



CITY OF AVON PARK

Highlands County, Florida

ROW Permit # _____

ROW Permit Ordinance

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.

General Permit Conditions

Initials	Item
	The construction and maintenance of such utility shall not interfere with the property and rights of other existing occupants.
	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 or his Representative.
	All materials and equipment shall be subject to inspection by the Director of Public Works.
	Hold Harmless: 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.
	All City property shall be restored to its original condition. Any private property adjacent to the work area shall be restored as well. Grass shall be watered to establishment.
	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.

Right-of-Way (ROW) Permit

Initials	Item
	Engineered drawings (if by contractor or utility agency) shall be submitted for permit issuance and shall be made a part of this permit. Drawings shall include a site plan and any connection to City infrastructure shall have detail drawings representing the material and manner of connection.
	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.
	The ROW Permit Ordinance authorizes permit issuance for up to a year; however, the Public Works Department will only issue permits for up to three months before having to be renewed. Permit renewals must be requested in writing prior to permit expiration. No fee will be charged for permit renewals unless the time period exceeds a year after the first issuance. A closeout inspection is required after project completion.
	A phone call shall be made the day (working day) prior to beginning the work or moving into the ROW to Public Works at (863) 452-4400 ext. 9.
	The person listed with the phone number provided as the primary contact on the permit must be able to be contacted at all times throughout the life of the permit.
	It is up to the Public Works Director or his designee whether an onsite meeting is required prior to the construction or event taking place.
	Work shall be continuous in nature.
	Contractors and Utility Agencies shall submit a certified traffic plan if a lane/road closure is being performed on a busy roadway as deemed by the Public Works Director. For areas that are not deemed a busy roadway, a traffic plan that follows 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.
	A copy of the Sunshine One-Call Utility Locate ticket shall be submitted as part of the ROW Permit package.
	Insurance paperwork shall be submitted with the ROW Permit application.
	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.
	All work areas in the ROW shall be cleaned up at the end of the workday. Any open trenches greater than one foot in depth shall have safety fence or other approved safety device to protect pedestrian traffic.
	Contractors shall follow all NPDES requirements for sedimentation control.
	Dewatering into storm drains is strictly prohibited.

Right-of-Way (ROW) Permit

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.

Row Permit Fee: \$400 (no charge for Utility Agencies or their Contractors)

Additional Costs

Any additional costs as determined by the Public Works Director, shall be paid to the City prior to closing out the ROW Permit. Examples of these costs include:

- Public Works manhours, equipment usage, and supplies.
- Laboratory invoices for water testing due to water main breaks, force main breaks, or illicit discharges into water bodies by the contractor.
- Site restoration (may be performed by PW Staff or Landscaping Contractors).

Stop Work Order

The Public Works Director or his designee may issue a **Stop Work Order** for the failure to comply with the ROW Permit requirements. The Stop Work Order may only be rescinded by the Public Works Director or City Manager.

Agreement

I _____ (name), have fully read, comprehend, and agree to comply with the permit requirements.

Signature: _____ Date: _____ Phone: _____

Public Works Director Signature: _____ Date: _____

Closeout Inspection Signature: _____ Date: _____

Approved: _____ Not Approved: _____