

Chapter 744 - STREET CONSTRUCTION REGULATIONS

Sec. 744.101. - Acceptance and naming of new streets; right-of-way requirements; changing names; construction inspection service fees.

- (a) Before the City accepts a street, it shall place or shall require the transferor to place monuments or properly recorded points upon the ground so that streets can be properly located. Right-of-way for a street, drainage, sanitary sewer and utilities of a width which conforms to the standards of the Code of Subdivision Regulations and which intersects with a publicly-maintained street shall be required prior to acceptance. Narrower right-of-way, continuous or intermittent, may be required when, in the opinion of the Director of Public Works, it will promote public convenience but not impair public safety or is deemed necessary as a result of physical circumstances. Additional right-of-way or other improvements may be required when necessary for public safety and convenience. Furthermore, prior to acceptance, the City shall review the proposed drawings for conformity to City Standards and Details and cause inspection to occur during construction. The transferor or developer may hire his own qualified professional engineer, licensed to do business in the State of Florida, to inspect and certify that the work has been entirely completed and that it conforms in all respects to the final plans of the paving, curb and gutter, drainage and water and sewer lines, where applicable or the City shall inspect the improvements for a construction inspection service fee as found in www.coj.net/fees.
- (b) The Director of Public Works is authorized to accept, on behalf of the City, access ways in use prior to April 14, 1975 as public streets upon tender of sufficient right-of-way as prescribed in subsection (a) of this Section, which authorization shall terminate as of April 1, 1997. The Director shall maintain a registry of access ways accepted up through the termination date described in this Section. As used in this subsection, *access way* means a roadway other than an approved public or private road, public alley or private driveway, which has served a general public purpose and as private access prior to April 14, 1975. *General public purpose* means the unrestricted use by vehicles of the general public or public services such as fire, police, postal vehicles, garbage collection or school buses.

(c) Reserved.

(Code 1965, § 38-1; Ord. 70-650-526; Ord. 71-397-181; Ord. 74-1475-668, § 2; Ord. 76-1236-636, § 1; Ord. 83-260-81, § 1; Ord. 83-591-400, § 1; Ord. 84-1197-663, § 2; Ord. 97-79-E, § 1; Ord. 2002-992-E, § 3; Ord. 2017-665-E, § 35)

Note— Former § 604.101.

Secs. 744.102, 744.103. - Reserved.

Editor's note— Ord. No. 2002-992-E, §§ 4, 5, effective October 29, 2002, amended the Code by repealing former §§ 744.102 and 744.103 in their entirety. Former § 744.102 pertained to changing names of public streets, and derived from Ord. 70-650-526; Ord. 71-32-48, § 1; Ord. 71-397-181; Ord. 72-115-222, § 1; and Ord. 83-591-400, § 1. Former § 744.103 pertained to registry of names of private streets; and derived from Ord. 70-650-526; Ord. 71-31-47, § 1; Ord. 71-397-181; Ord. 83-591-400, § 1)

Sec. 744.104. - Street closing application.

An application for a street closing shall be filed with the Public Works Department and shall be accompanied by a receipt from the Tax Collector evidencing payment of the required application fee. The Director of Public Works is authorized and directed to establish:

- (a) A form of application for street closing.
- (b) A procedure for administrative review of applications.
- (c) The information required to be submitted to the City by applicants for street closings.

Upon completion of administrative review and favorable replies from all agencies, legislation for closure shall be submitted to the Council for its consideration; provided, however, no right-of-way, road, street or public accessway capable of providing pedestrian access to any public waters in the City, shall be closed, vacated or abandoned, except in those instances in which the applicant(s) conveys to the City comparable land or lands for a right-of-way, road, street or public access to provide access to the same body of water. Said access shall be in such condition as is acceptable to the City.

(Ord. 70-35-5, § 2; Ord. 70-650-526; Ord. 71-397-181; Ord. 78-728-452, § 1; Ord. 83-591-400, § 1; Ord. 2001-641-E, § 1)

Note— Former § 604.102.

Sec. 744.105. - Street closing and easement abandonment application fee.

No request by any entity other than a government agency for:

- (a) The closing of a street, alley, or public right-of-way; or
- (b) The abandonment of an easement; or,
- (c) The disclaiming of any interest the City may have in any real property;

Shall be accepted or considered by the City until a nonrefundable application fee to cover the costs of processing such application as provided in Section 123.102(b) has been paid to the Tax Collector. Where the request is to close or abandon an easement or other publicly owned real property in order to rectify an encroachment upon the City's interest in such property, the fee indicated in

Section 123.102(b) under "closure or abandonment with encroachment" shall be applicable to cover the City's extra costs of efforts to protect and preserve the City's interest as a result of such encroachment.

