

ORDINANCE NO. 124

AN ORDINANCE AMENDING CHAPTER 13, STREETS AND SIDEWALKS, OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1. Chapter 13, Streets and Sidewalks, of the Town of Cinco Bayou Code of Ordinances is hereby amended to read as follows:

SECTION 13-1. Harmful Chemicals on Streets

No person shall spill, pour, splash upon the streets of the Town any oil, gasoline or other chemicals.

SECTION 13-2. Removing Material From or Deposits On Streets

No person shall remove grass, earth or sand from, or dig up, any street, or deposit material of any kind on any street or right-of-way, without the permission of the Town Manager/Clerk.

SECTION 13-3. Excavations

After any paved street or sidewalk has been laid under the provisions of any ordinance, no person shall dig into or disturb any such paved street or sidewalk or any part of same or the right-of-way, for any purpose, without first obtaining a written permit therefor from the Town Manager/Clerk. The request will specify the contractor who will do the work, the work to be done, the time period for accomplishing the work, any road or lane blockage and the name of the responsible individual. In addition, the request will guarantee the return of the work site to its original condition to include any street, curb or sidewalk repairs and the raking and seeding of the right-of-way. Upon completion of the work, the site will be inspected by the Town Manager/Clerk to insure the work site has been cleaned up and returned to its original condition.

SECTION 13-4. Structures or Fences on Town Property

No person shall have, maintain, occupy or use, or cause to be maintained, occupied or used, any fence, enclosure, building, house, shed, tent or other structure or obstruction, on any street, right-of-way, park or other property, or on any part thereof, of the Town, without the written permission of the Town Manager/Clerk, authorized by a resolution of the Town Council.

SECTION 13-5. Use of Streets for Business Purposes

No person shall use any portion of the streets, right-of-way or sidewalks of the Town for the location and operation of any private business, unless such person first obtains a permit or franchise for such use from the Town Council.

SECTION 13-6. Removal of Curb for Driveway Access

A driveway permit will be required for anyone proposing to remove existing curb to provide driveway access. The removal of the existing curb or curb back and the installation of the driveway turnout curb and driveway apron will be performed by a qualified contractor at the requester's expense. The driveway apron and turnout curb will meet Florida Department of Transportation specifications.

SECTION 13-7. Driveway Access

Driveway entrance aprons and driveways will be constructed with concrete, asphalt or clay-based stone or shell where they join the street, curb and sidewalk to prevent damage to the street, curb and sidewalk by vehicle traffic. This type construction will provide support and reduce the effects of the elements of nature and heavy vehicular traffic that cause the driveway to erode away below the level of the street, curb or sidewalk. It shall be the responsibility of the property owner to maintain his driveway in such a manner so as to prevent damage from occurring. In the event the street, curb or sidewalk is damaged, it shall be repaired by the Town at the property owners expense. When repairs are made, the property owner will be notified in writing of the cost. Failure to reimburse the Town within 30 days after being notified may result in a lien being placed upon the property, or cause such costs to be added to to the tax certificate as an assessment, or levied as a special tax against the property, or the recovery such costs in a suit at law against the property owner.

SECTION 13-8. Code Enforcement

The provisions of this chapter are to be enforced under the provisions of Section 1-8 of this Code.

SECTION 2. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this 9th day of March, 1988.



APPROVED:

Charles L. Laguerre
Mayor

ATTEST:

Ann B. Borchert
Town Manager/Clerk