Code.
- 252B. **Restoration (land).** The recontouring and revegetation of lands in a manner, consistent with the criteria and standards established in Chapter 16C-16, Florida Administrative Code, which will return the type, nature, and function of the ecosystem to the condition in existence prior to mining operations. In requiring restoration of an area, the Director of Public Works shall recognize technological limitations and economic considerations. Restoration shall be required only for phosphate mining operations.
- 254. **Right-of-way.** Land in which the state, a County, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use. Right-of-way and City right-of-way have the same meaning in this chapter of these regulations; all three terms refer to a right-of-way dedicated to the public, City of Avon Park, by recorded plat, deed, or easement, and include both City maintained and non-City maintained rights-of-way; right-of-way as used here does not include private right-of-way, state right-of-way, municipal right-of-way or transmission line right-of-way.
- 255. **Roadway functional classification.** The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be sub-categorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.
- 258. **Routine maintenance.** The every day maintenance of one's facilities.
- 262. **Sanitary wastewater facilities.** Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems.
- 263. **School.** Pursuant to F.S. § 1003.01(2), a school is an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or

high school, or other public school level authorized under rules of the state board of education.

266. **Sending area.** An area containing the land based resource which the TDR program is designed to protect, as specified in Article 13, and from which development rights are transferred pursuant to provisions of Division 3 (Transfer of Development Rights Options) of Article 13 (Other Administrative Procedures).
267. **Services.** The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law.
269. **Setback.** The minimum distance between the front line and the front building line or the side or rear lot line and the side or rear building line or any projection thereof, excluding projections specifically permitted.
270. **Shall.** Is mandatory. A mandatory condition.
271. **Shoreline or shore.** The interface of land and water and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces.
272. **Should.** An advisory condition. Where "should" is used, it is considered to denote permissive usage.
273. **Sign.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the applications of the regulations herein:
- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
 - b. Banners and insignias, except when displayed in connection with commercial promotion.
 - c. Legal notices; identification, information, directional or regulatory signs erected or required by governmental bodies.
 - d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
 - e. Signs directing and guiding traffic and parking on private property but not bearing any advertising matter.

274. **Sign, billboard.** Any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, advertising structure, advertisement, logo, symbol or other form, whether placed individually or on a V-type, back to back, side to side, stacked or double-faced display, designed, intended or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker or specific information panel erected, caused to be erected or approved by the state or County.
275. **Sign, combination vertical and roof.** A vertical projecting sign which extends above the roof line and is combined with a roof sign. The surface of such sign shall be continuous on both parts and shall be contiguous to the wall and the roof.
276. **Sign, ground.** A sign attached to and supported by the ground.
277. **Sign, off-site.** A sign other than an on-site sign.
278. **Sign, on-site.** A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
279. **Sign, name plate.** A sign indicating the name and/or profession of a person or persons residing on the premises or legally occupying the premises or indicating a home occupation legally existing on the premises.
280. **Signs, number and surface area.** For the purpose of determining number of signs, a sign shall be considered to be a single display surface device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. This definition does not include pennants and streamers.
281. **Reserved.**
282. **Sign, pylon.** A wall sign on the wall of an enclosed structure which is erected above the ground or as an extension above or an addition to a building, primarily for the purpose of providing support and/or background for the sign copy.
283. **Single-family or one-family.** Designed for and occupied by only one family.
284. **Snipe signs.** A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences or to other objects, and the advertising

content appearing thereon is not applicable to the present use of the premises upon which such sign is located or which makes malicious attacks or remarks.

285. **Solid waste.** Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.
286. **Reserved.**
287. **Special exception.** A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, prosperity or general welfare. Such uses are permitted in such zoning district as special exceptions where specific provisions for such exception is made in this chapter.
288. **Spoil.** Any overburden that has been displayed.
289. **Start of construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- 289A. **Storage, outdoor or outdoor storage.** The keeping of any goods, junk, material, merchandise, or vehicles in a place, other than an enclosed structure, for more than 24 hours.
290. **Stormwater.** The flow of water which results from a rainfall event.
- 290A. **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. See Diagram for Definition # 290B.

291. **Street.** A public or private travel-way which affords principal means of access to abutting property.
292. **Street line.** The right-of-way line of a street.
293. **Reserved.**
294. **Structure.** Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently and also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, a gas or liquid storage tank and advertising signs, unless exempt by state or federal law. Structure also includes anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.
- 294A. **Structure, enclosed or enclosed structure.** Any structure having a roof and four solid walls extending from the roof to the floor, which is intended for shelter, housing, or enclosure of any person, animal, process, equipment, goods, or materials of any kind. An enclosure having a tarp, canopy, screen, and similar material for a roof or wall shall not be considered to be an enclosed structure.
295. **Structure-mounted facility.** A wireless communications facility, the antennas for which are attached to an existing structure or building. The facility includes all support facilities regardless of where such facilities are located with respect to the antennas.
296. **Subdivision.** The platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, resubdivisions; and when appropriate to the context, relates to the process of subdividing or to the lands or areas subdivided.
297. **Reserved.**
298. **Support facilities.** Any on-site or off-site building, cabinet or equipment enclosure which houses the electronics, backup power, power generators and other freestanding equipment associated with the operation of a wireless communications facility.
299. **Tourist home.** A building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as a residence of the operator.
300. **Towers.** See transmission tower or tower, lattice towers, guyed towers, or monopole towers and ground-mounted tower and alternative tower structure.

301-302. **Reserved.**

304. **Transmission tower or tower.** A structure that is designed and constructed for the purpose of supporting one or more antennas, including but not limited to, lattice towers, guyed towers, or monopole towers.
305. **Transportation disadvantaged.** Those individuals who because of physical or mental disability, income status, or age are unable to transport themselves to or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities.
306. **Travel way.** The portion of the roadway for the movements of vehicles, exclusive of shoulders and auxiliary lanes.
307. **Undue economic hardship.** An exceptional financial burden that would amount to the taking of property without just compensation, or failure to achieve a reasonable economic return in the case of income producing property.
308. **Used or occupied.** Includes the words "intended, designed or arranged to be used or occupied."
309. **Utility.** All privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste and stormwater not connected with highway drainage, and other similar commodities, including television transmission signals, publicly owned fire and police signal systems and street lighting systems, which directly serve the public or any part thereof; the term "utility" shall also mean the UAO, inclusive of wholly owned or controlled subsidiaries.
310. **Utility facilities.** All privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste and stormwater not connected with highway drainage, and other similar commodities, including television transmission signals, publicly owned fire and police signal systems and street lighting systems, which directly serve the public or any part thereof.
311. **Utility or storage building.** A storage structure that is either an accessory structure or an accessory use.
312. **Utility trailer.** A utility trailer is a device on a wheel or wheels with an unloaded gross weight of less than 4,050 pounds, capable of bearing a load of whatsoever shape, size or description and capable of being towed or being made capable of being towed behind an automobile, tractor or other prime mover.

316. **Vegetative communities.** Ecological communities, such as coastal strands, oak hammocks and cypress swamps, which are classified based on the presence of certain soils, vegetation and animals.
318. **Vinyl room.** A structure consisting of a rigid frame made of wood, aluminum, steel, block, brick or other support material, a roof, exterior walls which have open areas covered by windows or panels made of or covered by vinyl material and interior walls which are not finished with wood, paneling, drywall or other material
319. **Water-dependent uses.** Activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.
320. **Reserved.**
321. **Watering station.** A facility for filling the water storage tanks of trailers with potable water from an approved water system pursuant to the provisions of chapter 10D-4 of the Florida Administrative Code.
322. **Wetland.** Those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands shall be delineated pursuant to Sections 62-340.100 through 62-340.550, F.A.C., as ratified by F.S. § 373.4211, "Source: Florida Statutes: 373.019(17) Definitions.
323. **Whip antenna.** A type of Antenna having a diameter of between two and six inches, and a height of not more than eight feet, which emits a signal in a 360 degree horizontal plane with a compressed vertical plane. Stick, omni-directional and pipe antennas are whip antennas.
324. **Wireless communication services.** Any personal wireless services as defined in the Federal Telecommunications Act of 1996, including but not limited to, cellular,

personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

325. **Wireless communications facility.** A facility that sends and/or receives radio frequency signals, including towers, antenna(s), associated support facilities, and accessory structures.

Section 1.9 Ordinance Purpose and intent; Short Title.

This Ordinance is established to regulate the location, manner, installation and adjustment of utility facilities along, across, under or on any right-of-way under the jurisdiction of the City of Avon Park. The section also authorizes the issuing of permits for such work which is in the interest of safety, protection, utilization, and future development of the City 's roads and streets with due consideration given to public service afforded by adequate and economical utility installations as authorized under this section of these regulations and F.S. §§ 337.401--337.404. Adherence shall be required under the circumstances set forth in this Ordinance. This Ordinance shall be referred to as the Right of Way (ROW) Use Ordinance.

- A. Utilities liaison. Recognizing that all utility owners serving the public have a common obligation to provide their services in a cost effective manner, the City of Avon Park will coordinate its advance planning of road projects with the affected utilities to facilitate the relocation of the utility in order to eliminate costly construction delays. As part of its project planning and development process the City will consider the cost of utility work necessary for the proposed project. The City will keep utility agencies informed of future transportation projects and request the utility agencies to advise the City of existing and proposed structures within proposed work areas.
- B. Authorization by the City of Avon Park required. No person shall enter upon any right-of-way under the jurisdiction of The City of Avon Park to construct, alter, operate, maintain or relocate any utility installation without first being issued a permit to do so, except in bona fide emergency circumstances under the procedures required for such emergencies in this Ordinance.
- C. Issuance of ROW Use Permits. The Director of Public Works has been assigned the responsibility and granted the authority to review permit applications and issue permits for construction and maintenance of utilities within City rights-of-way. When an application is approved, a ROW Use Permit will be issued in conformity with this section of these regulations.
- D. Transmission lines. Applications for permits to construct and maintain aboveground and underground transmission lines shall be submitted to the Director of Public Works in the same manner as other applications for ROW Use Permits, but approval

must be authorized by the City Council before the Director of Public Works issues the ROW Use Permit. (Distribution lines are exempt from this provision of City Council approval, but still subject to the application requirements for a ROW Use Permit.)

- E. Appeals. Where actual field conditions vary from those outlined in this section, differences may arise as to what accommodation criteria is appropriate under the actual conditions. When such differences cannot be resolved by the applicant and the Director of Public Works, the applicant may appeal the Director of Public Works' decision to the City Manager.

Section 2. Existing facilities.

Existing aboveground and underground utility facilities in City rights-of-way as of the date of adoption of this section of the regulations will be presumed to be properly permitted in accordance with the existing guidelines in effect at the times of their installation whether or not documentation to the effect can be found. Occupying the right-of-way without written documentation being on file carries with it the same responsibility as that of a bona fide permit holder. Review of disputes shall be as provided for in section 1 of this Ordinance.

Section 3. Joint use of land.

Where the utility agency/owner (UAO) has a compensable interest in the land occupied by its facilities and such land is to be jointly owned or used for road and utility purposes, The City of Avon Park and the UAO shall agree in writing as to the obligations and responsibilities of each party. In any event, the interest to be acquired by or vested in the City in any portion of the right-of-way of a road project to be vacated, used or occupied by utilities or private lines shall be of a nature and extent adequate for the construction, safe operation and maintenance of the road project.

Section 4. Prohibited use of City right-of-way.

No individual, firm, company or governmental agency may be permitted to use the City right-of-way for monetary gain except where provided for by the public service commission, Federal Energy Regulatory Commission, Federal Communications Commission, or The City of Avon Park.

Section 5. General permit conditions.

A permit to a UAO must be approved by the Director of Public Works before any utility is installed on a City right-of-way, whether it is for aerial or underground installations or attachment onto bridge structures, except as noted in this Ordinance of these regulations. A City of Avon Park ROW Use Permit application/permit form may be obtained from the office of the Director of Public Works. The permit application fee will be as established by the City Council. When approved and issued, the ROW Use Permit will authorize utility construction within a City right-of-way as described in the application and detailed on accompanying drawings. In accepting the permit the applicant/UAO agrees to be bound by this section of these regulations including, but not limited to,

the conditions listed below.