(Ord. 70-35-5, § 1; Ord. 70-650-526; Ord. 71-397-181; Ord. 80-577-377, § 1; Ord. 83-591-400, § 1; Ord. 88-270-135, § 1; Ord. 89-872-405, § 14)

Note— Former § 604.103.

Sec. 744.106. - Private alleys; paving required.

Unless otherwise approved by the Public Works Department, every private alley shall be paved by the owner with a six-inch limerock base and a 1¼-inch asphalted concrete wearing surface. The owner of every paved private alley shall maintain it in good repair and condition. A private alley which is not paved shall be closed until the requirements of this Section are met. A person who uses or permits to be used an unpaved alley not in compliance with this Section shall be guilty of a class C offense.

(Code 1965, § 38-2; Ord. 70-650-526; Ord. 71-397-181; Ord. 83-591-400, § 1)

Note— Former § 604.104.

Sec. 744.107. - Public utility mains laid before paving.

Prior to the construction, reconstruction or paving of a street, the Public Works Department shall give notice thereof to utilities and public service companies having the right to place pipes, mains, ducts, or other facilities, including connections thereto, under a street. Such utilities or companies shall promptly perform the installation of new or rehabilitation of existing facilities so as to complete such work prior to street paving. Except for emergency repair of a failed underground facility, new street pavement shall not be disturbed by such utilities or companies within five years following the placing of such pavement.

(Code 1965, § 38-3; Ord. 70-650-526; Ord. 71-397-181; Ord. 83-591-400, § 1; Ord. 90-36-24, § 1)

Note— Former § 604.105.

Sec. 744.108. - Water and sewer connections to be made before paving.

JEA (or other water/sewer utility where applicable) shall place or cause to be placed all the necessary water and sewer connections in streets which are to be paved, before they are paved, extending from the water mains and sewers to beyond the curblin in front of lots abutting on such streets, one connection with the water mains and one connection with the sewer mains in front of each lot, so that connection therewith can be made from lots without disturbing the pavement when laid. The cost of the connections shall be paid by property owners to the City or other person making the connection, when the connections are needed for use.

(Code 1965, § 38-4; Ord. 70-650-526; Ord. 71-397-181; Ord. 83-591-400, § 1; Ord. 90-36-24, § 2; Ord. 2008-513-E, § 1)

Note— Former § 604.106.

Sec. 744.109. - Removal of dirt in establishing grade for street.

The Director of Public Works may allow a private person to remove sand and dirt from a street to the established grade under rules of the Director, if:

- (a) The City has no use for the dirt and sand in the immediate vicinity.
- (b) The owner of the abutting property will not properly grade the street and remove the sand and dirt without cost to the City.

(Code 1965, § 38-8; Ord. 70-650-526; Ord. 71-397-181; Ord. 83-591-400, § 1)

Note— Former § 604.108.

Sec. 744.110. - Street excavations; work in rights-of-way; permit; violations, civil penalties, enforcement and abatement.

- (a) It shall be unlawful for a person, including a governmental agency, to disturb, excavate, block, obstruct, tamper with or place any construction or other material on or in a public road, right-of-way or easement of the City without a permit from the Director of Public Works. The holder of the permit shall advise the Public Works Department in advance of commencement of the work in order to permit inspection. It shall be a condition of each permit that the holder agrees to perform and complete the work in accordance with this Section and the terms of the permit. The permit holder shall be liable to the City for loss, expense, damage or cost incurred by the City because of his failure to comply with this Section and the permit. The Director shall include in each permit reasonable conditions for the protection of the interest of the City and the public, including conditions relating to the type of materials to be used, time for completion of the work and safety measures to be adopted during the construction period.

The Director may issue an annual permit to governmental agencies, franchised utilities or Florida Public Service Commission certified utilities (or to their contractors) to perform routine maintenance, including emergency repairs, without the necessity of a separate permit for each location. All utilities and all contractors working under such an annual permit shall post a bond and provide the general warranty as required by subsection (c) of this Section. Such utilities or contractors shall notify the City Engineer daily of the locations where work is to be performed and will be held responsible (including liability by bond security) for replacing pavement, sidewalks, curbs and other existing improvements in accordance with this Section. All work, other than routine maintenance, shall require a separate permit for each project, work or location.

