

Chapter 23

STREETS, SIDEWALKS, BRIDGES AND OTHER PUBLIC PLACES*

* **Editors Note:** Formerly, Ch. 23 contained an Art. IV, Other public places, substantive sections thereof being § 23-156, library fees and fines and § 23-171, authorizing city management of parks and playgrounds. At the request of the city, such sections have been transferred to Ch. 2, and redesignated by the editor as §§ 2-351 and 2-371, respectively.

Cross References: Public property and trust, § 2-161; buildings and building regulations, Ch. 5; numbering of buildings, § 5-1; fire limits, § 5-2; driveways and parking lots, § 5-151 et seq.; cable television franchises, Ch. 5.5; fire prevention, Ch. 8; drainage requirements, § 9-56 et seq.; garbage and refuse, Ch. 10; litter on private property prohibited, § 11-6; accumulations of certain material required to be removed, § 11-7; vegetation protruding into rights-of-way prohibited, § 11-9; construction wastes to be removed from building site within thirty days after final inspection, § 11-10; landscaping, Ch. 13; landscaping requirements for areas adjacent to public rights-of-way, § 13-37; site distance for public rights-of-way, § 13-38; cutting, trimming, removal of trees, § 13-44; removal of dead, diseased or damaged trees required, § 13-48; docks, § 15-71 et seq.; permit required before lake and canal excavations, § 15-92; fishing from bridges prohibited, § 15-116; noises, Ch. 16; planning and development, Ch. 19; comprehensive plan, § 19-51; platting, Ch. 20; transportation network in subdivisions, § 20-66 et seq.; street grades and extensions of existing streets, dedication of right-of-ways in subdivisions, § 20-157; financial assurance for improvements in subdivisions, § 20-158; setback distance for streets in subdivisions, § 20-159; fence, hedge, wall and other screening required, in subdivisions, § 20-160; approval of plans and requirements for streets in subdivisions, § 20-161; signs and advertising, Ch. 22; traffic and vehicles, Ch. 25; hitchhiking or soliciting from roadway prohibited, § 25-2; stopping, standing and parking regulations, § 25-36 et seq.; parking of house trailers and mobile homes in certain areas prohibited, § 25-44; parking of boats, boat trailers, airboats, golf carts, horse trailers, swamp buggies and utility trailers prohibited in certain areas, § 25-45; industrial construction or farm equipment prohibited in certain areas, § 25-46; utilities, Ch. 26; zoning, Ch. 27; off-street parking and loading regulations, § 27-741 et seq.

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ARTICLE I.

IN GENERAL

Sec. 23-1. Powers of city.

The city shall have the power to pave, grade, curb, repave, macadamize, remacadamize, lay out, open, widen, beautify and plant trees, shrubs and flowers along and upon and otherwise improve and maintain streets, alleys, avenues, boulevards, lanes, sidewalks, parks, promenades, and other public highways or any part thereof; to have liens for the cost thereof; to construct and maintain bridges, viaducts, subways, tunnels, culverts, sewers and drains; and to regulate the use of highways, parks, public grounds, works, streets, alleys, avenues, boulevards and lanes; to prevent the obstruction of sidewalks, streets, highways, alleys, avenues, and boulevards; to regulate the operation and speed of all cars and vehicles using the same; to regulate the service to be rendered and rates to be charged by buses, motor cabs, cabs and other vehicles for the carrying of passengers, freight and baggage; to require inhabitants and owners of lots within the city limits to keep their property, whether vacant or improved, in clean, presentable and/or keep in sanitary condition.
(Ord. No. 1038, § 5(2), 2-10-82)

Sec. 23-2. Paving of streets and sidewalks.

The granting of a building or improvement permit shall automatically require the property owner to pave all streets abutting the property and to construct sidewalks adjacent to all street rights-of-way. Said paving and sidewalks shall be at the expense of the property owner and shall be constructed in accordance with city specifications and approved by the city engineer; however, this requirement may be waived by the city council.
(Code 1964, App. A, Art. XVIII, § 41)

Sec. 23-3. Criteria for conveyances and grants of easements to city.

Every deed or easement submitted to the city for any purpose must be accompanied by a title opinion of an attorney, licensed in Florida, or a certificate of title from a licensed Florida abstract company, certifying that the parties executing or joining in such deed or easement are all of the current record owners of the property, and holders of unsatisfied mortgages on the property, or any other party holding any record interest in the property.
(Code 1964, § 2-5; Ord. No. 962, § 1, 1-21-81)
Cross References: Utilities, Ch. 26.