- A. The construction and maintenance of such utility shall not interfere with the property and rights of other existing occupants.
- B. All work shall be done in keeping with standards of the City's Public Works Department and subject to the approval of the Director of Public Works.
- C. All materials and equipment shall be subject to inspection by the Director of Public Works.
- D. During construction all safety regulations shall be observed and the City shall be relieved of all responsibility from damage of any nature arising from this permit.
- E. All City property shall be restored to its original condition.
- F. All construction shall conform to the standards and requirements of this section. If at any time during the utility installation/construction, the Director of Public Works finds that the permit conditions have been violated, the Director of Public Works may issue an immediate stop work order. The stop work order shall be in effect until the operation is brought into compliance with the permit. Failure to perform satisfactory construction may result in the City not issuing additional permits to the applicant until deficiencies are corrected.
- G. The attached drawing is made a part of the permit.
- H. It is expressly stipulated that the permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or to vest any property right in said holder.
- I. The permit shall state whether it is granted in perpetuity or for a term of years and in either event that:
 - 1. The permit is subject to termination by the City Council without compensation in the event the road or highway is closed, abandoned, vacated, discontinued, or reconstructed; and
 - 2. In the event of widening, repair, or reconstruction of any such road, the permittee shall move or remove such utility facilities at no cost to the City.
- J. Whenever necessary for the construction, repair, improvement, alteration, or relocation of all, or any portion of said road or street as determined by the Director of Public Works, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from the said road or street, or reset or relocated thereon, as required by the Director of Public Works and at the expense of the holder.

- K. The permittee shall complete permitted construction within 365 calendar days from date of said permit.
- L. Applicant declares that prior to filing this application he has ascertained the location of all existing utilities, both aerial and underground. Applicant also declares that due notice of work under application was furnished to each utility involved and that copies of letters addressed to said user are attached.
- M. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City 's right, title and interest in the land to be entered upon and used by the holder and the holder will at all times assume all risk of and indemnify, defend, and save harmless the City of Avon Park from and against any and all loss, damages, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges. The City may demand proof of insurance and that the City be made a named insured, and exclude rights of third party subrogation. During construction, all safety regulations of the Florida Department of Transportation shall be observed and the holder must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area.
- N. The office of the Director of Public Works shall be notified 24 hours in advance before starting work.
- O. The permittee agrees to accept maintenance of any road cut or subterranean crossing for a period of 36 months after the Director of Public Works' office is notified of completion of construction.

Section 6. Application.

A. Drawings. Schematic installation drawings of the proposed installation, to scale unless otherwise approved by the Director of Public Works, shall accompany each copy of the ROW Use Permit application. The following shall be shown on the drawings:

- 1. North arrow.
- 2. Road name.
- 3. Offset from the centerline of the roadway to the proposed utility installation.
- 4. Right-of-way limits.
- 5. Pavement width.
- 6. Distance from edge of pavement to utility installation.

7. Distance from nearest major intersection, nearest town, railroad crossing, and/or other physical features.
8. Bridge locations with numbers where applicable.
9. Information such as materials to be used, pipe or conduit size, use of the facility (power with voltage, gas with maximum allowable operating pressure, etc.) and other pertinent details.
10. One or more typical cross sections as required to adequately reflect the proposed location of the utility.
11. The minimum vertical clearance above or below the pavement.
12. A statement that all disturbed area in the City right-of-way shall be restored to its original configuration.
13. All known involved utilities in the proposed installation area; however, if only aerial facilities requiring no additional poles are involved, then only aerial facilities need be shown on the permit drawing; if overhead or underground facilities involve only one side of the right-of-way, then only involved utilities on that side of the right-of-way need be shown on the permit drawing; this subsection does not apply to gas distribution and transmission lines which must be shown in their entirety on the drawing.

B. Fees. City fees and costs for permit application review, inspection, and other permit related regulation to be charged to the applicant may be established by resolution of the City Council, and retained in the records of the City Clerk. The applicant shall be informed of the fees, and no action taken on an application until fees are paid in full.

C. Special requirement for utility construction within the vicinity of existing gas pipelines. F.S. § 553.851, provides for the protection of underground gas pipelines. It includes (1) "definitions," (2) "notice and marking requirements for excavation," and (3) "excavation; liability for negligence; notice of damage or dislocation; emergencies". In order for both the UAO applicant and the City to comply with this section of the Florida Statutes, every application for a ROW Use Permit submitted to the Director of Public Works' office shall contain the following certification by the UAO with an original signature: The undersigned certifies that he has complied with the provisions of F.S. § 553.851(2)(a), as amended, concerning requesting gas pipeline location information and will comply with the provisions of paragraphs (2)(c) and (2)(f) of the same section concerning notifying pipeline owners 48 hours prior to any excavation. An application not containing this certificate shall be returned to the applicant for revision. The paragraphs referenced in the certificate are reproduced here, but the applicant should consult the full text of F.S. § 553.851, as it may be amended, for clarification:

1. F.S. § 553.851(2)(a), states "No excavator shall commence or perform any excavation in any public or private street, alley, right-of-way dedicated to public use,

or gas utility easement without first obtaining information concerning the possible location of gas pipelines in the area of the proposed excavation from any person having the right to bury gas pipelines within the public or private street, alley, right-of-way, or gas utility easement. Such information may be requested by telephone, letter, telegraph, or messenger or in person, at the preconstruction conference for the job requiring the proposed excavation, or by calling a utility notification center operating in the area."

2. F.S. § 553.851(2)(c), states "The excavator shall notify the owner in the manner prescribed in subsection (1) so that the owner receives notification at least 48 hours, excluding Saturdays, Sundays, and legal holidays, prior to starting excavation."
3. F.S. § 553.851(2)(f), states "Should any permit for excavation as described in paragraph (e) be held for more than 30 days prior to excavation, the excavator shall be required to again notify the owner not less than 48 hours or more than five days prior to commencing excavation."

D. Notification to other right-of-way users. In all cases, the applicant shall submit copies of letters that have been mailed to other possible right-of-way users in the proposed construction area; the letter shall serve to notify other users that application is being made to The City of Avon Park for a ROW Use Permit and asking that both the applicant and the Director of Public Works be notified whether or not other users have facilities in the proposed construction areas with which the proposed construction might be in conflict. Any objection to the proposed construction by another UAO must be forwarded to both the Director of Public Works and the applicant within seven working days of the applicant's notification letter. Such objections must be specifically described.

E. Plans preparation by others. Plans and drawings not prepared by employees of the UAO or persons under contract to the UAO and under the immediate supervision of UAO employees must be signed and sealed by a registered professional engineer and approved by the UAO.

F. MOT requirement. Whenever utility installation, adjustment or maintenance activity will affect the movement of traffic or traffic safety, the UAO shall implement a traffic control plan and utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around the work site and to ensure the safety of the utility work force in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), current edition and the Florida Department of Transportation's Roadway and Traffic Design Standards (Index Series 600), current edition.

G. Attachments to structures. For attachment to structures, the application shall include as an exhibit, all applicable construction plans and specifications for the accommodation of the utility. Plans for attachments to structures must be prepared, signed and sealed by a registered professional engineer, licensed by the State of Florida.

H. Corporation requirement. When the permittee is a corporation or a public body, the permit must have a corporate seal and must be attested to by the corporation secretary or by the

empowered public official, unless a current waiver of corporate seal and attestation by the secretary or by the empowered public official is on file with the State Utility Office, State of Florida, Tallahassee, and so noted on the permit. The state utility office will, upon request, furnish instructions and forms for waiver of corporate seal to a corporation. This waiver will be recognized by the City.

I. Proprietorship requirement. When the applicant/permittee is the owner of the utility, which is not a corporation, then his signature must be witnessed by two persons whose signatures must likewise be on the permit. All signatures must be original. The names of all persons signing the permit application must be typed or printed directly below their signature resolutions.

Section 7. Processing.

A. The applicant shall submit three originals, prepared as described in this Ordinance, to the office of the Director of Public Works for review and processing.

B. Each permit shall be processed in an expeditious manner in order to minimize any unnecessary delays for the applicant. The Director of Public Works' office will notify the applicant if processing is expected to exceed ten working days.

C. Upon completion of the permitted utility construction, the applicant shall notify the Director of Public Works' office within 48 hours. The UAO or applicant to which the permit is issued has the responsibility to insure that all construction is performed and completed according to the approved permit and accompanying drawings. Failure to perform satisfactory construction may result in the City's not issuing additional permits to the applicant until deficiencies are corrected.

Section 8. Installations requiring ROW Use Permits.

Unless specifically provided for under section 10, blanket utility service drop permits, or section 11, blanket utility maintenance permits of this Ordinance, the following installations will require ROW Use Permits:

- A. All underground installations and all overhead lines and crossings.
- B. All lines crossing the right-of-way.
- C. All additional facilities when.
 - 1. It is necessary to place a pole within the right-of-way on the opposite side where there is not an existing pole line.
 - 2. It is necessary to place a pole adjacent to a buried cable where the existing permit does not include a pole line.
 - 3. It is necessary to place a pole beyond the limits of an existing approved pole line; for purposes of this provision, the limits of an existing approved pole

line shall be the distance from the edge of the pavement (or traveled way) to the approved pole line plus a maximum of ten percent of that distance, but still within the right-of-way and no closer to the edge of the pavement.

- D. All above-ground facilities placed in connection with underground installations when not included in the original permit; these include marker poles and riser poles, including pole mounted telephone closures for test or splice purposes; these poles and closures shall be located in accordance with applicable criteria in FDOT's Roadway and Traffic Design Standards (Index Series 700), current edition.
- E. Installation of a complete street or highway lighting system including installation on existing poles where the existing poles are there by virtue of a permit
- F. Installation of a new pole within the right-of-way to accommodate a private or area light regardless of the direction of the light pattern
- G. Where existing facilities are to be relocated permanently to another location within the right-of-way, whether caused by a betterment program of the right-of-way user, or by road construction
- H. Improvements or betterments requiring a physical change of existing facilities.

Section 9. Installations not requiring ROW Use Permits.

A. The following installation will not require ROW Use Permits provided the UAO is a holder of a current City of Avon Park Blanket Utility Service Drop Permit:

Service drops or span guys emanating from and/or attached to poles covered by an existing permit, including those crossing roadways.

Underground service connections provided that they do not cross or begin in the pavement, and trenching is at a right angle to the pavement; however, notice will be given to the Director of Public Works prior to construction in all instances, and the permittee shall notify all known underground UAOs of the pending excavation at least 48 hours in advance.

B. The following installation will not require ROW Use Permits provided the UAO is a holder of a current City of Avon Park Blanket Utility Maintenance Permit:

- 1. Any new poles to be placed within an existing permitted pole line as established in accordance with Section 8.C.3 of this Ordinance
- 2. Routine maintenance or minor alterations such as changes in communications cables, transformer capacity, wire size, of secondary circuits and primary circuits of a one mile segment or less of an existing utility installation
- 3. Temporary relocation as directed by the Director of Public Works during road

construction projects

4. Insertion or realignment of any utility facility in an existing conduit or pipeline made by the permitted UAO provided there is no pavement cutting; the UAO shall give 24 hours' notice, identify which permit is affected and submit "as built" plans to be attached to the affected permit.

Note: The permittee shall give 24 hours' notice to the Director of Public Works' office prior to any construction or excavation.

Section 10. Blanket utility service drop permits--Purpose of permit.

When approved and issued to the UAO, the blanket utility service drop permit authorizes the construction and maintenance of service drops to provide customer service without individual applications for the period October 1 through September 30 of each year. The fee will be as established by the City Council. By accepting the permit, the UAO binds itself to the requirements of the following 12 general conditions and eight specific conditions:

A. General conditions.

1. The construction and maintenance of such utility shall not interfere with the property and rights of a prior occupant.
2. All work shall be done in keeping with standards of the Department of Public Works and subject to the approval of the Director of Public Works.
3. All materials and equipment shall be subject to inspection by the Director of Public Works.
4. During construction all safety regulations shall be observed and the City shall be relieved of all responsibility from damage of any nature arising from this permit.
5. All City and state property shall be restored to its original condition as far as practical.
6. All construction shall conform to the standards and requirements of this section. If at any time during the utility construction/maintenance, the Director of Public Works finds that the permit conditions have been violated, the Director of Public Works may issue an immediate stop work order. The stop work order shall be in effect until the operation is brought into compliance with the permit. Failure to perform satisfactory construction may result in the City's not issuing additional permits to the applicant until deficiencies are corrected.
7. The attached sketch covering details of this installation is made a part of the

permit.

