

ORDINANCE NO. O2011-12

AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA; AMENDING SECTION 16-8 OF THE CITY OF WILDWOOD CODE OF ORDINANCES; REQUIRING ENTITIES WITH PIPES, CABLES, OR LINES WITHIN A PUBLIC RIGHT-OF-WAY TO SEEK A PERMIT PRIOR TO DISTURBANCE OF THE RIGHT-OF-WAY FOR MAINTENANCE, REPAIR, OR INSTALLATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Wildwood, Florida, is proposing to amend Section 16-8, Wildwood Code of Ordinances to require a permit prior to disturbance of a City right-of-way.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

SECTION 1. Section 16-8, Wildwood Code of Ordinances is amended as follows [cross-throughs (-) indicate deletions and underlines () indicate additions]:

Section 16-8. Coordination of locates in public rights-of-way; reimbursement; exceptions.

- (a) Any public or private entity which places or has placed any type of cable, pipe or line in any public right-of-way within the city limits shall seek a permit from the city and provide the city with reasonable notice prior to any maintenance, repair, installation or other activities which may disturb the public right-of-way. City staff shall grant the permit and reserve the right to be present anytime such activity occurs in a public right-of-way or easement where city water, wastewater or other utility lines are placed or may be placed. The city shall assist other public or private entities in performing locates to assure protection of the city's water, wastewater and other utility lines.
- (b) For purposes of this section, reasonable notice in cases of non-emergencies shall be set at least five days in advance.
- (c) Any public or private entities to perform locates in any public within the city limits shall coordinate with the city in order to avoid any possible impact upon water and sewer lines that the city has in such public right-of-way.
- (d) The city shall cooperate with coordination of locates in public right-of-ways for any and all entities seeking to place or maintain or repair other existing utility lines in said public easements.

- (e) The city shall charge the reasonable cost of its participation in any locates that are performed in the public right-of-ways of the city. This shall include the cost of any city employee's time for being present at a locate.
- (f) The city may set off against any charges for the reasonable cost of participation, anticipated costs of required that the entity seeking the locate may charge the city for the cost of having one of the entity's employees present when the city performs any maintenance or repair or installation of water and sewer lines in public right-of-way.

SECTION 2. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

SECTION 3. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

SECTION 4. This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

PASSED AND ORDAINED this 27th day of SEPTEMBER, 2011, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:

Joseph Jacobs
Joseph Jacobs, City Clerk

Ed Wolf
Ed Wolf, Mayor

First Reading:

September 13, 2011

Second Reading:

September 27, 2011

Approved as to form:

Jerri A. Blair
Jerri A. Blair, City Attorney