Sec. 23-4. Location of bus benches within right-of-way restricted.

- (a) No bus bench shall be located in an area determined to be an "obstruction zone" by the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways, as amended. For purposes of this section, the words "obstruction zone" shall include both the aforesaid manual's roadside clear zone specifications and its sight distance standards.
- (b) The city engineer shall be required to approve all bus bench location permits for benches located on roads functionally classified as state, county, or city roads within the city.
- (c) No future bus bench location permit shall be issued for a location in a right-of-way of any roadway within the city that violates state safety criteria per City of Plantation Ordinance No. 23-36.
- (d) All existing bus benches within the City of Plantation shall be reviewed as to location and

compliance with subsection (a) hereof by the city engineer and when brought into compliance, shall be permitted by the city engineer.

(e) All bus benches so permitted shall be suitably marked as required by the city engineer.

(f) The city engineer shall contact the franchisee of the city bus bench project (the Plantation Woman's Club), shall review the bus bench placement criteria with said franchisee and shall assist in finding alternate locations for existing bus benches which cannot be brought into compliance with the minimum mandatory safety criteria of subsection (a) hereof.

(g) Those existing bus benches which cannot be brought into compliance at their present location and which can not be moved to an alternate location acceptable to the city's franchisee and permissible by the city engineer shall be removed from their locations by December 15, 1988.

(h) The city engineer shall report the location of existing bus benches within the city that are not in compliance with this section on January 5, 1989, to the city council, and the city council shall direct public works to remove and destroy said benches.

(Ord. No. 1576, §§ 1--8, 9-28-88)

Editors Note: Ordinance No. 1576, adopted Sept. 28, 1988, was nonamendatory of the Code; hence, inclusion of §§ 1--8 as § 23-4 was at the discretion of the editor.

State Law References: Authority to regulate bench, transit shelters, etc., F.S. § 337.407(2)(d).

Secs. 23-5--23-20. Reserved.

ARTICLE II.

STREETS

DIVISION 1.

GENERALLY

Sec. 23-21. Minimum design and construction criteria.

The minimum standards for roads, streets and related facilities shall be as follows:

- (1) FDOT Manual of Minimum Standards for Design;
- (2) FDOT Roadway and Traffic Design Standards;
- (3) FDOT Construction and Maintenance for Streets and Highways;
- (4) FDOT Utility Accommodation Guide;
- (5) Manual on Uniform Traffic Control Devices;
- (6) Minimum Standards Applicable to Public Rights-of-Way Under Broward County Jurisdiction;

- (7) Broward County Water Resources Management Division's Grading and Drainage Regulations and Standards;
- (8) Broward County Land Development Code, Ordinance 81-16, except as modified in this Code.
- (9) All cul-de-sacs shall be in accordance with the Standard Detail for Cul-de-Sac as such is set forth in section 23-23 of this Code of Ordinance. The construction of the cul-de-sac shall meet all other applicable city standards for street construction. This standard shall apply to all public and private streets within the City of Plantation. The minimum forty-five (45) feet outside radius for the roadway (including concrete valley gutter where applicable) may be reduced to a minimum of thirty-five (35) feet outside radius (not including concrete valley gutter where applicable) under special conditions. This reduction must be approved by the city council after the city fire chief reviews and recommends in writing to the council that the cul-de-sac is acceptable.

(Ord. No. 1469, § 1, 5-20-87)

Cross References: Buildings and building regulations, Ch. 5; code enforcement, Ch. 6; flood prevention, Ch. 9; junked, wrecked, abandoned property, Ch. 12; planning and development, Ch. 19; platting, Ch. 20; signs and advertising, Ch. 22; traffic and vehicles, Ch. 25; utilities, Ch. 26; zoning, Ch. 27; interior landscaping required for parking areas, § 13-40; street trees designated, § 13-49.

Sec. 23-22. Numbering and naming of streets prior to issuance of building permits.