8. It is expressly stipulated that the permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or to vest any property right in said holder.
9. Whenever necessary for the construction, repair, improvement, alteration, or relocation of all, or any portion of said road or street as determined by the Director of Public Works, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said road or reset or relocated thereon, as required by the Director of Public Works and at the expense of the holder.
10. The permittee shall complete any construction commenced under the terms of this permit within 60 working days.
11. Applicant declares that prior to commencing work under this application he will ascertain the location of all existing utilities, both aerial and underground, and furnish due notice of proposed work to each utility involved.
12. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City 's right, title and interest in the land to be entered upon and used by the holder and the holder will at all times assume all risk of and indemnify, defend, and save harmless The City of Avon Park from and against any and all loss, damages, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges. During construction, all safety regulations of the Florida Department of Transportation shall be observed and the holder must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area.

B. Specific conditions.

1. The permit authorizes service drops from existing non-permitted lines or cable where construction can be performed without placing additional poles or terminals in the right-of-way. Parallel construction (of service drops only) is permitted. Water and wastewater connections are permitted, but mains may not be extended.
2. When service drops are made from a previously permitted line or cable, additional poles or terminals may be placed in the right-of-way within the pole or cable lines as defined in this section to facilitate the connection. However, additional poles or terminals may not be placed beyond the original permit limits in any direction. Parallel construction is permitted, but only

within the limits of the original permit and only for the purpose of making a service drop. Water and wastewater connections are permitted, but the mains may not be extended beyond the limits of the original permit.

3. The permittee accepts road maintenance responsibility for any underground crossing for a period of 36 months from the date of construction.
4. All former state secondary roads (numbered roads) and those roads designated as collectors or arterials by the City 's comprehensive plan, as amended, must be crossed using the "Jack and Bore" method and a casing left in place under the road.
5. No open road cuts are authorized by this permit.
6. The placing of additional poles or terminals within the right-of-way for any reason other than to facilitate a service drop is not authorized by this permit.
7. All disturbed area within the public right-of-way shall be restored to its original configuration.
8. All construction shall conform to the attached sketch and the most current edition of Manual of Uniform Standards for Design, Construction and Maintenance of Streets and Highway, current edition, prepared by the Florida Department of Transportation.

Section 11. Blanket utility maintenance permits--Purpose of permit.

When approved and issued to the UAO, the blanket utility maintenance permit authorizes the maintenance of existing utility construction within City rights-of-way without individual applications for the period October 1 through September 30 of each year. The fee will be as established by the City Council. By accepting the permit, the UAO binds itself to the requirements of the following 11 general conditions and six specific conditions:

A. General conditions.

1. The maintenance of existing utility construction shall not interfere with the property and rights of other occupants.
2. All work shall be done in keeping with standards of the Department of Public Works and subject to the approval of the Director of Public Works.
3. All materials and equipment shall be subject to inspection by the Director of Public Works.
4. During construction all safety regulations shall be observed and the City shall be relieved of all responsibility from damage of any nature arising from this

permit.

5. All City and state property shall be restored to its original condition as far as practical.
6. All construction shall conform to the standards of this section. If at any time during the operation, the Director of Public Works finds that the permit conditions have been violated, the Director of Public Works may issue an immediate stop work order. The stop work order shall be in effect until the operation is brought into compliance with the permit. Failure to perform satisfactory maintenance may result in the City's not issuing additional permits to the applicant until deficiencies are corrected.
7. It is expressly stipulated that the permit is a license for permissive use only and that the placing of facilities upon public property pursuant to this permit shall not operate to create or to vest any property right in said holder.
8. Whenever necessary for the construction, repair, improvement, alteration, or relocation of all, or any portion of said road or street as determined by the Director of Public Works, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder, shall be immediately removed from said road or street or reset or relocated thereon, as required by the Director of Public Works and at the expense of the holder.
9. The permittee shall complete any construction commenced under the terms of this permit within 60 working days.
10. Applicant declares that prior to commencing work under this application he will ascertain the location of all existing utilities, both aerial and underground, and furnish due notice of proposed work to each utility involved.
11. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in the land to be entered upon and used by the holder and the holder will at all times assume all risk of and indemnify, defend, and save harmless The City of Avon Park from and against any and all loss, damages, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges. During construction, all safety regulations of the Florida Department of Transportation shall be observed and the holder must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area.

B. Specific conditions.

1. Maintenance is defined as the repair or replacement of poles, wires, pipes, cables, terminals or other facilities and appurtenances in the same position and of approximately the same size. Construction resulting in an increase in utility capacity is not considered maintenance.
2. The maximum time that any excavation may be left open for maintenance is one week. When the maintenance will require an open excavation for a longer length of time, a regular ROW Use Permit, which explains the necessity, complete with detailed drawings, must be secured.
3. Maintenance of both the permitted and non-permitted utility construction, including service drops, must conform to the requirements of this permit.
4. Emergency repair of utilities under both paved and unpaved roads is authorized by this permit. These emergency repairs include open cutting a paved road or trenching across an unpaved road when necessary, but the permittee will first make a diligent effort to notify the Director of Public Works of the emergency. All excavation shall be covered before leaving the work site. No notice is required for work outside the traveled way.
5. The permittee will repair the road as directed by the Director of Public Works and accept road maintenance responsibility for the repair of the cut or underground crossing for a period of 36 months from the date of repair.
6. All disturbed area within the public right-of-way shall be restored to its original configuration.

Section 12. Accommodation standards.

- A. Basic requirements.
 1. The basic requirements governing location of utility installations will be as shown in section 19, location criteria for utilities, of this Ordinance. The primary concerns in the design and location of utility installations are the protection of the road facility and the safety of the road user; the design of the utility installation shall give full consideration to these concerns and to economic factors, and it shall employ sound engineering principles.
 2. For the installation of overhead utilities, one side of the right-of-way is usually reserved for communication lines and the other side is reserved for power lines. In situations where underground and overhead utilities occupy the same side of the roadway, the overhead facility should be placed on the outside of the underground facility to provide the maximum possible clear roadside recovery area. In cases where more than one UAO proposes an aerial installation on the same side of the right-of-way, a joint-use arrangement must be agreed to by the UAOs.

3. Only single pole lines shall be permitted on each side of a City right-of-way. This requirement does not prohibit a single UAO from occupying both sides of the right-of-way when there are no objections from other UAOs, when proper justification is provided to the City, and when there is only one pole line on each side of the right-of-way.
4. A second pole line to support roadway illumination may be allowed on one side where the need for roadway illumination is properly documented, and provided traffic safety requirements are met.
5. In cases where the UAOs cannot agree on use of the right-of-way, the dispute shall be referred to the Director of Public Works whose determination shall be final. Either UAO may appeal the Director of Public Works' decision to the City Manager.
6. Scenic enhancement shall be considered on permit applications. The type and size of utility facilities and the manner and extent to which they are permitted along or within City rights-of-way can materially alter the scenic quality, appearance and view of the roadside and adjacent areas. For these reasons additional controls are applicable in certain areas such as recreation areas, public parks, residential subOrdinances, and rights-of-way adjacent to these developments and facilities.
7. New underground utility installations may be permitted within such lands where they do not require extensive removal or alteration of trees or other natural features visible to the road user or do not impair the visual quality of the lands being traversed. New aerial installations are to be avoided at such locations where there is a feasible and prudent alternative to the use of such lands by the aerial facility. Exceptions will be considered only where:
 - a. Other locations are unusually difficult and unreasonably costly, or are more desirable from the standpoint of visual quality.
 - b. Underground installation is not technically feasible or is unreasonably costly.
 - c. The proposed installation can be made at a location and will employ suitable designs and materials which give adequate attention to the visual quality of the areas being traversed.
8. All new or relocated longitudinal underground utility facilities shall be placed outside the toe of the front slope except where no other safe and practical alternatives are available.
9. When encasement is used and designed as a pressure vessel, the encasement pipe will have strength equal to or exceeding the carrier pipe; however, where the casing is not a pressure vessel, the casing pipe shall be capable of supporting a minimum external load of 2,200 PSF at 30 inches minimum depth. Gas and liquid petroleum pipelines shall be designed and constructed to conform, with 49 CFR, Part 192, Transportation of Natural Gas by Pipeline or Part 195, Transportation of Liquids by Pipeline, as applicable. The maximum allowable operating pressure for gas mains

must be shown on permit applications.

10. When an emergency condition warrants immediate action by the UAO, such as a break in a fluid or pressure line or any situation creating a danger to the public welfare, the UAO should proceed immediately with repairs necessary to safeguard the public. The Director of Public Works shall be notified as soon as possible but no later than the next scheduled working day. All such final repair work to the City's facilities must be approved by the Director of Public Works. If it is the type of work that would normally require a permit, the UAO will be required to prepare and submit a permit application after the work is completed. In any case, restoration of the right-of-way will be in accordance with all applicable City requirements and at the expense of the UAO.

B. Crossings.

1. General. Crossings under existing pavement will be made without cutting the pavement except as provided for in subsection C., pavement cutting, of this section. Underground crossings made by methods other than by open cutting and direct burial shall conform to the provisions of section 21, Jacking and Boring, of this Ordinance. The proposed means of placing the pipe shall be stated on the permit application, and conditions which are generally unsuitable or undesirable for pipeline crossings shall be avoided. Clearance requirements for both aerial and underground crossings are given in section 19, location criteria for utilities, of this Ordinance.
2. Miscellaneous.
 - a. When casings are used for crossings of flammable gases or fluids, the casing should extend to the toe of the front slope and shall be vented at or outside of the right-of-way line. Welded steel pipelines transmitting gas or liquid petroleum may be installed without encasement provided such pipeline conforms with 49 CFR, Part 192, Transportation of Natural Gas by Pipeline, or Part 195, Transportation of Liquids by Pipeline, as applicable. The pipeline shall be designed to withstand internal design pressures and the superimposed loads of the roadway and traffic.
 - b. Casing will be required for crossings of underground utilities where the carrier conduit is of insufficient strength due to composition or depth of cover.
 - c. Casing will be required for crossings jacked under existing pavement where the carrier is of composition such that it cannot be jacked.
 - d. Where it is necessary to place aerial crossings which will interfere with traffic, careful planning of work with regard to the safety of vehicular traffic is mandatory. No temporary supports will be allowed closer than the minimum clearance under section 19 of this Ordinance, unless incorporated

with approved barrier systems or other approved work zone traffic control devices.

- (1) No work of this type will commence without a 24-hour prior notification to the Director of Public Works and the City of Avon Park Police Department.
- (2) Traffic control shall be in accordance with the Manual on Uniform Traffic Control Devices, current edition, FDOT Roadway and Traffic Design Standards (Index Series 600), current edition, FDOT Standard Specifications for Road and Bridge Construction, current edition and recommendations of the Director of Public Works.
- (3) Flaggers will be posted to warn oncoming motorists during the entire crossing operation.
- (4) Such temporary construction shall be completed in the minimum amount of time possible as approved in the permit.

e. Where the applicant wishes to connect any surface or subsurface (stormwater) drainage system to the City roadway system, the applicant shall apply for a permit to allow this connection using the procedures of these regulations. The applicant shall provide for both water quality and water quantity.

