



# AGENDA ITEM SUMMARY

MEETING DATE: May 1, 2017

AGENDA ITEM NO.: 8

**FOR:**

☒ City of Weston   ☐ Indian Trace Development District   ☐ Bonaventure Development District

**TITLE:**

An Ordinance of the City of Weston, Florida, amending Section 127.20, "Street Lights, Bridges and Underground Utilities;" and providing for an effective date.

*Public Hearing and First Reading*

**SUMMARY EXPLANATION & BACKGROUND:**

The City Commission desires to amend the City Code to update the City's Engineering Standards to update allowable construction methods used in the installation of underground utilities under roadways.

**REQUESTED ACTION:**

Approval.

**EXHIBITS (LIST):** Ordinance

**PREPARED BY:**

Jamie Alan Cole, City Attorney

**PETITIONER/REPRESENTATIVE:**

Not Applicable

**RECOMMENDED FOR CONSIDERATION BY:**

John R. Flint, City Manager  
Jamie Alan Cole, City Attorney

**FUNDING SOURCE:**

Not Applicable

**VOTING REQUIRED FOR PASSAGE:**

☒ Majority   ☐ Majority Plus One   ☐ Unanimous

**COMMISSION ACTION:**

	M	2	Y	N	Approved as presented	
Commissioner Jaffe					Approved as amended	
Commissioner Feuer					Approved with conditions	
Commissioner Kallman					Continued to	
Commissioner Brown					Deferred to	
Mayor Stermer					To deny	

*Notes:*

CITY OF WESTON, FLORIDA  
ORDINANCE NO. 2017-\_\_

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA, AMENDING SECTION 127.10, "ENGINEERING PERMITTING PROCEDURES," AND AMENDING SECTION 127.20, "STREET LIGHTS, BRIDGES AND UNDERGROUND UTILITIES;" AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, the City Commission desires to amend the City Code to update the City's Engineering Standards; and

WHEREAS, Second, the City Commission desires to update the City's Engineering Standards to update the permitting procedures and allowable construction methods used in the installation of underground utilities under roadways; and

WHEREAS, Third, the City Commission finds that this legislation is in the best interest of the City of Weston.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

**Section 1. Recitals.** The foregoing Whereas clauses are ratified and incorporated as the legislative intent and factual findings underlying this Ordinance.

\* \* \*

**Section 2. Amendment to Chapter 127.**

Chapter 127, "Engineering Standards," of the Code of Ordinances of the City of Weston, is amended to read as follows:

**§ 127.10 ENGINEERING PERMITTING PROCEDURES.**

\* \* \*

127.10(H) **Denial or revocation.** Whenever a permit required under this section is denied or revoked because the plan, or the Construction, erection, alteration, modification, repair, or demolition is found not in compliance with the requirements of the section and its applicable codes, the City shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit Applicant.

\* \* \*

**§ 127.20 STREET LIGHTS, BRIDGES AND UNDERGROUND UTILITIES.**

\* \* \*

Coding: underlined words are additions to existing text, ~~struck-through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1 127.20(E) ***Underground utilities.***

2  
3 \* \* \*

4  
5 127.20(E)(2) Each underground ~~u~~Utility crossing of paved ~~roads~~ Roadways shall be made  
6 by directional drilling as approved by the City Engineer unless an alternate method, other than those  
7 listed in 127.20(E)(2)(a), is approved by the City Engineer. ~~For Proposed open cuts, shall be shown~~  
8 ~~on the drawings submitted for approval~~ shall accompany the permit application showing proper  
9 restoration of the Roadway and location of the Utility. Written documentation shall be required  
10 justifying why the Applicant believes a deviation from the directional drilling is necessary.

11  
12 127.20(E)(2)(a) Missile boring, horizontal boring, underground pneumatic boring, impact  
13 boring, water jetting, air jetting, air rams, thumpers or similar methods for the purposes of installing  
14 underground Utilities, conduits, cables and pipes shall not be permitted beneath paved Roadways  
15 within Public and Private Rights-Of-Way.

16  
17 127.20(E)(2)(b) Use of the methods described in 127.20(E)(2)(a) shall be restricted to green  
18 areas, beneath driveways and other non-Roadway locations. When not within a dedicated Utility  
19 easement, the property Owner's permission shall be required. Any damage as a result of such  
20 activities shall be the responsibility of the permittee.

21  
22 **Section 3. Codification.**

23  
24 It is the intention of the City Commission that the provisions of this Ordinance become and  
25 be made part of the City Code, and that the Sections of this Ordinance and Code may be renumbered  
26 or relettered and the word "ordinance" may be changed to "section" or such other appropriate word  
27 or phrase to accomplish such intentions.

28  
29 **Section 4. Severability.**

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31 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be  
32 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity  
33 of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

34  
35 **Section 5. Conflict.**

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37 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of  
38 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this ordinance are repealed  
39 to the extent of such conflict.

40  
41  
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1 **Section 6. Effective Date.**

2  
3 This Ordinance shall become effective upon passage and adoption.

4  
5 PASSED ON FIRST READING \_\_\_\_\_.

6  
7 PASSED AND ADOPTED ON SECOND READING \_\_\_\_\_.

8  
9  
10 CITY COMMISSION  
11 CITY OF WESTON, FLORIDA

12  
13 By \_\_\_\_\_  
14 Daniel J. Stermer, Mayor

15 ATTEST:

16  
17 \_\_\_\_\_  
18 Patricia A. Bates, City Clerk

19  
20 Approved as to form and legality  
21 for the use of and reliance by the  
22 City of Weston only:

23  
24 \_\_\_\_\_  
25 Jamie Alan Cole, City Attorney

Roll Call:

Commissioner Jaffe \_\_\_\_\_

Commissioner Feuer \_\_\_\_\_

Commissioner Kallman \_\_\_\_\_

Commissioner Brown \_\_\_\_\_

Mayor Stermer \_\_\_\_\_

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