

ORDINANCE PROHIBITING CUTTING OR OTHER DEFACEMENT OR DAMAGE TO COUNTY ROADS; REQUIRING A PERMIT TO PLACE UTILITY LINES ON COUNTY PROPERTY AND RIGHTS OF WAY.

ORDINANCE NO. 82-5

FRANKLIN COUNTY, FLORIDA

WHEREAS, roads have been damaged, and pavement cut, during the installation of utilities on county roads and rights of way, and

WHEREAS, such damages causes expense to Franklin County, and the cost of repairing paved road surfaces which have been cut is a high and unnecessary expense to Franklin County, and

WHEREAS, such actions can cause dangerous conditions and unnecessary and improper expenses to the people of Franklin County, which should be borne by those having the benefit of such utility installation, the Board of County Commissioners of Franklin County finds that the enactment of this ordinance is necessary to prevent further damage to county roads,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA that:

1. It shall be a misdemeanor of the first degree punishable according to law, to alter, cut, deface, destroy or damage any County road in Franklin County, without a written permit from the County Road Department, signed by the County Road Superintendent, or Assistant County Road Superintendent.

2. Unless specifically permitted by the work permit, all pipe, cable, conduits or other work shall be installed or performed without cutting, damaging or weakening the base or surface of any paved county road.

3. On any unpaved improved or graded County road, whenever any cutting or other alterations of the surface of any road is made, the surface shall be immediately restored and repaired to at least as good condition as it was prior to such work.

4. No utilities, pipes, cables or conduits shall be installed in any County right of way without a permit from the Franklin County Road Department;

5. All permits shall contain a sketch, engineer or architect's drawing, showing the location and nature of the proposed work. The applicant shall furnish a sketch and a description of the work

proposed to be performed, and shall provide such information relating to the work as may be requested by the County Road Superintendent.

6. All permit applications shall be signed by the contractor or person proposing to perform such work, and shall contain a clause for provision saving Franklin County harmless from all claims relating to such work. The County Road Superintendent, as a condition of the permit, may require the applicant to post bond with a good and sufficient surety, conditioned upon preservation or restoration of the road, and payment of any lawful claims relating to such work.

7. The applicant shall provide all necessary warning signs, traffic control, and detours for the work.

8. All such work shall be performed at the sole expense of the applicant or utility, both of whom and their successors shall be liable to Franklin County for the costs of all repairs relocation and maintenance caused by the work.

9. Should any repair, maintenance, or relocation of any county road be undertaken by Franklin County, any utility, pipe, conduit, cable or other property shall be removed, relocated or repaired as directed by the Franklin County Road Department at the cost of the utility or applicant. Any party may request a hearing on such costs, and upon such hearing by the Board of County Commissioner of Franklin County, Florida, the decision of the Board of County Commissioners shall be final.

10. All such work shall be performed in a safe and expeditious manner.

11. Each day that a violation of this Ordinance continues shall be a separate offense.

The Ordinance shall be come effecitve July 30, 1982.

The Ordinance adopted in open session this 20th day of July, 1982, after such notice of intent to consider such an ordinance has been made and kept in the ordinance book of the Clerk of the Board for at least 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in

the Apalachicola Times a newspaper of general circulation within
the County.

THE BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, FLORIDA.

BY: Willis Allison
Its Chairman

Attest:

Robert H. Howell
Clerk

(SEAL)