3. Pavement cutting.

a. Open cutting of existing pavement on City right-of-way generally will not be allowed if any of the following conditions exist:

- (1) The pipe to be placed under the road is six inches or less in diameter.
- (2) The road at the proposed cut location has a minimum five inches shellrock or limerock base.
- (3) The road is a former state secondary road that has been transferred to the City for maintenance.
- (4) The road is rated good to fair under the City's current road classification policy.

b. The Director of Public Works may grant an exception to (a). Above, and approve open cutting where any of the following exceptions are found to exist:

- (1) The road is on an approved resurfacing list and is scheduled to be

resurfaced within 12 months following the date of the proposed cut

- (2) The Director of Public Works determines that existing field conditions prohibit use of the jack and bore method because of certain conditions such as subsurface obstructions, limited space for jacking, high water table, substandard roadway surface, or alternatives are unreasonably costly to the public.
- c. Where open cutting is approved, the Director of Public Works may require that the permittee overlay the complete width of the road with a minimum of one inch of Type S-III asphalt for a distance of 25 feet on each side of the open cut. The applicant shall submit roadway restoration plans, signed and sealed by an engineer registered in Florida, providing details of the proposed cut, backfill, and overlay, all of which are in compliance with the requirements of these regulations. The engineer shall submit an "as built" and a certificate of completion of the road work.
- d. In any analysis of a request for open cutting, primary considerations will be given to the safety and convenience of the public. The applicant shall provide written justification for approval of open cutting.
- e. Before traffic is to be placed on a cut area, a temporary patch with a smooth all-weather surface must be provided.
- f. A City inspector must be on site when an open cut permanent repair is being made.
- g. All open cut road repairs shall be maintained by the permittee for a period of 36 months from the date the repair is completed.
- h. Open cutting of existing paved driveway connections will be permitted, provided that for the convenience of the users, the users are notified and pavement is restored in accordance with this section. Notification may be accomplished by the use of a door-hanger type notice, or onsite signage as appropriate and approved by the Director of Public Works.
- i. Where an open road cut is made under the emergency repair provisions of this section of these regulations, the UAO shall make a diligent effort to notify the Director of Public Works of the emergency. All excavation shall be covered before leaving the work site. Where such emergency open road cut is made, the applicant shall make temporary and permanent repairs according to the requirements of this section and submit "as built" plans and a certificate of completion signed and sealed by an engineer registered in Florida providing details of the emergency cut, backfill, and overlay, all of which shall be in compliance with the requirements of these regulations. Failure of the UAO to make the road repairs and submit required plans and certificates

may result in the City's withholding future ROW Use Permits until the repairs are completed.

C. Attachment to structures.

1. General.

- a. The City of Avon Park may consider allowing attachment to structures to accommodate utility construction under the terms set forth in this section. However, if any of the following conditions would be created by the attachment, the attachment will not be approved:

An obvious hazard to the public will be created.

The integrity of the structure will be affected.

Inspection and maintenance operations of the structure will be unreasonably hindered.

Aesthetics of structures which are located in aesthetically sensitive environments will be adversely affected.

- b. Details of utility attachments including loads, attachment positions, detail dimensions, material type, plans, specifications and corrosion certification forms will be prepared by or prepared under the responsible supervision, direction and control of a qualified professional engineer registered in the State of Florida, unless exempt from registration under F.S. Ch. 471. These plans and specifications shall be signed and sealed by the engineer, and the information shall be suitable for inclusion in the Florida Bridge Management Inventory System (BMIS) file.
- c. Permit applications for installation onto existing structures shall be reviewed by the Director of Public Works. Development of construction plans for the accommodation of utilities onto structures to be constructed shall be the responsibility of the designer and not The City of Avon Park. All details shall comply with the requirements of these regulations.

2. Responsibility. The UAO is totally responsible for the design, safety, inspection and maintenance of its facilities and supporting hardware accommodated onto City owned bridge structures if the City determines that the utility will be accommodated, the Director of Public Works has the responsibility to determine that the UAO has complied with the requirements of these regulations and that the structure will support the utility in addition to other loads in a safe manner, and that accommodation of the utility will not significantly reduce the live load capacity of the bridge. The Director of Public Works is the final authority in all disputes that may possibly develop. The UAO is advised to review the FDOT's Five-Year Work

Program and the City's current capital improvements plan to determine if an existing bridge is scheduled to be replaced, rehabilitated or widened.

3. Criteria. Where attachments are permitted, the criteria listed below must be met as conditions for issuing the permit:
 - a. Designs for utility attachments shall be in compliance with all applicable federal, state, and local regulations, rules, and Codes.
 - b. No construction or maintenance will be accomplished upon a structure without a written approval from the Director of Public Works or his designee. The UAO or its contractors working within the City's right-of-way shall comply with the requirements of these regulations and with FDOT's Standard Indexes, current edition.
 - c. Utilities attached to bridge structures shall maintain a vertical clearance at least equal to that of the structure.
 - d. Utility cables or conductors shall be encased in conduit so that maintenance can be accomplished from the ends of the structure.
 - e. All electrical cables two KV and above shall be shielded cable with an insulated concentric neutral and be grounded at one end of the bridge.
 - f. Metallic pipes or conduits shall be electrically insulated from the structure by redundant insulators. Metallic pipes or conduits shall be supported by insulating pipe roller or specifically designed sliding or elastomeric bearings. Insulating pipe rollers (rollers constructed from dielectric material) shall be used unless the loads will permanently strain the roller material beyond the elastic limit.
 - g. All utilities shall be isolated and insulated from the structure to ensure that corrosion cells do not develop because of the attachment of the utility.
 - h. Utility attachments should be designed to pass through the backwall of the abutment when practicable.
 - (1) Pipe may be routed around the abutment when the abutment backwall design prohibits a pass through due to dimensional constraints, thickness, material composition or reinforcement. The permittee will consult with the Director of Public Works or his designee concerning the City's requirements at each site. Also see subsection 7. of this section concerning thermal expansion.
 - i. All pressure lines attached to bridges shall have shut-off systems so that the pipe segment at the bridge can be isolated.

- j. All lines carrying hazardous material (flammable, toxic or corrosive) shall be designed to be in compliance with the U.S. Department of Transportation Pipeline Safety Standards 49 CFR, Part 192 or Part 195, as applicable, for a class four location. Only steel pipe with welded or flanged joints and conforming to AOPI Standards shall be used.
 - (1) Accommodation of pipes transmitting hazardous materials with line pressures in excess of 250 psi should be reviewed in light of the added safety concerns. A 250 psi gage pressure is the suggested upper limit of line pressure for attachment to bridge structures. When a bona fide hardship exists, consideration may be given to accommodating transmission lines with pressures exceeding 250 psi.
- 4. Location. Utilities should be located underneath the cantilever portion of the bridge structure deck overhang. If unique circumstances exist, attachment to the deck underside at other locations could be considered. Under no circumstances should any UAO be allowed to attach onto bridge girders. Locating the utility under the deck overhang is the best location because it minimizes interference with bridge inspection and future girder maintenance.
- 5. Materials. Only materials that are listed on the qualified products list by the FDOTs State Materials Office in Gainesville, Florida, shall be used for utility conduit, pipe coatings and concrete repairs on bridges. Selection of material type is governed by project location. Conduits shall be supported so that long term deflection between supports, when fully loaded, shall not exceed five-eighth-inch. Examples of approved conduits for utility cables or conductors for outdoor exposure locations are listed below.
 - a. Fiber reinforced epoxy (FRE) rigid conduit which is listed by Underwriters Laboratories Files E-53373, E-78442 and conforms to the National Electrical Code, Section 346.1.
 - b. Polyvinyl Chloride (PVC) Rigid Conduit schedule 40 or 80, which conforms with Underwriters Laboratories Section 651, the National Electrical Code Section 347 and National Electric Manufacturers Association TC-2. For conduit supporting only communications cables, Polyvinyl Chloride "D" duct which meets or exceeds National Electric Manufacturers Association TC-10 is acceptable.
 - c. All utility supporting hardware shall be constructed of the same metal material. No combinations of dissimilar materials will be allowed (threaded inserts included) unless the materials are separated by flanged bushings constructed from non-conductive materials. Supporting hardware is defined as any and all threaded inserts, bolts, nuts, washers, hangers, or brackets. Approved materials for supporting hardware are listed below.

- (1) Alloy 6061 T6 Aluminum; 316 Stainless steel; hot dipped galvanized steel in accordance with ASTM Specifications, Structural Shapes A-123; Hardware A-153; Bolts A-307, or other equal materials as determined by the FDOT State Corrosion Engineer.
 - (2) All support metal devices, except stainless steel, shall have a minimum thickness of three-sixteenth-inch. The use of threaded inserts cast into the concrete or retrofitting with adhesive anchors are required to attach the utility to the bridge deck. The use of expansion anchors is prohibited.
6. Corrosion mitigation. All attachments to bridge structures shall be designed to minimize any danger of corrosion activity by stray current flow into the structure from the utility. The utility shall be encased in a conduit constructed of nonconductive material or shall be separated from the supporting hardware by an insulating roller or other nonconductive material. All bolts entering the bridge structure should be separated from supporting brackets by the use of flanged insulating bushings or redundancy accomplished by other means.
 - a. Metallic utility pipes shall be supported on insulating rollers or other nonconductive material. Utility pipes transporting fluids and using mechanical joints shall be equipped with joint restraints. Use of pipe couplings, other than expansion couplings (expansion joints), shall be avoided on bridge structures.
 - b. If pipe couplings are used, restraint shall be provided to prevent pipe movement at the coupling and the pipe system shall be designed to restrict all movement to expansion couplings. All gas lines or other cathodically protected lines shall be equipped with both insulating joints and electrical test leads at both ends of the bridge.
7. Thermal expansion. Methods to compensate for thermal expansion, expansion joints or expansion loops, shall be designed for all bridge structure utility attachments except those utility attachments onto structures with an overall length of less than 35 feet. The utility attachment shall transmit no longitudinal or thrust loads to the structure at the abutment. Loads caused by thermal expansion and transmitted to the bridge structure shall be minimized. The expansion method shall be engineered, detailed, and located on the plans when submitted for approval. Adequate supports shall be provided near expansion joints equally spaced each side of and near to the joint, to assure proper alignment of the joint.
 - a. Expansion joint details shall indicate joint opening settings which compensate for temperature at the time of installation.

Section 13. Special requirements for installation, restoration of right-of-way and maintenance

of utility.

All right-of-ways shall be restored, as a minimum, to their original condition, in accordance with FDOT Standard Specifications for Road and Bridge Construction, current edition and these regulations, including temporary erosion control methods, and in a manner satisfactory to the Director of Public Works. Pavement restoration should be in accordance with the illustration, pavement restoration detail, in the *City of Avon Park Technical Standards Manual*, current edition. In the case of requirement conflicts, the most restrictive and/or stringent shall control. If the permittee fails to restore the right-of-way to the satisfaction of the Director of Public Works, this City official may, at his option, repair the right-of-way and submit an affidavit of cost to the UAO or submit the Ordinance violation for code enforcement in any lawful manner the City deems appropriate. The following guidelines are established for this purpose:

- A. All affected side drains, side ditches and storm sewers will be identified and referenced as to grade and location prior to construction.
- B. At each open cut crossing, the backfill material shall be placed and compacted per FDOT Standard Specifications for Road and Bridge Construction, current edition, Section 125-8, and/or per special provision B1210000 (flowable fill). This requirement holds for embankment, subgrade and base. Density tests shall be made by a certified laboratory under the supervision of the permittee's engineer. A copy of all density test reports shall be furnished to the Director of Public Works.
- C. Drawings showing proper replacement must accompany the permit application when open cutting is allowed. Written documentation shall be required showing why deviation from FDOT and/or City requirements should be allowed.
- D. Temporary patches will be maintained to provide a smooth, all weather surface at all times. Temporary patches shall be replaced by permanent patches as soon as all other installation work is completed. The Director of Public Works will be notified 48 hours prior to application of the permanent patch. The permittee will be required to maintain the patch for a period of 36 months after the replacement is completed.
- E. Shoring will be required to conform with the Florida Safe Trench Act requirements where necessary to protect existing pavement, structures, and foundations.
- F. Excavated material in excess of the quantity for backfill in City rights-of-way and considered usable by the Director of Public Works, shall be hauled by the permittee, at his cost and expense, a maximum distance of three miles from the trench excavation and stockpiled in those areas as directed by the Director of Public Works. The Director of Public Works may also, at his discretion, require the permittee to assume ownership of the excess material and dispose it offsite. Excess excavated material considered unusable by the Director of Public Works shall be disposed of at the permittee's expense unless otherwise directed by the Director of Public Works. This subsection does not apply to materials contaminated with hazardous waste or pollutants.

