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 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 2nd 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, Fiorida **Published Daily**

State of Florida **County of Bay**

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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 mall matter at the post office in Panama City in said Bay County, Florida, for speriod 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 the this 29th day of July A. D., 1999 by A. D., Advertising Director of The News Herald, who is personally known to me or has produced		,		, who on oath says that (s)he
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 Cit 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 the publication together with its said predecessor, has been entered as a second classical matter at the post office in Panama City in said Bay County, Florida, for except 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 A. D., 999 by Ken Carpenter, Advertising Director of The News Herald, who is personally known to me or has produced	sAdve	rtising	Director	of the News Herald, a daily
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GAPLA J. LYNN MY COMMESION # 00 702006 EXPIRES: Undernioar 14, 2001 Bonced form Notary Public Underwriters

Notary Public, State of Florida at Large

NOTICE OF PROPOSED ORDINANCE TY OF SPHINGFIELD.

ORDINANCE NO: 393 Hallard

ORDINANCE NO. 393

AN ORDINANCE PROHIBITING
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EFFECTIVE DATE:

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any matex considered a the resung. If an appeal is settlebes such person will read a record of the proceeding and such person may need to ensure that a verballin 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

because of a disability or physical impairment should 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) calendar days prior to the meet-

ing. July 29, 1999