

## ATTACHMENT A ARTICLE II SUMMARY

The purpose of Article II is to provide a basic framework for the Town in the regulation of its public rights-of-way (ROW) as it pertains to noncommunication utilities such as electricity, gas, potable water, and sewer. It is not meant to obstruct any one utility's obligation under state law to provide services. The provisions do not exclude a utility's option to enter into a franchise agreement, and any such agreement may layout in greater specificity the terms that permit the utility's use of the Town's ROW.

The following summary is a brief review of Article II and its contents:

- Division 1 identifies the intent and purpose of the Article and provides for the pertinent definitions specific to those provisions.
- Division 2 provides for the registration of a utility. The intent here is to ensure that any utility that seeks to utilize the Town's ROW is properly insured, and indemnifies and holds harmless the Town. It also ensures the utility participate in the defense of the town for claims arising from their facilities. A Security Fund of \$50,000 is required in the event the Town needs to draws down the money to restore its ROW as a result of damages, incomplete work, or abonnement by the utility.
- Division 3 requires permitting for all facilities within the ROW as well as the standards for their physical location. Service and repairs resulting from emergency situations may be issued after the fact permits. Compliance with the Florida Building Code is required (unless otherwise exempt by Florida Statute) and each permit application must include a maintenance of traffic (MOT) plan. Repair and maintenance of the ROW is required of the utility as a result any work or incident occurring at the facility. Facility placement standards are provided to ensure adequate spacing is provided for proper functioning of the ROW (sidewalks, roadways, site triangles etc.). Construction Bonding for larger projects that disturb the ROW in excess of the deposit amount of the Security Fund, is required at time of permitting. All permitting fees apply unless otherwise provided for in a franchise agreement.
- Division 4 provides for enforcement provisions as the tool to ensure the integrity of the rights-of-way are maintained. Appeal provisions are provided for and in no way do the procedures interfere with a utilities legal obligation to provide service are required by State Law. Fines resulting from enforcement are currently under review and may return under a separate ordinance.
- Division 5 provides for abonnement of a facility located in the ROW. In such an unlikely event, the procedures provide for a notice and appeal process in advance of any action that may result in the removal of the facility. The intent of this provision is to ensure the ROW is clear of any unused and unnecessary equipment.