- G. All correspondence regarding construction procedures will be handled directly with the permittee and not through the permittee's consultants, contractors or subcontractors.
- H. At such locations where City signs and/or reflectors will interfere with proposed construction, the permittee will notify the Director of Public Works 48 hours in advance of starting work. All signs and reflectors will be moved or relocated by City forces or as designated on the permit. Any signs or reflectors damaged, destroyed, removed or relocated will be replaced by the City at the expense of the permittee.
- I. All trees and shrubbery damaged or disturbed during construction shall be replaced by the permittee at his expense as directed by the Director of Public Works. Any plants that have been planted by property owners shall be removed and replaced to the satisfaction of the Director of Public Works. All debris shall be removed by the permittee at his expense.
- J. Sodding and, when approved by the Director of Public Works, grassing and mulching operations shall begin within three weeks after utility is installed except in cases of front and back slopes which shall be done immediately. All requirements regarding sodding, seeding and mulching shall be in accordance with FDOT Standard Specifications for Road and Bridge Construction, current edition. Any yard or part of right-of-way in front of private property that has a grass mat will be resodded with like sod, or otherwise to the satisfaction of the Director of Public Works. The permittee shall maintain that portion of the right-of-way affected by the permit installation until acceptable vegetation is established.
- K. The permittee shall immediately cease operations and notify the Director of Public Works, or if on a construction project, the project engineer, if substances or material suspected of being hazardous, asbestos, oil of any kind or in any form, gasoline, pesticides, ammonia, chlorine, and derivatives thereof, excluding liquefied petroleum gas, are discovered in the portion of the right-of-way where work is authorized by the permit.
- L. The City shall notify the permittee of the suspension or revocation of the permit until contamination assessment and remediation under Rule Chapter 62-770 FAC, has progressed to a state that all environmental regulatory agencies having jurisdiction have approved the site of the contamination for resumption of construction and utility work. At that time the City will notify the UAO and provide an opportunity for the UAO to obtain an amended permit subject to any conditions imposed by said environmental regulatory agencies. The UAO shall comply with all conditions of the amended permit.

Section 14. Maintenance of vegetation.

- A. Maintenance of vegetation includes any method or technique to alter or regulate the

normal growth process of vegetative plant materials within the City rights-of-way. Techniques of manual or mechanical methods or the use of herbicides or plant growth regulators may be allowed on a site specific basis.

B. For the purpose of this Ordinance, vegetation is defined as all trees, shrubs, vines, legumes, grasses or other plant material existing within the City rights-of-way. Safety, aesthetics and the preservation of desired vegetation are prime considerations in the maintenance of vegetation. Vegetation maintenance will not detract from the natural beauty of the roadside and shall not provide or appear as an abrupt change in roadside vegetation conditions. Except for tree trimming in this Ordinance, the removal, cutting, marring, defacing or destruction of any vegetation within City rights-of-way is prohibited unless specifically authorized by a ROW Use Permit or otherwise by the Director of Public Works. A 48-hour minimum notice shall be given to the Director of Public Works prior to the performance of operations.

Section 15. Tree trimming.

F.S. § 337.405, which regulates the removal or damage to trees in state, right-of-way, is hereby adopted to regulate such removal or damage to trees in City rights-of-way. The trimming of trees where required to ensure and maintain the safe operation of utility facilities is authorized by a City utility maintenance permit, providing such trimming is performed in accordance with recognized and approved principles of modern arboriculture methods with emphasis on tree health. Such trimming shall not damage trees and shrubs that are intended to remain in the work area. All waste and debris associated with the trimming shall be removed from City rights-of-way unless otherwise approved in writing by the Director of Public Works.

Section 16. Removal of vegetation.

Manual or mechanical cutting of vegetation will be permitted on a routine or periodic basis, provided that the limits of work do not extend beyond the limits necessary for the proper maintenance. Grasses shall be mowed or cut at a height and in a manner that promotes low growing ground cover species. Areas dominant in brush may be cut as close to the ground line as practical. Mowing equipment shall be so equipped and operated in a manner to preclude the throwing of debris that would create a safety hazard. Brush cuttings or debris discharged into the routine maintained limits of the right-of-way shall be removed.

Section 17. Chemical control of vegetation.

The use of herbicides or plant growth regulators for the purpose of chemically maintaining vegetation may be approved by the Director of Public Works on a site or location specific basis. Authorization for chemical control will be considered on an individual basis and shall not be interpreted as authorization to extend beyond the specified limits or the provisions of the work. All requests shall be submitted in a written proposal that outlines the extent of the proposed work, the type of herbicides or plant growth regulators including labels and material safety data sheets that are proposed to be used, and the intended timing and techniques of application. The UAOs applicator shall secure all necessary permits from jurisdictional state, federal, and local agencies, and copies of these permits shall be submitted to the Director of Public Works along with the request for the use

of chemical control.

- A. When the use of herbicides is permitted for control of vegetation, liability for damage to adjacent property and the City's right-of-way rests solely and entirely with the UAO. The use of herbicides will be authorized only if they are applied as a part of a definite scheduled program intended to control undesirable tree and brush growth.
- B. In the initial application browning of vegetation will be permitted, however, subsequent applications on trees and brush should use individual stem, basal bark or stump treatments. The initial application will be followed by periodic, selective or spot treatments until undesirable tree and brush growth has been replaced by low growing ground covers. No application will be permitted on vegetation greater than three feet in height that will create an undesirable appearance or undesired browning or color change of vegetation. Special height considerations may be given to locations where physical manmade obstructions preclude or prevent the reduction of vegetation to the three-foot height. In no case will applications be allowed at a height of greater than six feet. Vegetation that is to be maintained chemically shall be treated while in the first growing season after mowing or before it has reached a height of three feet. Locations with exceptional rapid plant growth conditions may be exempted provided the dead plant material is removed following successful performance of the herbicides. Herbicide applications that indiscriminately kill grass or other desired vegetation will not be permitted. Uncontrolled or indiscriminate use of highly residual or non-selective herbicides or the use of restricted use herbicides will not be permitted. Application of herbicides that are harmful to existing grasses, legumes or other low-growing ground cover plants will not be allowed on:
 - 1. Roadway cut or fill slopes, where such vegetation has been planted or has become established naturally.
 - 2. Roadway shoulders and slopes between the pavement surface and the established City mowing limits.
 - 3. Other areas where it is evident that mowing is done as a part of routine roadside maintenance or locations where such applications would be detrimental.
- C. Applications that are conducive to the non-selective control of vegetation that will produce undesired bare ground will not be permitted. Individual stem and solid stream treatments that result in spot or narrow band control may be permitted provided that the field conditions and adjacent land use are compatible to such treatments.
- D. Where specific plants have been selected and preserved, they shall be protected against damage by the herbicide treatment of adjacent vegetation. Careless or excess applications will not be tolerated. Special precautions must be taken with all

herbicide applications to ensure that they are made in accordance with all environmental considerations and associated regulations.

- E. Personnel shall be trained, experienced, and competent in the particular type of work they are engaged in and licensed according to applicable law. Only experienced personnel having a thorough understanding of herbicide application and the technical complexities in this field of expertise are to be allowed to apply these chemicals.
- F. A complete copy of the records detailing the dates, location, materials, rates, weather and other relevant data shall be maintained by the UAO and provided to the Director of Public Works upon request.
- G. Authorization to control vegetation chemically must be secured in advance, in writing, with 48-hour minimum notice given to the Director of Public Works prior to the application of chemicals. Misuse or unsatisfactory performance results or failure to comply with these provisions will be sufficient cause for the denial of future use of chemicals for vegetation control.

Section 18. Maintenance of traffic.

- A. Background.
 - 1. Whenever work is done on or near the roadway, drivers are faced with changing and unexpected traffic conditions. These changes may be hazardous for drivers, workers, and pedestrians unless strict protective measures are taken.
 - 2. Since drivers do not make a distinction between construction, maintenance or utility operations, proper traffic control and safety are needed for all types of work.
 - 3. Part 6 of the MUTCD, current edition, is the national standard for all traffic control devices used during construction, maintenance and utility activities. Florida has adopted this manual as the state standard to be used on all streets and highways open to the public. As supplements to this Manual the FDOT publishes Roadway and Traffic Design Standards (Index Series 600), current edition and the Standard Specifications for Road and Bridge Construction, current edition.
- B. Traffic control plan. When a permit for utility installation, adjustment, or maintenance activity is required under this section, a proposed traffic control plan shall be submitted with the permit application. Site condition changes that warrant a change to the proposed MOT plan will require the UAO to notify the Director of Public Works. The proposed and final traffic control plan shall be designed in accordance with the standards set forth in the MUTCD, current edition, the FDOT Roadway and Traffic Design Standards (Index Series 600), current edition and the FDOT Standard Specifications for Road and Bridge Construction, current edition.
- C. Training and job control. The UAO is responsible for insuring that each person supervising the selection, placement and maintenance of traffic control devices in utility work zones

shall be certified by attending a FDOT approved MOT training course or the UAOs approved training course through work zones. When changes are made to the MUTCD, current edition, Roadway Design Standards (Index Series 600), current edition and/or the Standard Specifications for Road and Bridge Construction, current edition, the UAO will update its training program to reflect such changes. UAOs will furnish the Director of Public Works with a list of all personnel in its company certified in MOT when requested.

D. Non-compliance. Upon notification by the Director of Public Works of deficiencies in the traffic control plan or other matters involving traffic safety, the permittee shall immediately make improvements as directed by the Director of Public Works. Should the Director of Public Works deem conditions to be such that imminent danger is present, all work shall cease automatically until the conditions are corrected.

Section 19. Location criteria for utilities.

The following location criteria for utilities shall be observed on all City roads:

- A. Utility/light poles. See FDOTs Standard Index No. 700, Design Criteria Related to Highway Safety, current edition.
- B. Parallel (underground). Parallel underground installations require a minimum vertical clearance of 36 inches below top of pavement and 30 inches below existing unpaved ground including ditch grade. In rural areas, every effort will be made to locate utility facilities in areas other than between edge of pavement and toe of slope and as near to the right-of-way line as practical. Minimum depth requirement can vary if utility is buried beneath a sidewalk or bike path.
- C. Crossing (aerial). Aerial crossings are permitted and will have a minimum of 18 feet vertical clearance over the roadway. Other governmental agencies or codes may require a greater clearance for certain voltages. The greater clearance required prevails as the rule.
- D. Crossing (underground). Underground crossings require a minimum vertical clearance of 36 inches below top of pavement and 30 inches below unpaved ground line including ditch grade.
- E. Operating railroad corridors. All utility location criteria shall be in accordance with the criteria set forth by the FDOT Standard Application Package, current edition for operating railroad corridor use and/or occupancy.
- F. Airport/airport properties. All utility location criteria shall be in accordance with the criteria set forth by the airport jurisdiction or as provided in F.S. Ch. 333.

Section 20. General requirements.

General requirements for utility construction in City rights-of-way are listed below.

- A. Devices such as signal strain poles, fire hydrants, down guys, telephone load pedestals and other items whose construction and size would cause extensive damage to a vehicle if struck are to be located according to the standards for utility poles. See FDOT's Standard Index 700, current edition, for location criteria.
- B. For the purpose of this section, frangible base poles will be accepted if in accordance with FDOT's Roadway and Traffic Design Standards, current edition.
- C. On projects where the four feet minimum offset would place the utility or other obstruction in substantial conflict with the sidewalk and in the case of power poles, would create an unreasonable conflict with requirements of the National Electrical Safety Code and other alternatives are deemed impractical, the minimum may be reduced to one and one-half feet from the face of the curb. The permittee shall insure that a minimum 36 inch accessible route is maintained as per F.S. § 553.48, and the requirements of the "Americans with Disabilities Act."
- D. Where possible, excavation will not be allowed within eight feet of the edge of the pavement. See section 21, jacking and boring, of this Ordinance.
- E. Clearances for above ground parallel lines will be 16 feet minimum except where the utility line crosses a connecting side road in which case an 18-foot minimum shall be required. This, criteria, shall not be applied to a minor segment of an existing utility installation in such a manner as to result in misalignment of the installation or adjustment of the entire installation.
- F. The roadside clearances for above ground utility facilities shall be consistent with those clearances applicable to other roadside obstacles on the type of highway involved, reflecting good engineering and economic considerations.
- G. Where feasible and practical, luminaries should be attached to utility poles which otherwise meet the offset criteria, thereby eliminating unnecessary number of poles along roadway facilities.
- H. Manholes shall be outside the traveled lanes, to the greatest extent possible. The manhole ring, cover and pad must support the traffic for the area where it is being constructed and be finished flush with the existing grade.
- I. Out of service or deactivated underground utility facilities must be removed under the permit conditions, but may be permitted to remain in place provided no future operations of the City are affected, as decided by the Director of Public Works or his designee. As a condition of permit for such facility, the UAO shall submit and maintain survey records of their location and type of material. Such underground facilities shall be shown on utility relocation plans required by the City. The City reserves the right to require the UAO seeking to leave its deactivated underground facilities within the City right-of-way, to be responsible for any costs, claims,

damage, or injury, which result from said UAOs facilities and to enter into an agreement for the same.