- (b) Except for governmental agencies, the applicant for a permit required by this Section shall, at the time of applying for a permit, pay to the City a fee as required by Section 123.102(b) of the Ordinance Code.
- (c) (1) For work conducted in the right-of-way that is associated with the installation, maintenance or repair of a driveway for a residential structure, the applicant shall meet the following requirements for surety. The applicant for a permit required by this Section shall, at the time of applying for a permit, file or have on file with the Director of Public Works an unconditional and irrevocable letter of credit, which shall be effective for one year in the penal sum of \$10,000 in a form approved by the Office of General Counsel, so as to ensure prompt payment of loss, damage, cost and expense that may be incurred by the City or an adjoining property owner in connection with the work due to the failure of the applicant to restore or repair damage to a public road, public right-of-way or public easement of the City or the failure of the applicant to comply with this Section and the conditions of the permit. In the event the City draws upon the letter of credit required pursuant to this subsection, the applicant shall be required to replenish said letter of credit to the full amount of \$10,000 immediately upon notice from the City.
- (2) For any other work conducted in the right-of-way, the applicant shall meet the following requirements for surety. The applicant for a permit required by this Section shall, at the time of applying for a permit, file or have on file with the Director of Public Works an annual surety bond or an unconditional and irrevocable letter of credit, which shall be effective for one year, in the amount of \$50,000. The surety bond or the letter of credit shall be in a form approved by the Office of General Counsel, so as to ensure prompt payment of loss, damage, cost and expense that may be incurred by the City or an adjoining property owner in connection with the work, including cost of erecting and maintaining warning signals, barricades or other preventive measures to eliminate safety hazards and maintain traffic flow, by reason of the failure of the applicant to restore or repair damage to a public road, right-of-way or easement of the City or the failure of the applicant to comply with this Section and the conditions of the permit. The surety bond shall be enforceable by and payable to the City. In the event the City draws upon the surety bond or letter of credit required pursuant to this subsection, the applicant shall be required to replenish the bond or letter of credit (as applicable) to the full amount of \$50,000 immediately upon notice from the City. When the request is made for acceptance of the required improvements, the applicant shall provide security to the City in the amount equal to 15 percent of the actual total cost of the improvements, in a form approved by the Office of General Counsel, guaranteeing and warranting the workmanship and materials for a period of one year from the date of completion of all work performed pursuant to the permit. The allowable forms of security are outlined further in subsection 654.110(d), Ordinance Code, and shall be enforceable by and payable to the City.

- (3) For any project proposed to be conducted in the right-of-way where the proposed project area abuts only one property and the estimated time of construction is more than two days, the applicant must provide notice to the abutting property owner no less than five days prior to the work commencing unless the work is conducted on an emergency basis and prior notification is not feasible. For any project that is proposed to be conducted in the right-of-way where the proposed project area abuts more than one property and the estimated time of construction is more than two days, the applicant must provide community outreach and notice to all properties within 350 feet of the proposed project area. Notice of the work shall be given at least five days prior to work commencing unless the work is conducted on an emergency basis and prior notification is not feasible. The community outreach notice must include: i) contact information for the applicant, including an after-hours emergency contact; ii) the purpose of the project; iii) a description of the project work area and areas that may be affected; and iv) a list and expected duration of any possible utility disruptions. The proposed community outreach notice shall be submitted with the permit application to the Director of Public Works or their designee for review and approval. Providers of communication services shall be exempt from this subsection (3)(c) requirement pursuant to F.S. § 337.401.
- (4) An applicant for a permit must provide three points of contact for each project: (1) the project lead, (2) the chief engineer or a senior employee of the company overseeing the project, and (3) the government or external affairs (or equivalent position) contact of the company.
- (5) The requirements of this subsection (c) shall not be applicable to the City or any independent agency of the City so long as the agency has policies and practices in place which fulfill the requirements of this subsection.
- (d) The following standards and specifications shall cover work for which a permit is required by this Section:
- (1) Backfill and replacement of disturbed pavement shall be made in accordance with the standard specifications of the Public Works Department. After backfill has been made and compacted, a six-inch base course will be constructed of concrete or limerock. The Director of Public Works shall designate the material to be used and his decision will be governed by the type, location and appearance of existing pavement, traffic volume and the size and shape of the area to be repaired.
- (2) Concrete used in the six-inch base course shall be high, early strength, 2,500-psi Portland cement concrete. Curing time before placing wearing surface shall be 24 hours. Limerock used in the six-inch base course shall conform to the standard specifications of the Public Works Department.
- (3) Unless otherwise designated by the Director of Public Works, all wearing surfaces shall consist of 1½-inch asphaltic concrete, type I or type II, as specified by the Director. Asphaltic concrete shall conform to the standard specifications of the Public Works Department. Where a

bituminous surface treatment wearing surface is designated, the surface and materials shall conform to the standard specifications of the Department. Where brick pavement has been cut or disturbed and is to be replaced, the Director will designate the type of base and cushion upon which brick will be relaid. Concrete pavement shall be replaced to the nearest expansion joint or to a sawed joint as designated by the Director.

