

CITY OF SPRINGFIELD, FLORIDA

ORDINANCE NO.: 393

AN ORDINANCE PROHIBITING THE CONSTRUCTION OR MAINTENANCE OF ANY STRUCTURE, FACILITIES, OR UTILITIES OR ANY OTHER USE OF CITY OWNED ROAD RIGHTS-OF-WAY WITHOUT PERMIT FROM THE CITY COMMISSION OF THE CITY OF SPRINGFIELD; PROVIDING CERTAIN EXCEPTIONS FROM THE REQUIREMENT OF PERMIT; PROVIDING POLICIES AND PROCEDURES FOR THE ISSUANCE OF PERMIT TO BE SPECIFIED IN THE "CITY OF SPRINGFIELD UTILITIES ACCOMMODATION GUIDE" TO BE ADOPTED BY MOTION OF THE CITY COMMISSION UPON RECOMMENDATION OF THE CITY ENGINEER; PROVIDING PROCEDURE FOR THE REMOVAL OF NON-PERMITTED STRUCTURES OR FACILITIES AT EXPENSE OF THE OWNER; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SPRINGFIELD,

Section 1. **SHORT TITLE.** This ordinance shall be known and may be referred to as the City of Springfield Utilities Accommodation Ordinance".

Section 2. **PERMIT.** Except as provided in Section 3, no person shall construct or maintain any structure, facility or utility or make any other use of City owned road rights-of-way unless and until a permit has been issued by the City Commission approving and authorizing such construction, maintenance or use.

Section 3. **EXCEPTIONS.** The following shall be exceptions

from the requirements of Section 2:

(1) Improvement of City owned rights-of-way by a property owner of such rights-of-way adjacent to his property with landscaping, shrubbery or grass which is not inconsistent with the use of the road rights-of-way for road purposes.

(2) The parking of motor vehicles on that portion of the rights-of-way not used as traffic lanes if not otherwise prohibited.

(3) Use of City owned road rights-of-way for road and traffic purposes other than such purposes involving vehicles of such weight or of such characteristic (for example, metal tires or treads) as may, in the opinion of the City Engineer, damage the road surface.

#### Section 4. CITY OF SPRINGFIELD UTILITY ACCOMMODATION GUIDE.

The City Commission shall specify the policies, standards and requirements and the procedures to be satisfied to secure a permit pursuant to this ordinance in a document to be approved and adopted on motion of the City Commission upon recommendation of the City Engineer. Such document shall be entitled the "City of Springfield Utility Accommodation Guide" and shall be made available to the public. Said guide may be amended from time to time by motion of the City Commission upon recommendation of the City Engineer.

Section 5. NON-PERMITTED STRUCTURES, FACILITIES OR UTILITIES. Any structure, facility or utility constructed or maintained on City owned road rights-of-way in violation of this

ordinance shall be removed from such rights-of-way and such rights-of-way shall be restored to the condition which existed immediately prior to the construction or maintenance of said structure, facility or utility at the expense of the person constructing, maintaining or owning such structure, facility, or utility. If such structure, facility or utility has not been removed and the rights-of-way restored as required by this ordinance within ten (10) days of demand by the City Commission to do so, then such structure, facility or utility may be removed by the City Commission at the expense of the person constructing, maintaining or owning such structures, facilities or utilities.

If such person does not pay to the City Commission the cost of removing the structures, facilities or utilities and restoring the rights-of-way as required by this ordinance within ten (10) days of demand, said cost shall be and constitute a lien against all property owned by such person in Bay County, Florida, to be foreclosed in the manner provided by law.

Section 6. **PENALTIES.** A violation of this ordinance is a misdemeanor and shall be prosecuted in the name of the State in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof, and upon conviction shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by

imprisonment in the County jail not to exceed sixty (60) days or by both such fine and imprisonment.

Section 7. **EFFECTIVE DATE.** This ordinance shall take effect upon passage.

**PASSED AND ADOPTED** by the City Commissioners, in Springfield, Bay County, Florida, this 2<sup>nd</sup> day of August, 1999.

**SPRINGFIELD CITY COMMISSION**

  
\_\_\_\_\_  
ROBERT WALKER, MAYOR

**ATTEST:**

\_\_\_\_\_  
JOYCE H. MAYNOR  
ACTING CITY CLERK

First Reading: 7/6/99  
Second Reading: 8/2/99  
Dates Published: 7/29/99

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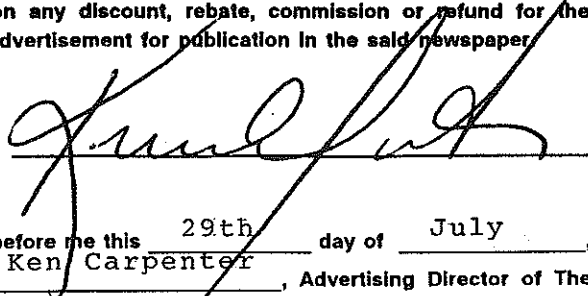
# Florida Freedom Newspapers, Inc.