- J. Deactivated underground gas lines shall be shown on the utility relocation plans and shall be deactivated in accordance with 49 CFR, Part 192 and the rules of the public service commission.
- K. Appurtenances.
 - 1. Should be aesthetically acceptable and in compliance with industry standards
 - 2. Shall be placed so as to provide minimum interference to traveling public and road maintenance operations
 - 3. Must not conflict with other existing facilities
 - 4. Shall be located as close to the right-of-way limits as practical.
- L. If any utility relocation is necessary to provide entrance to the roadway from adjacent property, the relocation expense should be borne by the secondary permittee and the permittee shall not interfere with the rights granted to any prior permittee. (This provision does not apply to public designated rights-of-way connecting to City roads, i.e., other City roads, city streets, state parks). If a dispute arises, the relocation expense should be considered a matter between the property owner and the prior permittee. In the case of an appeal, the final location will be determined by the Director of Public Works whose decision may be appealed to the City Manager.
- M. With the exception of utility or single pole appurtenances mounted 15 feet or higher above the ground, appurtenances larger than eight cubic feet must have their location and size, in cubic feet, shown on the permit.
- N. Underground appurtenances less than 30 feet from the edge of pavement, excluding those considered not in traffic areas of curb and gutter sections, shall be designed to carry traffic. Those located in non-traffic areas of curb and gutter sections and those located greater than 30 feet from the edge of pavement shall be designed to support the City's maintenance equipment. The minimum wheel load, underground appurtenances should be designed for is 16,000 pounds. This value in no way guarantees the UAO that these appurtenances will not be subject to greater loads.
- O. Installation of above ground appurtenances larger than 80 cubic feet and any size appurtenances, which do not meet these guidelines, must be submitted to the Director of Public Works.
- P. All new or replaced underground facilities within the right-of-way shall be detectable.

- Q. The removal, encapsulation, or enclosure of materials containing asbestos may require a licensed consultant/contractor under F.S. §§ 455.301--455.309.

Section 21. Jacking and boring.

A. Purpose. The purpose of this section is to expand and standardize the guidelines pertaining to underground utility crossings by methods other than open cutting. The guidelines contained herein are intended solely to prevent unnecessary failures and to provide sufficient detail to insure uniform application of the guidelines.

B. Scope. The guidelines set forth in this Ordinance are to regulate and control all aspects of underground utility crossings by jacking, driving, pushing, boring, tunneling, pulling, or combination thereof and other methods except open cutting or trenching. The guidelines established herein are to provide such regulation and control and are not intended to provide complete step by step instructions for a proper underground crossing operation. These guidelines do, however, specify a wide range of procedural precautions necessary to insure that the very basic, essential aspects of a proper crossing operation are adequately controlled. In all cases the ultimate success or failure of a crossing will depend upon the experience and skill of the permittee or permittee's contractor. Furthermore, the wide range of possibilities concerning job site conditions, economics and future technological improvements dictate that this Ordinance be used as a guide. However, strict adherence shall be required under specifically covered conditions outlined herein.

C. Material. All material used in the execution of work authorized by the ROW Use Permit shall be as described in this section.

1. Encasement material including material for uncased carrier pipe.
 - a. Composition and strength. All casings shall conform to the applicable ASTM standards and additional requirements listed below.
 - (1) The material must be chemically compatible with any material it is to transport or otherwise contact.
 - (2) Unless otherwise tested and approved by the Director of Public Works prior to beginning work, all encasement pipes or uncased carrier pipes shall be new and of round, smooth wall, leak proof construction. Used pipe in good condition may be used if approved by the Director of Public Works prior to beginning work.
 - (3) The use of casings (not encased carriers) with wrapped protective coverings will not be allowed.
 - (4) Plastic pipe. Plastic pipe may be installed by jacking and boring except when used as pressurized carrier pipes containing gases or fluids. Closed end jacking of plastic pipe, or open end jacking without an auger for continuous cleanout of the bore as the jacking progresses,

will not be allowed.

- (5) Plastic pipe must meet or exceed the following strength and composition standards:

PVC	(Polyvinyl-Chloride)	ASTM D 1785
PE	(Polyethylene)	ASTM D 2447
PE	(Polyethylene - Gas pipe over three and one-half inches)	ASTM D 2513
PB	(Polybutylene)	ASTM
D 2662CAB	(Cellulose Acetate Butyrate)	ASTM D 1503
ABS	(Acrylonitrile-Butadiene Styrene)	ASTM D 1527
RTRP	(Reinforced Thermosetting Resin Pipe)	ASTM D 2296 or D 2997

- (6) For all plastic pipe used, an air pressure test for leaks shall be conducted in the presence of the Director of Public Works or his representative immediately upon completion of each crossing at a minimum test pressure of 20 psi. The test shall be abandoned, if in the opinion of the Director of Public Works, the leaks are potentially damaging to the roadway. Either of the two test methods outlined below will be satisfactory.

- (a) Standard 24 pressure test with recording chart.
- (b) Pressure test utilizing a dragnet type leak detecting device, or other equivalent testing equipment capable of detecting pressure drops of one-half psi. Length of test is to be recommended by the testing equipment manufacturer for the conditions of the particular job.

- (7) Immediately following the pressure test, the results shall be furnished to the Director of Public Works or his representative. Leaking pipes that cannot be repaired to meet pressure tests are to be filled with concrete by pressure grouting or other approved means and placed out of service if in the opinion of the Director of Public Works the leaks are potentially damaging to the roadway.

2. Length. Casings and uncased carrier pipes shall be of sufficient length to extend under all pavements and in no case shall the end of the casing be closer than eight feet from the pavement edge, or four feet from back of curb plus additional length as necessary to extend to the excavated slopes of the jacking and receiving pits. Slope requirements are detailed in section 21.F. 2.d. jacking pits, of this section. The ends of casings for flammable materials shall be no closer to the pavement edge (including paved shoulders) than the toe of the front slope.

3. Joints and couplings.

a. Steel pipe.

- (1) Couplings. Couplings shall be tight, tack welded if necessary, and sufficiently rigid (no noticeable movement in joint) to prevent misalignment during driving or pushing operation. Tack welding of couplings is only required where necessary to ensure the integrity of the joint.
- (2) Welded joints. Joint welds shall be made in a neat workmanlike manner by a certified welder and shall be air tight and continuous over the entire circumference of the pipe with a bead equal to the minimum wall thickness, and shall increase the outside diameter by no more than three-quarter-inch total.

b. Plastic pipe.

- (1) Couplings. Plastic pipe couplings shall meet or exceed all applicable ASTM strength and composition standards for the particular type being used.
- (2) Joints. Plastic pipe joints shall be made in accordance with applicable ASTM standards. In all cases, the joints shall be made sufficiently strong to withstand the stresses of jacking, with joints completely set and cured prior to placement of the pipe.

c. Coupling thickness. Coupling thickness shall be such that the overall casing diameter is increased by no more than three-quarter-inch total. All couplings shall be leak proof.

4. Drilling fluids. If drilling fluids are used to lubricate the auger and facilitate the removal of cuttings, they shall consist of a mixture of water and gel-forming colloidal material such as bentonite, or a polymersurfactant mixture producing a slurry of custard-like consistency. Plain water may be used if appropriate under the conditions outlined in section 21.F.2.f., (50(b)2.) of this section.

5. Shoring and bracing material. Materials used for sheeting, sheet piling, cribbing, bracing, shoring and underpinning shall be in good serviceable condition, and timbers shall be sound, free from large or loose knots and of proper dimensions, as required by OSHA regulations.

D. Equipment. In keeping with the overall objective of this section, this section is intended to set forth guidelines for the use of equipment solely to prevent unnecessary stoppages and subsequent damage to the roadway. All equipment used in the execution of work covered under the ROW Use Permit shall have the built-in capacity, stability and necessary safety features

required to fully comply with the specifications and requirements of this section without showing evidence of undue stress or failure. It shall be the responsibility of the permittee to assure that the equipment to be used in the crossing operation is in sound operating condition. Backup equipment may be required where job site conditions indicate that severe damage to the roadway or a hazardous condition may result because of an equipment breakdown and where the condition of the equipment to be used indicates that routine component replacement or repair is likely to be necessary during the crossing.

1. Auger power units. These are power units providing rotational force to the cutting head and/or the auger used to remove spoil material as the bore progresses, and may also provide power for jacks used to push the casing. Power units shall be in proper operating condition and shall have sufficient power to satisfactorily complete the proposed crossing according to the manufacturer's recommendations.
2. Augers. These are screw-type steel drive tubes or shafts with one male end and one female end for coupling and welded steel fighting (threads).
 - a. Auger shafts shall be straight and otherwise undamaged.
 - b. Fighting shall be undamaged and securely welded to the body of the auger shaft and be continuous with no gaps from end to end of each auger section.
3. Cutting heads. These are boring attachments fastened to the leading end of first auger section equipped with special teeth, bits, blades, chippers or cutters used to cut or chip away rock or hard soils in advance of auger.
 - a. Cutting heads shall be undamaged and have no missing or broken teeth or bits.
 - b. Pinned or hinged wing cutters must be constructed in such a manner as to ensure over-boring does not exceed limits specified in section 21.F.2.e.(4), methods of reducing skin friction, of this section.
4. Auger tracks. These support the boring machine and provide line and grade control.
 - a. Tracks shall be straight and otherwise undamaged with no broken welds.
 - b. Tracks shall be constructed so as to remain rigid at joints and allow no appreciable flexing as power unit passes.
5. Jacks. These are hydraulic, mechanical, or manual power units providing horizontal thrust for pushing casing or carrier pipe. Jacks shall have sufficient power to satisfactorily complete the proposed crossing according to the manufacturer's recommendations.
 - a. Hydraulic. Hydraulic jacks shall be in sound operating condition. Hoses shall

not be cracked or split; all couplings and fittings shall be tight and entire system reasonably free from leaks. Hydraulic cylinder rods should be clean and smooth to prevent damage to cylinder seals.

- b. Mechanical. Mechanical jacks include manual, power drive, and ratchet type jacks, and winch and pulley systems. All mechanical jacking systems shall be in sound operating condition with no broken welds, excessively worn parts, broken teeth, or badly bent or otherwise misaligned components. All ropes, cables, clamps and other non-mechanical but essential items shall be in sound condition.
 - c. Other. Devices or systems for providing horizontal thrust other than those previously defined in the preceding section shall not be used unless approved for use by the Director of Public Works prior to commencement of work. Consideration for approval will be made on an individual basis for each properly permitted crossing. The proposed device or system will be evaluated prior to approval or rejection on its potential ability to complete the crossing satisfactorily without undue stoppage and to maintain line and grade within the tolerances prescribed by the particular conditions of the job. Jetting or water sluicing methods, jetting with compressed air, or boring or tunneling devices with vibrating type heads that do not provide positive control of line and grade shall not be allowed.
6. Anchors and braces. These are jacking bases or deadmen used to provide a rigid base from which the horizontal thrust from the jacking unit is transferred to the casing. The jacking base or dead man must be sufficiently strong to withstand the pressures generated by the jacking unit throughout the jacking operation without appreciable movement or deformation.
7. Dewatering equipment. Equipment used to evacuate ground and surface water from jacking and receiving pit areas and along the path of a proposed bore.
- a. Pump. The pump shall be in proper operating condition and of sufficient capacity to satisfactorily dewater the pit and bore areas under the conditions of a particular job.
 - b. Header line. This line is a collector pipe connecting the pump with individual swing joints, risers and well points in a well point dewatering system. Header line shall be straight, free from large dents, kinks, or cracks and sufficient in size to pass the anticipated flow.
 - c. Swing joints or half swings. These are hoses or pipes that connect individual well points and risers to the header line. Swing joints shall be undamaged and feature a workable stop cock or equivalent device for controlling air intrusion into the system.

- d. Risers. These pipes connecting well points to swing joints should be reasonably straight and otherwise undamaged.
 - e. Well points. These connect to the bottom end of a riser pipe and are perforated and screened to draw water from surrounding area without allowing the intrusion of soil. Well points must be undamaged with clear and unclogged screens.
8. Directional boring. A directional bore must use an auger or mechanical cutting type head and shall be controlled as to depth and angle while boring. The distance between the top elevation of the bore (pipe) and the surface must be at least three and one-half times greater than the outside diameter of the bore (pipe). In all cases, the top elevation of the bore (pipe) must be equal to or greater than the requirements found elsewhere in this section. When directional boring is used, the UAO shall furnish the Director of Public Works with elevation readings every five feet on the "as built" drawings, or as otherwise directed by the Director of Public Works. The maximum diameter on any directional bore or pull back can only be up to six inches inside diameter unless approved by the Director of Public Works or his designee.
- a. Horizontal boring equipment. This equipment includes locking devices, surveying instruments, power plants, hydraulic motors and attachments as mud mixing units and related equipment.
 - b. Proof of competence. The UAO shall require all directional boring contractors to provide proof of competence from the FDOT before any permit could be approved.