- (4) If, in the opinion of the Director of Public Works, an additional asphaltic overlay or resurface over and beyond the extremities of the cut is necessary to produce a surface uniform in appearance and grade, the overlay or resurface shall be done as directed. Pavement replacement will be made in accordance with the standard specifications of the Public Works Department.
- (5) All construction work on storm water systems, sanitary sewer systems and potable water systems must be conducted by an underground utility contractor licensed in accordance with F.S. Ch. 489. All underground utility contractors shall meet the insurance requirements as set forth in F.A.C. 61G4-15.003. Installation of driveway culverts up to 32 feet in length is not considered part of a stormwater system and is exempt from this requirement.
- (e) Except as provided herein, this Section shall not apply to work performed in connection with the subdividing and platting of land in accordance with Chapter 654, Code of Subdivision Regulations, of the Ordinance Code.

When improvements are proposed within the right-of-way, which do not conform to such Code, such as, but not limited to, landscaping, irrigation systems, fences and development identification signs, brick or paved street surfacing, or other nonconforming installations, the Director of Public Works or his designee is authorized, upon finding such improvements do not adversely affect the public interest, to issue and to execute on behalf of the City a revocable permit and indemnification agreement in such form as the Director may establish. The revocable permit and indemnification agreement shall generally require the permit holder to be responsible for maintenance of and to be liable for such nonconforming installations, and shall authorize the Director to revoke the permit with 30 days' advance notice, with or without cause. The holder of such a revocable permit and indemnification agreement shall have it recorded in the current public records of Duval County and shall provide the Director with a copy of such recorded permit prior to making any installations authorized thereby.

- (f) The requirements of this Section shall be enforced by the Director of the Public Works Department or his or her designee. In all instances (including landscaping violations addressed in subsection (h) below), notice of a violation of this Section and a reasonable time to correct shall be provided to the property owner who caused or performed the unpermitted work or to the owner of the property immediately abutting the unpermitted improvement(s) prior to initiation of

an enforcement action. Violations of this Section, except for unpermitted landscaping (which shall be enforced pursuant to subsection (h) below) shall be prosecuted under any one of the following:

- (1) By the Municipal Code Enforcement Board/Special Magistrate pursuant to the authority granted by F.S. Ch. 162, Part I, and Ch. 91, Ordinance Code;
- (2) By citation for civil penalties pursuant to the authority granted by F.S. Ch. 162, Part II, and Ch. 609, Ordinance Code; or
- (3) By action for injunctive relief, for civil penalties in the amount of \$500 for each day of violation, or both, through a court of competent jurisdiction.

Violations shall be continuing in nature where each day upon which a violation exists shall constitute a separate violation.

- (g) If the unpermitted improvement(s) (not including landscaping work) is not removed by the property owner who caused or performed the unpermitted work or by the owner of the property immediately abutting the unpermitted improvement(s) within 15 days from the date of notice, or if the Board or Special Magistrate orders removal, termination or abatement thereof, the Director or his or her designee may cause the condition to be terminated or abated by the City; provided, that, when the unpermitted work is of a magnitude or degree that the City's equipment and personnel cannot safely or completely terminate it, the Director or his or her designee may contract with a private contractor to terminate it on behalf of the City. Making such repairs does not create a continuing obligation on the part of the City to make further repairs or to maintain the property and does not create any liability against the City for any damages to the property if such repairs were completed in good faith.

The total expense, including administrative costs, incurred by the City in causing a violation of this subsection to be terminated or abated under this subsection shall be a special assessment and lien upon the property abutting the terminated or abated improvement(s). The Director or his or her designee shall prepare an abatement cost statement and invoice for such abatement work, which shall also include the property address and legal description. A certified copy of the cost statement and invoice shall be recorded in the public record and shall thereafter constitute a lien against the property. A copy of the cost statement and invoice shall be mailed to the owner, custodian, agent, lessee, trustee or occupant of the property.

- (h) For violations involving unpermitted landscaping improvements (defined as the unpermitted planting, placing or maintaining of any vegetative material other than ground cover), the Director or his or her designee may abate such unpermitted landscaping improvements and assess a civil penalty pursuant to subsection (f)(2), above. For ongoing violations of this subsection, the City may also take action pursuant to subsection (i), below.