- (a) The building department shall not issue a building permit for any building erected on any site until:
 - (1) The building has a number assigned by the city engineering department, pursuant to section 5-1;
 - (2) The adjacent street or streets have been assigned a number by the city engineering department.
- (b) If the developer of the site desires a particular name in addition to the street number of the adjacent street or streets, a formal request in writing shall be submitted to the local U.S. postmaster for his approval in writing. A formal request in writing shall then be submitted to the engineering department for their review for duplication of name. After approval by the engineering department, with a copy of the postmaster's letter, the developer shall formally request in writing permission from city council to use the street name. Upon approval by city council, the street sign shall be erected by the developer to the City of Plantation street sign standard. The sign shall be nine (9) inches high, thirty (30) inches long, with the street number above the street name in two-inch-high letters. The street name shall be in four-inch-high letters, all more fully depicted upon exhibits A and B on file in the office of the city clerk and incorporated herein by reference.
- (c) An updated street directory shall be transferred from the engineering department to the police department's 911 system operator with copies to the police chief, fire chief and public works department of the street name and number information promulgated by the engineering department.
- (d) This section supersedes any and all previous city ordinances regarding street signs in the city.
- (e) Notwithstanding subsection (a) above, street signs shall be installed at newly constructed intersections pursuant to the city's street sign standard of subsection (b), which standard is incorporated herein,

and the updated street directory including such new street intersections will forthwith be delivered to the police department's 911 system operator, with copies to the police chief, fire chief, and public works department so as to assist in rendering emergency services and maintenance to such intersections prior to the erection of any buildings adjacent to the newly constructed road intersecting with any existing streets in Plantation.

(Code 1964, § 22-3.1; Ord. No. 1433, § 1, 11-12-86)

Cross References: Buildings and building regulations, Ch. 5; building numbering, § 5-1; planning and development, Ch. 19; platting, Ch. 20; signs and advertising, Ch. 22; zoning, Ch. 27.

Sec. 23-22.1. Waiver of street sign standards for private streets; authorization by council required; fee.

The city council is authorized, upon the request of a developer, to waive the public street signage standards in every respect, other than that the street sign itself shall have reflective letters equal to or surpassing that required on public street signs, per section 23-22, and the street sign surface area for private street signs shall have its bottom-most edge a minimum of eight (8) feet above ground level where erected. A developer may apply at any time for such waiver, upon paying a seventy-five-dollar (\$75.00) application fee to the City of Plantation. Unless the council provides specific waivers on private street signs, then the developer of such private streets shall conform to the public street signs as originally enacted in Ordinance No. 1256 and as set out in section 23-22, above.

(Ord. No. 1433, § 2, 11-12-86)

Editors Note: Inclusion of § 2 of Ord. No. 1433, adopted Nov. 12, 1986, as § 23-22.1 was at the discretion of the editor.

Sec. 23-23. Standard Detail for Cul-De-Sacs Within the City of Plantation.

GRAPHIC UNAVAILABLE: CULS-DE-SAC ILLUSTRATION

(Ord. No. 1469, § 2, 5-20-87)

Secs. 23-24--23-35. Reserved.

DIVISION 2.

CONSTRUCTION

Sec. 23-36. Specifications.

The Florida Department of Transportation "Standard Specifications for Road and Bridge Construction" and the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways are hereby adopted as the minimum standards for the city. These standards shall apply except as herein amended.

(Code 1964, § 22-11)

Sec. 23-37. Preparation of subgrade.

(a) *Clearing and grubbing:* All trees, brush, stumps, roots, grass, weeds, and all other obstructions shall be removed from within the limits of the right-of-way to a depth of at least two (2) feet below the proposed finish grade. All debris resulting from this operation shall be disposed of off city property unless permission to burn is given by the engineer. Under no circumstances will the burying of debris or burned residual be allowed within the city limits.

(b) *Removal of unstable material:* All muck and peat (AASHTO Classification A-8) encountered shall be removed from beneath the roadway for a width equal to the width of the right-of-way. Approved backfill, compacted under the supervision of the engineer, shall be used to replace the material so excavated.

(c) *Shaping subgrade:* The bottom of all excavations and the top of all fills shall be shaped to conform to the grades, lines and cross sections shown by the plans.

(d) *Compacting subgrade:* The entire area where rock base is to be constructed shall be thoroughly compacted by rolling with a power roller weighing not less than five (5) tons. If necessary to insure thorough compaction, water shall be used as directed by the engineer. The top six (6) inches of the subgrade for collector and arterial streets as defined by sections 20-161 and 20-176 et seq. shall be stabilized to a limerock bearing ratio (LBR) of forty (40) percent, and compacted to an average density of ninety-eight (98) percent of maximum density as determined by AASHTO T-180, Modified Proctor.