NOTE: A City inspector should be on job sites for all directional bores crossing a City roadway.

9. Other equipment. Any equipment used on the job that has not been defined and covered previously in this section must be in proper working order and otherwise conform to the requirements as outlined in this section.
- E. Personnel requirements.
- 1. A responsible representative of the permittee must be present at all times during the actual crossing operation on all crossings.
 - 2. The permittee or the permittee's contractor shall have a sufficient number of competent workers on the job at all times to insure the crossing is made in a timely and otherwise satisfactory manner. Adequate personnel for carrying out all phases of the actual crossing operation must be on the job site at the beginning of work. These shall include, where applicable, boring machine operator, certified welder(s) for joining additional casing sections, crane or lift operator for removing spoil material, and laborers as necessary for various related tasks. A competent and experienced

supervisor representing the contractor, who is thoroughly familiar with the equipment, and type of work being performed, must be in direct charge and control of the operation at all times. In all cases the supervisor must be continually present at the job site during the actual crossing operation.

3. As stated in the ROW Use Permit, the office of the Director of Public Works must be notified 24 hours in advance of starting work. In addition, the actual crossing operation shall not begin except as otherwise allowed by this section until the Director of Public Works or his designee is present at the job site and agrees that proper preparations for the crossing have been made. The Director of Public Work's approval for beginning the crossing shall in no way relieve the permittee of the ultimate responsibility for satisfactory completion of the work as authorized by the ROW Use Permit. The Director of Public Works or his designee must be present on the job site at all times during the actual crossing operation on "major crossings", or where plastic pipe is used.
 4. It shall be the responsibility of the City to provide inspection personnel at such times as appropriate without causing undue hardship by reason of delay to the permittee or the permittee's contractor. If the permittee or permittee's contractor fails to begin the crossing operation at the agreed time, the Director of Public Works or his designee will establish the next mutually convenient time to begin. On the other hand, the permittee or permittee's contractor shall not be required to delay the operation beyond the agreed starting time if the City fails to have its representative present at that time. To avoid undue hardship on either party, reasonable and mutual cooperation should be exercised where starting times are concerned. If one party fails to meet the agreed schedule, the other party is expected to consider a delayed start if the crossing can be completed during daylight hours in keeping with the requirements of section 21.F.2.(f), crossing operation, of this section.
- F. Procedure.
1. Safety. Erection or installation of appropriate safety and warning devices shall be complete prior to beginning work. See section 18 of this Ordinance for MOT requirements.
 2. Subsurface soil and drainage investigation.
 - a. In general, the greatest influences on the success or failure of an underground crossing are the existing subsurface soil and water conditions. To correctly plan individual crossing procedures such as de-watering, use of cutting heads, and positioning of auger within the casing, and to accurately locate potential problem areas, a subsurface investigation must be made by the permittee or permittee's contractor.
 - b. Prior to beginning work on "major crossings," and when requested, the permittee must submit to the Director of Public Works a report of subsurface

soil and ground water conditions as they exist in the area of the jacking pits and along the path of the proposed crossing. The purpose of the report is to insure that the subsurface conditions are known to the permittee or his contractor and his proposed crossing procedure is based on factual information. The report must be in writing and contain:

- (1) General classification of soils along the path of a proposed crossing.
- (2) Ground water elevation(s) along the path of a proposed crossing.
- (3) Location and size of underground utilities or obstructions discovered during the investigation that were not shown, or were shown inaccurately on the ROW Use Permit sketch.
- (4) Invert elevations of proposed bore, and existing utilities and obstructions.
- (5) Jacking and receiving pit floor elevations(s)
- (6) Profile drawing showing roadway cross section and subsurface conditions such as location, cover, diameter, type of material and carried product of all known existing utilities along the path of a proposed bore, with pertinent information clearly labeled and dimensioned
- (7) Project identification and testing log.
 - (a) ROW Use Permit number and location of project.
 - (b) Name of person collecting data, firm employed by, and position with firm.
 - (c) Dates and times of ground water observations including the time and date the test hole was made.
 - (d) Equipment used in making the tests.
 - (e) Comments and pertinent information not shown in the body of a report, including any information concerning the subsequent design of a de-watering system that might not have any other effect on the proposed crossing procedure.
 - I. For example, a thin but impervious layer of clay that would have little or no effect on jacking procedure itself could indicate a perched water table that would certainly have to be considered in the design of a de-

watering system.

- II. The purpose of the subsurface investigation report must be considered foremost in collecting the required data. The detailed classification of soils necessary for most engineering purposes would be difficult to interpret and relate to the job at hand from a boring contractor's view-point.
- III. Therefore, rather than utilizing one of the several formal soil classification systems currently in use, the data should be separated into broad categories of materials that have a direct and clear bearing on what procedure should be followed on an individual crossing.
- IV. The determination of ground water levels is an important aspect of a sub-surface investigation. Saturated soil conditions along the path of a proposed crossing dictate a crossing procedure quite different from that of a crossing through dry materials. Every effort should be made therefore, to secure accurate and complete water table information.
- V. The method of obtaining the required data will vary depending upon the type of roadway facility and the nature of the utility involved; for example, for small diameter crossings under rural two lane roads where solid conditions are not subject to great variation, a test hole on either side of the pavement made with a post hole digger or hand auger might be sufficient.
- VI. The other extreme would be a large diameter bore under a multilane facility in an urbanized curb and gutter section where the possibility of a damaging and possibly hazardous failure due to unknown subsurface problems requires that considerably more effort be made in the subsurface investigation. Core borings through the pavement slightly offset from the proposed bore might be in order. The corings would be spaced at intervals dictated by sound local practice that will produce an accurate profile of subsurface conditions.
- VII. Corings through pavement would be unnecessary in areas known to have no significant soil variations; however, when pavement coring is in order it shall be

done by qualified persons with appropriate equipment and with the test holes being properly refilled and patched at the end of each operation.

- VIII. If de-watering is required, (see section 21.F. 2.c.) one test hole on either side of the pavement and in median areas where applicable, shall be cased for use as piezometers to monitor ground water levels during the actual crossing. The casings will be allowed to protrude above ground only when adequately delineated and while work is in progress.
 - IX. Prior to conducting a subsurface investigation, the proposed means of obtaining the required data and corings through any paved area must be approved in advance by the Director of Public Works.
 - X. If the subsurface conditions are known to the permittee or his contractor by previous work done in the immediate vicinity of the area, the information can be recorded in the subsurface investigation report with no physical testing required.
 - XI. If the permittee or permittee's contractor is not adequately equipped or experienced to satisfactorily meet the requirements of this section of these regulations, or if preceding subsurface investigation reports as submitted for previous jobs proved to be significantly inaccurate, the Director of Public Works may require that the subsurface investigation and report be done by the permittee's choice of reputable soils engineering firms experienced in the type of work herein required.
- c. De-watering. This process is the evacuation of ground and surface water from jacking and receiving pits and from the path of a proposed crossing.
- (1) Where the ground water level is above the invert of the proposed crossing, or above the floor level of the jacking pits, de-watering is necessary to reduce the water level to below the jacking pit floors and the invert of the proposed crossing, and must be designed, installed and in operation prior to beginning the crossing as follows:
 - (a) On all "major crossings" except where rock is present throughout the length of the bore and no likelihood of sand pockets exists

- (b) On a crossing not otherwise classified as major where the existing groundwater level and particular soil type involved indicated that excessive flowback of spoil material as the jacking progresses is likely.
- (2) De-watering shall not be necessary where remote-powered hydraulic equipment is used to make the crossing underwater.
- (3) When de-watering is necessary, and if requested, a plan showing the proposed method must be submitted to the Director of Public Works prior to beginning work. It must be in writing and should be included with the subsurface investigation report. The de-watering report shall contain where appropriate:
 - (a) Plan and profile drawing of the area to be de-watered, showing:
 - I. Location on plan view of pumps, headers, well points, berms, sump holes, discharge points and their relationship to the roadway, jacking pits and path of the proposed crossing.
 - II. Elevations or depths on profile view of the same features and equipment as above.
 - (b) Project identification and system design information as follows:
 - I. ROW Use Permit number and location of project.
 - II. Name of person who designed the proposed de-watering system, firm employed by, and position with the firm.
 - III. Data upon which the design is based.
 - i. Subsurface investigation as previously required.
 - ii. Previous experience in the same area.
 - iii. Other data (describe).
 - IV. Party responsible for operation and maintaining the proposed system.

V. Comments and pertinent information not otherwise given.

- (4) The importance of a properly functioning de-watering system cannot be overemphasized. If the permittee or his contractor does not possess the experience and expertise necessary to properly design, operate and maintain the de-watering system as dictated by individual project conditions, the Director of Public Works may require that the system be designed and/or operated by the permittee's choice of reputable firms specializing in de-watering operations. De-watering systems shall be in conformance with all applicable federal, state, City, and local pollution control and environmental protection regulations.
- d. Jacking pits. These are excavated areas from which jacking and receiving operations are accomplished.
- (1) Jacking pit excavation. Pit excavation shall be no closer than eight feet from the roadway pavement edge or four feet from back of curb, whichever is applicable. When deemed necessary for safety, the Director of Public Works may require a greater distance than eight feet from the edge of pavement.
 - (a) The pit dimensions shall be large enough to provide a safe, adequate working area with slopes no steeper than allowed by the Florida Safe Trench Act.
 - (b) All soil classifications shall be the same as OSHAs.
 - (c) Slopes shall extend from the proposed casing invert elevation to the existing ground level. Slopes are not required in solid rock.
 - (d) If slopes are not used, the pit walls shall be shored, sheeted, braced or otherwise supported by means of sufficient strength to protect the employees and inspectors working within them.
 - (2) Pit floor stabilization. Where necessary to insure a solid, stable base for boring machinery, some means of stabilizing the pit floor must be provided. Stabilizing may vary, depending upon job site conditions, from timber supports under tracks, addition of clean sand or gravel to pit floor, or in some cases construction of concrete slabs on the pit floor. All stabilizing materials other than sand, gravel, and like materials must be removed upon completion of the project.
- e. Equipment set-up.

- (1) Aligning and leveling of auger tracks. To properly control line and grade during the crossing operation, it is imperative that the jacking unit tracks be rigidly set to the predetermined level and alignment requirements of the job. Control should be insured by the use of appropriate engineering instruments.
- (2) Auger and casing section lengths. These should be determined prior to beginning the crossing operation to insure that the leading end of the first casing section will not be under, or within three feet of, any roadway pavement when the crossing operation is halted to join new auger and casing sections.

As an exception, in areas where jacking pit space is restricted by narrow City right-of-way, or obstructions and will not allow continuous operations under paved areas as stipulated in this section, all preparations for adding additional casings and augers should be made prior to stopping under the pavement and joint made as quickly as possible.

- (3) Exceptions. Crossings made by closed end jacking method or crossings made in materials other than loose unstable soils, are not subject to the provisions of this section.
- (4) Methods of reducing skin friction. Friction between the outer surface of the casing and the surrounding soil may be reduced by increasing the diameter of the casing hole by no more than three-quarter-inch greater than the outside diameter of the casing itself, and may be accomplished as described below.
 - (a) Over-boring. Use of a cutting head with an overall diameter of no more than three-quarter-inch greater than the casing diameter. Maximum diameter includes wing cutters which must be securely blocked to limit the overall diameter in order to meet this requirement.
 - (b) Use of bands. Couplings, collars or welds will be allowed, provided the casing diameter is increased by no more than three-quarter-inch. Any such device or method used shall be rigidly affixed and shall in no way weaken the leading edge of the casing. Collars and couplings used to reduce skin friction on steel pipe must be welded in place when cutting heads are used, eliminating the possibility of the cutting head unscrewing or dislodging the collar or coupling during the operation.