PUBLISHERS OF THE NEWS HERALD  
Panama City, Bay County, Florida  
Published Daily

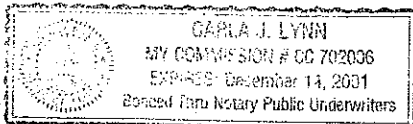
## State of Florida County of Bay

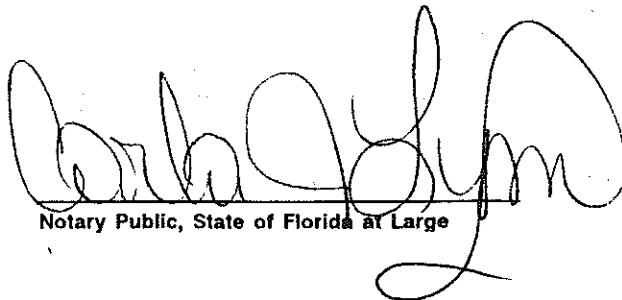
Before the undersigned authority appeared \_\_\_\_\_  
Ken Carpenter  
\_\_\_\_\_, who on oath says that (s)he  
is \_\_\_\_\_ Advertising Director \_\_\_\_\_  
of the News Herald, a daily  
newspaper published at Panama City, in Bay County, Florida; that the attached copy  
of advertisement, being a \_\_\_\_\_ Legal Advertisement \_\_\_\_\_  
in the matter of \_\_\_\_\_ Notice of Proposed Ordinance \_\_\_\_\_  
Ordinance #393 \_\_\_\_\_  
in the \_\_\_\_\_  
Court, was published in said newspaper in the issues of \_\_\_\_\_  
July 29, 1999 \_\_\_\_\_

Affiant further says that the News Herald is a direct successor of the Panama City News and that this publication, together with its direct predecessor, has been continuously published in said Bay County, Florida, each day (except that the predecessor, Panama City News, was not published on Sundays), and that this publication together with its said predecessor, has been entered as a second class mail matter at the post office in Panama City in said Bay County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement, all in accordance with the provisions of section 49.03, Florida Statutes; and affiant further says that (s)he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



State of Florida  
County of Bay  
Sworn to and subscribed before me this 29th day of July  
1999 by Ken Carpenter, Advertising Director of The  
News Herald, who is personally known to me or has produced \_\_\_\_\_  
as identification.



  
Notary Public, State of Florida at Large

4889  
NOTICE OF PROPOSED  
ORDINANCE  
CITY OF SPRINGFIELD,  
FLORIDA  
ORDINANCE NO: 393  
AN ORDINANCE PROHIBITING  
THE CONSTRUCTION  
OR MAINTENANCE OF ANY  
STRUCTURE, FACILITIES, OR  
UTILITIES OR ANY OTHER  
USE OF CITY OWNED ROAD  
RIGHTS-OF-WAY WITHOUT  
PERMIT FROM THE CITY  
COMMISSION OF THE CITY  
OF SPRINGFIELD; PROVIDING  
CERTAIN EXCEPTIONS  
FROM THE REQUIREMENT  
OF PERMIT; PROVIDING POL-  
ICIES AND PROCEDURES  
FOR THE ISSUANCE OF PER-  
MIT TO BE SPECIFIED IN THE  
CITY OF SPRINGFIELD  
UTILITIES ACCOMMODATION  
GUIDE TO BE ADOPTED BY  
MOTION OF THE CITY COM-  
MISSION UPON RECOMMEN-  
DATION OF THE CITY ENGI-  
NEER; PROVIDING PROCEDURE FOR THE REMOVAL OF  
NONPERMITTED STRUCT-  
TURES OR FACILITIES AT EX-  
PENSE OF THE OWNER;  
PROVIDING PENALTIES FOR  
VIOLATIONS; AND PROVIDING  
AN EFFECTIVE DATE.  
The second reading of the  
above titled Ordinance is  
scheduled for August 2, 1999,  
at 10:30 am at the regular  
scheduled Springfield City  
Commission Meeting. The  
proposed Ordinance may be  
repealed during regular busi-  
ness hours in the City Clerk's  
Office. Interested parties may  
appear at the meeting and be  
heard with respect to said pro-  
posed Ordinance.  
If a person decides to appeal  
any decision made by the City  
Commission with respect to  
any matter considered at the  
meeting, if an appeal is  
available, such person will  
need a record of the proceed-  
ing, and such person may  
need to ensure that a verbatim  
record of the proceeding is  
made, which record includes  
the testimony and evidence  
upon which the appeal is to be  
based.  
Any person requiring a special  
accommodation at this meeting  
because of a disability or  
physical impairment, should  
contact Joyce Maynor, Acting  
City Clerk, at City Hall, 3529 E.  
3rd Street, Springfield, Florida,  
32041 or by telephone at (850)  
872-7570 at least five (5) cal-  
endar days prior to the meet-  
ing.  
July 29, 1999