(e) *Maintenance of subgrade:* The subgrade, prepared as specified, shall be maintained by the contractor free from ruts, depressions or other irregularities until the rock base material is spread. A completed subgrade equal to the length of rock base to be constructed on the next day shall be maintained at all times. (Code 1964, § 22-11)

Sec. 23-38. Finishing rock base.

(a) *Equipment:* The equipment to be used for this item shall include a self-propelled blade grader weighing not less than three (3) tons, with wheel base not less than fifteen (15) feet and blade length not less than ten (10) feet; scarifiers shall have teeth space not to exceed four and one-half (4 1/2) inches apart; at least one (1) three-wheel roller weighing not less than ten (10) tons; provision for furnishing water at the site of work by tank truck or hose at a rate not less than fifty (50) gallons per minute.

(b) *Compacting base:* After spreading is completed, the entire surface shall be scarified and shaped so as to produce the exact grade and cross section after compaction. The full depth of base shall be compacted to an average density of ninety-eight (98) percent of maximum density as determined by AASHTO T-180 Modified Proctor. Where the base is constructed in two (2) courses, the bottom course need only be bladed to secure a uniform thickness.

(c) *Finishing base:* The finished surface of the rock base shall be true to the required cross section throughout. Any irregularities in the grade greater than one-quarter (1/4) inch, as determined by placing a ten-foot straightedge parallel with the center line, shall be corrected by scarifying to a depth of three (3) inches, removing or adding rock as may be required and again watering, rolling and compacting the scarified area. (Code 1964, § 22-11)

Sec. 23-39. Priming.

(a) *Preparation of surface:* Before any bituminous material is applied, all loose material, dust, dirt, and other foreign material which might prevent proper bond shall be removed from the base for the full width of application. The surface to be primed shall have the glazed finish removed by "hard-planing" prior to the application.

(b) *Material:* The bituminous material to be used shall be RC-70, RC-250 or other material approved by the engineer. The temperature of the material shall be between one hundred (100) degrees Fahrenheit and one hundred and fifty (150) degrees Fahrenheit, the exact temperature being such as will insure uniform distribution.

(c) *Application:* The surface to be primed shall be clean and dry. No bituminous material shall be applied when the temperature of the air is less than sixty (60) degrees Fahrenheit in the shade, or when, in the opinion of the engineer, the weather conditions or the condition of the existing surface is unsuitable. The rate of application shall be not less than one-tenth gallon per square yard, and shall be sufficient to coat the surface thoroughly and uniformly without having any excess to puddle or flow off the base. Application shall be by self-propelled pressure distributor, operating under a pressure not less than twenty (20) pounds per square inch.

(d) *Sanding:* A uniform application of clean sand shall be applied prior to opening the prime base to traffic, in which case the sand shall be rolled with a traffic roller in conjunction with traffic to cure the prime coat. The sand to be used shall be free of silt, rock particles, sticks, trash, vegetation or other deleterious material.

(Code 1964, § 22-11)

Sec. 23-40. Wearing course.

(a) The wearing course shall consist of a one-inch layer of Type S-1 asphaltic concrete as specified by section 331 of the Florida State Road Department "Standard Specifications," except that a "job mix formula" will not be required.

(b) Special requirements for subdivisions: An additional one-inch thick asphaltic concrete Type 1 wearing course shall be constructed at the end of whichever of the following periods of time occurs first:

(1) A two-year period beginning on the date of city approval of the initial road construction.

(2) The completion of home building activity within a subdivision or any portion of a subdivision.
(Code 1964, § 22-11)

Sec. 23-41. Rigid pavement.

"Rigid" pavement shall not be constructed within public road rights-of-way except in accordance with sections 5-153 and 5-154 of the Code of Ordinances, and further, any such rigid pavement shall not be poured or placed until at least one (1) four-inch I.D. PVC Schedule 40 "casing" has been placed one (1) foot beneath the bottom portion of such "rigid" pavement extended not less than twelve (12) inches on either side of such paving, approximately halfway between the street paving and sidewalk (or where no sidewalk exists, one-half the distance between the roadway paving and a point four (4) feet from the private property line abutting such right-of-way), and such placement has been approved by the building department of the city.