- (c) Use of lubricating materials on the outer surface of the casing to reduce skin friction is acceptable, subject to the requirements of the Florida Department of Environmental Protection.
 - (d) Flaring of the casing end will be allowed provided that the original casing diameter is exceeded by no more than three-quarter-inch.
- (5) Any cuts, tears, or cracks made to facilitate flaring shall be repaired and reinforced by welding to ensure that the strength of the flared section is equal to or greater than the original section. The use of a misaligned, undersized auger to cut an oversized hole is prohibited.
- (6) Relationship between auger or cutting head to the leading end of the first casing section. The leading end of the first casing section shall be straight cut ninety degrees to the centerline of the casing; and the distance between the back of the cutting head or leading edge of the first bare auger section, to the leading end of the casing shall be as follows under the appropriate soil condition.

- (a) **Rock.** On crossings made through solid rock, where the cutting head must precede the casing, the space between the back of the cutting head and the end of the casing shall be limited to the clearance necessary to allow the cutting head to function without coming in contact with the end of the casing.

In areas where sand pockets may be encountered the cutting head must be constructed so that it can be retracted into the casing, to within the limits specified below for the particular material encountered.

- (b) **Hard pan, clay, hard sand-clay and stable cohesive soils.** As in rock, the cutting head should normally precede the casing but the type of cutting head used must allow no more than two inches between the back of the head and leading end of the casing. Cutting heads with cylindrical, pointed chippers designed for use in solid rock shall not be used.
- (c) **Loose, unstable soil.** The distance between the leading end of the first auger section and leading end of the casing shall be as necessary to maintain a solid plug of spoil material inside the forward portion of the casing.
- (d) For casing diameters eight inches or greater, the minimum space between the leading end of the auger, or cutting head as

allowed below, and the leading end of the casing shall be no less than one-half the casing diameter. However, the setback shall be increased if necessary to prevent undue flow back of the spoil material. No setback is required for casing diameters less than eight inches.

- (e) Cutting heads may be used only where the subsurface investigation report or other reliable information indicates the likelihood of encountering a very hard soil, strata, rock, or other obstructions such as tree stumps, and it is determined prior to beginning work that the area of difficulty may be passed by the use of an appropriate cutting head. The cutting head shall remain inside the casing as outlined above except during the passage of such obstructions.
- (f) On large diameter jacked crossings where cleanout of the bore is accomplished by special digging machinery or by hand, the distance between the leading end of the casing and the actual cleanout operation shall be no less than that necessary to insure that voids will not form around the outside of the casing.
- (g) The use of tunnel liners will be allowed only where the installation method and soil conditions insure that voids will not be formed around the outside of the liner during installation.

(7) Auger size and spacing. The leading auger section used in conjunction with a cutting head must be full-sized having an outside diameter not less than the inside diameter of the casing less the amount needed to provide the minimum working clearance necessary. In no case shall the auger diameter be less than one-half inch smaller than the inside casing diameter unless some other positive means of restricting the movement of the cutting head as previously required is assured. Less than full-sized augers that are large enough to remove spoil satisfactorily will be allowed when the auger is not used in conjunction with a cutting head and is to remain within the casing at all times, except as follows:

Crossing Conditions	Minimum Length in Feet of Full-Sized Auger from Leading End of Casing			
Rock	0			
Hard Pan, clay, hard sand-clay	(dry)	0*	(wet)	20
Stable cohesive soils	(dry)	0	(wet)	20
Loose unstable soils	(dry)	20	(wet)	40
Crossings requiring de-watering are to be considered as wet in the above table.				
*Full-sized augers are not required if lateral movement of the cutting head has been otherwise restricted in a satisfactory manner.				

- (8) Steel shelving. Steel shelving welded inside the casing at the leading end to prevent undue flowback of spoil material, must be approved by

the Director of Public Works or his designee prior to use. The casing, auger and cutting head requirements specified for the most restrictive condition to be encountered shall govern the set-up procedure for a particular crossing.

f. Crossing operation.

- (1) The actual crossing operation shall be accomplished during daylight hours and shall not begin after the hour pre-established as the latest starting time that will allow completion during daylight hours except as allowed by (2) below.
- (2) In emergency situations, or where delay would increase the likelihood of a failure, night time work will be allowed to complete a delayed crossing. In addition, where the obvious hazards of nighttime work are carefully considered and determined to be insignificant, nighttime work will be allowed to complete a properly planned crossing if the Director of Public Works agrees that the delay was caused by reasonably unavoidable circumstances, when such nighttime work is necessary to avoid placing an undue economic hardship on the permittee or his contractor.
- (3) Planned nighttime work is expressly prohibited and will not be allowed except as allowed in the special conditions of the ROW Use Permit.
- (4) Any nighttime work shall be in strict conformance with section 18 maintenance of traffic, of this Ordinance.
- (5) Crossing operation requirements under the appropriate method used and subsurface conditions are as follows:
 - (a) Driving or jacking, without auger. For casings with outside diameters of three inches or less, at a minimum depth of 36 inches, and up to five inches outside diameter for depths of cover exceeding six feet, closed end jacking or driving is permitted.
 - (b) Hydraulic or mechanical jacking, with auger. The use of an auger is required by the City on all crossings using casings greater than five inches outside diameter (greater than three inches outside diameter if less than six feet deep) and is intended to prevent the formation of a rigid plug of spoil material at the head of the casing.

- I. If a drilling fluid is used to lubricate the outside of the

casing, or the auger and cuttings, it shall not be pumped under pressure great enough to cause any jetting action whatsoever, or to otherwise saturate the soil ahead of the casing.

- II. External drilling fluid carriers shall be no larger than three-quarter-inch O.D. and must be permanently fastened to the casing with the leading end shielded from damage.
- III. In soils with a, high clay content only, plain water may be used to clean the augers as necessary to prevent binding. When plain water is used, it must be hand pumped or gravity fed through a carrier pipe permanently and securely fastened to the casing.
- IV. The point at which the water enters the casing shall be no closer to the leading end of the casing than one-half the casing diameter or 12 inches, whichever is less.

g. Equipment breakdowns or other unforeseen stoppages.

- (1) If forward motion of the casing is halted at any time other than for reasons planned for in advance (addition of casing and auger sections, etc.) and prevention of voids under paved areas cannot be assured, the casing must be filled with concrete by pressure grouting as soon as possible and abandoned. If removal of the augers from a casing to be abandoned will allow voids to form under paved areas at the casing head, the augers must be abandoned also.
- (2) When an obstruction is encountered that cannot be passed or an existing utility is damaged, cutting of the pavement for inspection will be approved by the Director of Public Works, but only after careful consideration if all pertinent facts indicate that such action would offer the most practical solution to the problem for all parties concerned. Any such authorized pavement opening shall be performed and repaired according to the requirements of section 12 of this Ordinance, pavement cutting.

h. Permit on job site. A copy of the approved ROW Use Permit and plan sheet(s) with the City approved MOT plan shall be kept by the permittee or permittee's contractor at the job site at all times. If a subsurface investigation report and/or de-watering plan is required, they too shall be kept at the job site along with the other required documents, and shall be shown to the City's representative upon request.

G. Waiver of requirements. The requirements and recommendations contained in this Ordinance are appropriate for the most common crossing situations. Under unusual conditions, not adequately covered herein, these requirements may be altered or waived when their strict adherence would increase the likelihood of a crossing failure. Any such alteration or waiver shall be based on sound engineering judgment and must be fully documented. The applicant may also appeal any decision of the Director of Public Works with the City Manager.

H. New techniques. Notwithstanding the provisions of this section relating to jacking and boring, other methods and techniques for installing utility crossings may be used subject to the approval of the Director of Public Works on a case by case basis.

Section 22. Bridge attachment, corrosion certification guidelines.

A. Bridge attachment guidelines. Listed below are guidelines to assist in the proper design of bridge attachments regarding corrosion certification. These basic criteria are used to minimize the amount of corrosion interference resulting from the attachment of utilities to bridge structures.

1. Provide a dielectric barrier between the utility and bridge structure which will insulate them electrically. This objective can be accomplished by using a non-metallic material for mounting hardware, supporting the pipe on an insulating pipe roll, encasing the utility in non-metallic pipe or providing a coating or wrapping such as neoprene between the utility and the mounting hardware. Additional precautions shall be taken by avoiding contact between metal components in the bridge and metal inserts and anchor bolts. Where the pipe or utility is mounted on saddles and guides to allow for movement, additional provisions should be made to compensate for wear. All contact between dissimilar metals should be avoided.
2. The installation of insulating joints in the utility on each end of the bridge structure will help reduce the possibility of corrosion interference. Electrical test leads installed on each side of an insulated joint will provide the necessary means for periodic testing.
3. One utility shall not have electrical continuity with another in any of the sections attached to the bridge. Individual isolation will allow for correction of future problems which might occur and will expedite periodic maintenance checks and tests.
4. Where the utility passes through any part of the concrete bridge structure into the soil or water, provisions shall be made to separate the contact area. This task can be accomplished by installing a non-metallic sleeve through the concrete or by wrapping the utility with a mastic or neoprene material. Consideration should be given to separating the utility and concrete in buried thrust blocks.
5. Selection of the proper materials is extremely important. Corrosion resistant material, such as stainless steel or galvanizing, for mounting hardware is necessary.

It is the responsibility of each permittee/UAO to install and maintain its facilities and not create undue maintenance problems for other utilities or the bridge structure. Such conditions as rust streaks, discoloration and deterioration can be eliminated through proper material selection.

- B. Coating system for pipe attachments.
 - 1. Coating requirements. Materials and procedures described in Subsections a. through d. should be used for potable water mains attached to bridges and bridge appendages. Those described in subsections a. through c. should be used for gas, sewer or other ferrous piping systems attached to bridges and bridge appendages.
 - a. Surface preparation. Near white metal blast cleaning with silica sand (1.0 to 3.0 mil anchor pattern) according to SSPC-CP 10-63.
 - b. Exterior metal surface (excluding pipe flange face).
 - (1) Primer coat. 3.0 mils to 5.0 mils (dry mils) of a two package self-curing alkyl silicate inorganic zinc rich primer (80 percent to 85 percent metallic zinc in cured dry film);
 - (2) Intermediate coat. 4.0 mils to 6.0 mils (dry mils) of catalyzed polyamide epoxy (white)
 - (3) Top coat. 2.0 mils to 4.0 mils (dry mils) of catalyzed aliphatic polyurethane (grey color matching color no 36622 of the Federal Standard No. 595a). Color banding should be used at the abutments and at 500 feet intervals along pressure pipe. This band, six inches wide, should conform with OSHA color codes according to the material being transmitted.
 - c. Pipe flange face primer coat. 3.0 mils to 5.0 mils (dry mils) of a two package self-curing alkyl silicate inorganic zinc rich primer (80 percent to 85 percent metallic zinc in cured dry film). No intermediate coat or topcoat should be applied to the pipe flange face.
 - d. Internal metal surfaces. Internal metal surfaces must be lined with cement or other linings. An alternate to lining the pipe would be to coat the surfaces as described below.
 - (1) Primer coat. 5.0 mils to 8.0 mils (dry mils) of potable water approved catalyzed high build epoxy (grey)
 - (2) Top coat. 5.0 mils to 8.0 mils (dry mils) of potable water approved catalyzed high build epoxy (white).

2. Coating products approval. All coating products used are subject to the approval of the Bureau of Materials and Research, Florida Department of Transportation, Gainesville.

Section 23. Fees.

The following fees are approved for City costs associated with implementing this Ordinance:

A.	Temporary use	\$400
B.	Other Right-of-Way Construction	\$400
C.	General Utility Permit	\$400
D.	House Moving Permit	\$400

Section 24. Severability.

It is the declared intent of the City Council that, should any section or provision of this Ordinance or any portion thereof, the deletion of which would not adversely affect (in the general sense) the remainder, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid, and in doing so, the court shall attempt to adhere to the legislative intent.

Section 25. Inclusion in the Code

It is the intention of the City Council, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the city. Section numbering may be revised to fit the Code.

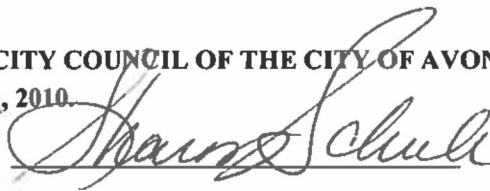
Section 26. Repealor .

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 27. Effective Date.

This Ordinance shall become effective upon passage.

PASSED, ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AVON PARK, FLORIDA, on the 12th day of APRIL, 2010.



Sharon Schuler, Mayor

ATTEST:



Cheryl Tietjen, City Clerk

Approved as to Form and Content:



Gerald T. Buhr, City Attorney