

ORDINANCE 2017-02

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, PROVIDING FOR AMENDMENT OF THE LAND DEVELOPMENT CODE ARTICLE 8; PROVIDING FOR A NEW SECTION 8.06.00 TEMPORARY RIGHT-OF-WAY CLOSURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is committed to a fair and uniform application of its codes and ordinances.

WHEREAS, the City Council finds that these regulations are in the best interest of the health, safety, and welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA THAT:

SECTION I - CREATING

8.06.00 TEMPORARY RIGHT-OF-WAY CLOSURE

- A. A temporary right-of-way closure permit issued by the City Manager or his or her designee is required when any street, road, traffic lane, sidewalk or detour will be used for construction activity to include utility work or for a special event which will obstruct the regular movement of vehicular or pedestrian traffic. Private roads shall be exempt from permit requirements if the public right-of-way is determined by the City to not be affected.
- B. A completed temporary right-of-way closure permit application shall be submitted a minimum of 5 business days prior to the proposed closure for construction activities and a minimum of 30 business days prior to the proposed closure for special events.
- C. The applicant may be required to submit a Traffic Control Plan (TCP) plan which meets the requirements of the latest version of the Manual on Uniform Traffic Control Devices (MUTCD), FDOT Utility Accommodation Manual (UAM) and the Florida Department of Transportation (FDOT) Index 600 series for all closures and detours. FDOT Maintenance of Traffic (MOT) certification and training requirements shall be met by the applicant for all closures and detours related to construction activity.
- D. The applicant shall procure and maintain commercial general liability insurance in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate with the City named as a certificate holder. Proof of insurance shall be submitted to the City within fifteen (15) days of issuance of a permit or such permit may be revoked by the City Manager.

E. A special event with a right-of-way closure may require each intersection to have a law enforcement officer or a certified traffic control officer on site.

F. Okaloosa County EMS, Okaloosa County Sheriff's Office and the City of Mary Esther Fire Department shall be notified by the applicant in writing with a copy to the City not less than 72 hours prior to a closure or detour.

G. In emergency conditions, a closure or detour may be authorized by the City without first obtaining a permit only if one or more of the following conditions exist:

(1) There is an immediate threat to the public health, safety, environment or significant loss of property;

(2) An event has already caused loss of life, health detriments, property damage or environmental damage;

(3) An event has a high probability of escalating to cause immediate danger to life, health, environment or significant loss of property.

H. A permit application may be denied if in the opinion of the City Manager, or his or her designee, the closure or detour is determined to endanger the health, safety, and general welfare of the public; is prone to cause distractions to motorists; does not provide for safe pedestrian movement; is prone to sudden stoppage or slowdown of traffic and rapid lane changing; or other dangerous traffic movement.

I. A permit may be revoked or suspended without notice by the City Manager, or his or her designee, if it is determined that there has been any false statement or misrepresentation as to a material fact in the application, maps, plans, or exhibits on which the permit approval was based or if it is found that the applicant does not possess the required FDOT MOT certification and training requirements or insurance requirements.

The City Council may establish by resolution such permit fees and fines for violation as the Council deems equitable and necessary.

SECTION II - SEVERABILITY

Should any part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, the remaining parts shall remain in full force and effect.

SECTION III - CONFLICT

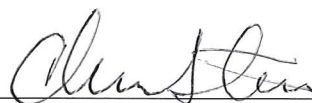
This Ordinance shall prevail over all prior Ordinances or Resolutions or parts thereof in conflict herewith.

SECTION IV - EFFECTIVE DATE

This ordinance shall become effective upon adoption according to law.

SO DONE THIS 1ST day of MAY 2017.

By:



Chris Stein, Mayor

ATTEST:



Dana L.S. Williams, CMC
City Clerk

1st Reading: 04-03-17

Published: 04-17-17

2nd Reading: 05-01-17