(i)

Upon notice from the Director or his or her designee, work that is being done contrary to the provisions of this Chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property or to his or her agent or to the person conducting such improper work and shall state the particular code provision such work violates and the conditions under which work may be resumed. Failure to comply with the terms and conditions of a stop work order issued pursuant to this Section shall constitute a violation of this Chapter, subject to enforcement as authorized herein. Upon issuance of a stop work order, the property owner or his or her agent or to the person conducting such improper work shall immediately correct any unsafe or hazardous condition created or caused by the unpermitted work to the satisfaction of the City.

(Ord. 69-941-688, §§ 1—5; Ord. 70-650-526; Ord. 71-397-181; Ord. 83-591-400, § 1; Ord. 84-807-509, § 1; Ord. 90-36-24, § 3; Ord. 96-899-519, § 1; Ord. 2016-7-E, §§ 1, 2; Ord. 2018-271-E, § 4; Ord. 2024-950-E, § 1)

Note— Former § 604.109.

Sec. 744.111. - Intelligent Transportation Systems (ITS) Coordination.

As a condition of the expenditure of any funds appropriated for road projects involving Intelligent Transportation Systems (ITS), the Public Works Department shall coordinate the design of ITS components with the Metropolitan Planning Organization ("First Coast MPO"), the First Coast ITS Regional Coalition, and the Jacksonville Transportation Authority (JTA), so as to be consistent with the ITS Master Plan.

(Ord. 2007-66-E, § 1)

Note— See editor's note, §§ 744.112, 744.113.

Secs. 744.112, 744.113. - Reserved.

Editor's note— Ord. No. 2002-992-E, §§ 6—8, effective October 29, 2002, amended the Code by repealing former §§ 744.111—744.113 in their entirety. Former § 744.111 pertained to street name signs and numbers, and derived from the Code of 1965, § 38-32; Ord. 70-650-526; Ord. 71-397-181; Ord. 76-153-80, § 2; Ord. 76-844-398, § 1; and Ord. 83-591-400, § 1. Former § 744.112 pertained to numbering premises, and derived from the Code of 1965, § 38-33; Ord. 70-650-526; Ord. 71-397-181; Ord. 83-591-400, § 1; Ord. 92-205-285, § 1; and Ord. 2000-979-E, § 3. Former § 744.113 pertained to removal of old street numbers; and derived from the Code of 1965, § 38-35; Ord. 70-650-526; Ord. 71-397-181; and Ord. 83-591-400, § 1.

Sec. 744.114. - Maintenance of streets.

- (a) Any street, as defined in Section 654.105(mm) of the Ordinance Code, which serves abutting properties used for human habitation shall be maintained so as to provide vehicular access to such properties; provided, the City shall not maintain any street other than a public street except

for unsafe conditions as provided in subsection (b) of this Section. Any street which is not so maintained is declared to be a public nuisance and contrary to the public health, safety and welfare.

- (b) When the Director of Public Works or his designee determines that a street has not been maintained as required in subsection (a) of this Section, he shall advise the General Counsel thereof and request abatement of the nuisance by injunction or other action as appropriate.
- (c) When, by lack of proper maintenance, a street has become so impassable that it cannot be utilized to provide access for emergency vehicles, such as fire, police and rescue, the Director or his designee may declare an unsafe condition exists, the Director or his designee is authorized to then perform, or cause to be performed, such maintenance or repair as is necessary to restore the street to a condition that will provide access for such emergency vehicles. As soon as practical, and in any event, within 15 working days after maintenance or repair is performed, the Director or his designee shall deliver written notice of such maintenance or repair to the Office of the Mayor, Council President, and District Council Member representing the district where the unsafe condition existed.
- (d) Whenever the Director of Public Works performs maintenance or repair to relieve unsafe conditions as provided in subsection (c) of this Section on any street, other than a public street, he shall certify such action to the billing official and provide the appropriate billing information, so that the billing official can institute appropriate action to recover the cost of such maintenance or repair from whomever is responsible under law for maintenance of such street.

(Ord. 88-939-787, § 4; Ord. 90-709-572, § 7; Ord. 91-143-52, § 1; Ord. 91-1248-492, § 12; Ord. 2013-185-E, § 7)

Sec. 744.115. - Street Design.

Any street, as defined in Section 654.105(mm) of the Ordinance Code, shall be designed in accordance with the street design requirements set forth in the Land Development Procedures Manual, Chapter 654 of the Ordinance Code and the 2030 Comprehensive Plan.

(Ord. 2013-185-E, § 7)