(Code 1964, § 8A-2(d))

Sec. 23-42. Typical section requirements for public roads.

The following are the standard details of pavement, sidewalk and swale construction for the city.

GRAPHIC UNAVAILABLE: REQUIREMENTS FOR PUBLIC ROADS ILLUSTRATION
(Code 1964, § 22-14)

Sec. 23-43. Standard detail of median construction.

The following is the Standard Detail for Median Construction:

GRAPHIC UNAVAILABLE: DETAIL OF MEDIAN CONSTRUCTION illustration
(Ord. No. 955, § 1, 12-10-80)

Sec. 23-44. Private roadways other than Plantation Acres.

All city standards, reviews, inspections, fees and approvals established for public roadways by the ordinances of the city for roadways, streets, sidewalks, bridges, culverts and subdivision improvements pertaining to pedestrian or vehicular traffic within the city shall apply and be adhered to for private roadways, other than within Plantation Acres, with the following exceptions:

- (1) *Width of roadway section.*
 - a. Without sidewalks, forty (40) feet. In all new subsections of ten (10) or more acres, the forty-foot roadways shall be constructed with valley gutters to provide drainage of such pavement, as approved by the city engineer in accord with the typical section requirements depicting valley gutter sections, attached and depicted herewith on existing individual parcels or new subdivisions of less than ten (10) acres in Plantation and areas other than Jacaranda, that portion of the city described in section 22-107, on private roadways of forty (40) feet in width, the city engineer may approve as an alternative to a valley gutter drainage of development a swale drainage system, where the valley gutter drainage would not be deemed feasible in relationship to the surrounding existing pavement drainage system for such small parcels or tracts and where the city engineer would have reason to believe that adequate soil percolation exists on such smaller sized parcels for a successful swale drainage of the development, due to existing satisfactory swale drainage of pavements in the immediate vicinity of such smaller sized parcels.
 - b. With sidewalks, fifty (50) feet;
 - c. All culs-de-sac on private roads shall be of such geometry as will accommodate the necessary service vehicles (including fire-fighting equipment) that may use such private roadways.
- (2) *Alternative roadway design sections.* Attached hereto is a typical section requirement for private roadways depicting typical crown section and typical valley gutter section. The following standards shall apply to said methods of construction of private roadways:
 - a. *Crown roadway with grass swales.* No additional criteria.

- b. *Valley gutter section.* Maximum tangent length from high point to low point, three hundred (300) feet.

(Code 1964, § 22-12)

Sec. 23-45. Road reimbursement policy.

(a) Whenever roadway facilities are found reasonably necessary to serve an area being developed (as determined by the city council upon the advice of the city's traffic engineering consultant), and whenever the developer of real property within Plantation for which such determination was made, or the city, or any other governmental agency including duly authorized drainage districts, the county school board, or the county (hereafter the "contributor") agrees to install such roadway facilities at its expense, and where the parcel for which such determination was made enjoys a fraction of the total benefit conferred by the installation of the roadway facilities, then such contributor shall be entitled to a reimbursement on a pro rata basis from the property within such area (other than any such parcel for which the roadway facilities were initially required) which will benefit from the installation of such roadway facilities when such property is developed or when usage for developed property in such area is intensified.

(b) The reimbursement shall be made under the following formula and procedure; namely, that the city's traffic engineering consultant shall indicate in a written report the area to be benefitted from such roadway facilities, the vacant property within the area of benefit, the value and extent of the needed contributed benefits, the fair and reasonable pro rata amount of reimbursement for such contributed benefits from vacant parcels in the area of benefit, and a methodology for assigning a fair and reasonable pro rata amount of reimbursement for such contributed benefits from developed parcels within the area of benefit that may, in the future, intensify trip usage on the contributed roadway facilities. (It being the intent not to collect reimbursement from property within the benefitted area which is already developed and occupied (but only to the extent of such then existing improvements) prior to the date the necessity determination was made as the previously existing transportation network would have been deemed to service adequately such then existing development.) The operative date for determining whether a parcel is vacant or developed shall be the date that the necessity determination was made for the roadway facilities.

(c) After the city's traffic engineering consultant's written report is complete, it shall be filed with the city clerk who shall, within fifteen (15) calendar days of such filing, be charged with sending courtesy notices by first class mail to the property owners of benefitted properties listed within the report of the pro rata amount of reimbursement assigned to their parcels (such property owners and their addresses being obtained from the most recent county tax roll) affording the benefitted property owners thirty (30) calendar days after the courtesy mailing's post date in which to review such report in the clerk's office and file with the city clerk an appeal petition to the city's traffic engineering consultant on the extent of benefit of such owner's parcel, or whether the benefitted parcel receives any benefit, from such intended roadway facility. All such appeals so timely filed shall be promptly submitted by the clerk to the city traffic engineering consultant for review within five (5) days of filing of such appeals of such aggrieved property owners.

(d) The city's traffic engineering consultant shall have thirty (30) calendar days in which to complete such review and comment and furnish the appealing benefitted property owners a copy thereof in which the city traffic engineering consultant may make such adjustments of benefit (and reimbursement), if any, as the city traffic engineering consultant deems appropriate. A copy of such review and comment shall be simultaneously

sent to the city traffic engineering consultant to the city clerk for filing.

(e) If the appealing benefitted property owner wishes to challenge the subsequent comment by the city's traffic engineering consultant, he may do so to the city council who shall hear such appeal within four (4) weeks of a written request for hearing being filed with the city clerk. If no such written request for hearing is filed with the city clerk by the benefitted parcel owner who filed an appeal petition within fifteen (15) calendar days of the mailing of the city's traffic engineering consultant's written review and comment, such appeal shall be deemed waived.

(f) The decision by the city council on such requested appeal hearing shall constitute final quasijudicial administrative action by the city and any desired review thereof shall be by a common law petition for certiorari to the county circuit court filed within thirty (30) days of the city council meeting wherein the city council announces its decision on such appeal. All city incurred expenses including traffic engineering consultant reviews and reasonable attorney's fees and court costs on the certiorari review, if the city is successful and the council's decision is affirmed, shall be added to the unsuccessful benefitted property owner's reimbursement expenses.

(g) No appeal by a benefitted property owner of the city's traffic engineering consultant's written report shall act as a stay in having the necessary roadway facilities placed under contract and built.

(h) After the traffic engineering consultant's written report referenced in subsection (b) has been finalized and filed with the city, no parcel of property within the area benefitting from the roadway facilities shall receive development approval without undergoing the following reimbursement review and making such reimbursement, to-wit:

- (1) As such other property within the benefitted area seek development approval or building permits which would contemplate accessing into or benefitting from such roadway facilities, the city's traffic engineering consultant shall ascertain and determine the then value and expense of the contributed benefits for such property.
- (2) The city shall require reimbursement from such property of its determined reasonable portion of the contributed costs of such roadway facilities and shall cause such reimbursement to be collected.
- (3) In determining the then cost of such roadway facilities, the city's traffic engineering consultant shall adjust the initial cost of the roadway facilities (which breakdown the contributor shall file with the city and the traffic engineering consultant once such roadway facilities are installed, inspected, and conveyed to the city by the contributor thereof), using as a base the latest published McGraw-Hill Engineering Cost Index (or such engineering cost index as may be established by the city's traffic engineering consultant in its written report) preceding the acceptance of such facilities by the city after installation with the adjustment on such base index to be made by the latest published index of such engineering cost index preceding the affected parcel's application for development approvals or building permits for areas seeking to access into or benefit from such previously contributed roadway facilities.
- (4) At no time shall such calculation cause a reimbursement or refund below the parcel's allocated

percentage of original cost incurred by the contributor of such roadway facilities when same were initially installed. (The intent herein stated is that when a property benefits from previously installed roadway facilities and pays for such benefits at time of development, such payment should equal the then cost of construction, but be no less than the actual cost of construction of such roadway facilities previously contributed and installed).

(5) The following sums shall be includable in calculating contributor's costs for which reimbursement shall be made: The roadway facilities' design costs, construction costs, supervision costs, inspection and testing costs, and all costs incurred by the contributor through the cost recovery program in utilizing this road reimbursement policy. When the city is the contributor of the roadway facilities, it shall keep a record of the staff time, outside fee consultant expenses, and out-of-pocket costs it incurs in contributing to such roadway facilities (including, but not limited to, design costs, preparing competitive bid specifications, advertising and evaluating bids, preparing and awarding construction contracts, reviewing plans and construction progress, conducting inspections and testings, and all costs incurred in obtaining the city's traffic engineering consultant's written report for this reimbursement policy) and shall be able to include such fee consultant expenses, out-of-pocket costs, and staff time expenses (in terms of such staff's applicable hourly rate as defined in section 27-64(d) of this Code) as part of the total contributed costs of the facilities from which reimbursement will be made.

(6) All of the city's administrative and outside fee consultant expenses associated with the processing, review and implementation of a road reimbursement policy roadway facilities contribution shall be recovered through the city's prepayment cost recovery program as set forth in section 27-64 of this Code.

(i) The roadway facilities shall be reflected on plans sealed by a Florida registered engineer submitted to and reviewed by the engineering department and the traffic engineering consultant.

(j) Once expenses of collection and administration are deducted therefrom (such expenses including city staff salary costs, bookkeeping expenses, and any legal expenses incurred in rendering opinions or interpleading should different claimants or successors in interest assert a right to such funds), the city shall promptly remit the net sums remaining to the contributor of such roadway facilities. The contributor shall be obligated to maintain a current address and telephone number with the city engineer and the name of the persons to whose attention the net reimbursement amounts should be directed. Reimbursement shall be effective upon placement in the U.S. mail addressed to the attention of the addressee as listed, and sent certified mail, return receipt requested. In the event the net reimbursement amount is returned and remains unclaimed for a period of one (1) year after such reimbursement was received, such net reimbursement amount shall be presumed abandoned and reported to and delivered to the department of banking and finance in accordance with the Florida Disposition of Abandoned Property Act. At no time shall the reimbursement include any interest or dividends thereon.

(Ord. No. 1494, § 1, 9-9-87; Ord. No. 1721, § 1, 8-22-90)

Secs. 23-46--23-55. Reserved.

DIVISION 3.

MAINTENANCE

Sec. 23-56. Generally.

The routine maintenance procedures for the public municipal roadways within the city are established as outlined in this chapter. These procedures are to be used to establish the orderly maintenance of the roadway system of the city functionally classified as city or municipal roads. Included in the procedures is the evaluation process for the orderly reworking of the roadway segments that deteriorate due to age and traffic volume. (Code 1964, § 16-1)

Sec. 23-57. Maintenance functions and work activities.

- (a) *Bituminous surface maintenance.*
 - (1) *Plant mix patching.* Patching pot holes, severe depressions, leveling irregularities and feather edging with hot or cold plant mix material on a roadway surface.
 - (2) *Surface treatment paving.* Paving roadway surface with one (1) or more applications of hot liquid asphalt and aggregate to seal the surface to stop cracking and raveling.
 - (3) *Patching base.* Repair of base or subgrade failures under bituminous pavements by removing the unsatisfactory material and replacing it with new base material.
- (b) *Shoulder and approach maintenance.*
 - (1) *Motor grader operation.* To operate a motor grader in various operations that were reported to the maintenance management system under this activity.
 - (2) *Combination spot repairing, hand labor.* Spot repairing of nonpaved shoulders, slopes, ditches and turnouts by adding suitable stable material to correct low spots and by cutting down high spots.
 - (3) *Combination spot repairing, mechanical means.* Spot repairing of nonpaved shoulders, slopes, ditches and turnouts by adding suitable stable material to correct low spots and by cutting down high spots.
 - (4) *Seeding, grassing, fertilizing, mulching and sodding.* Seeding, grassing, fertilizing, and sodding existing stands of grass to supplement or nourish the original application; also includes initial seeding, grassing, fertilizing and seeding, grassing and fertilizing associated with reworking nonpaved shoulder.
 - (5) *Combination reworking nonpaved shoulders, front slopes and roadside ditches.* A combination of the major reworking of continuous sections of nonpaved shoulders, front slopes and roadside ditches either by adding suitable material or reshaping or by cutting down built-up shoulders and ditches to restore proper grade to provide good drainage. To include fertilizing, mulching, seeding and sodding as part of reworking the shoulder.

- (c) *Drainage.*
 - (1) *Roadside ditches, cleaning and reshape, hydraulic excavator.* Cleaning and reshaping of roadway as well as any other ditch with the road right-of-way with a hydraulic excavator. This will include borrow ditches or right-of-way ditches, interceptor ditches or any other ditches which serve to protect the roadway drainage area.
 - (2) *Clean and repair side drains, storm drains, cross drains, pedestrian underpass and box culverts.* Cleaning, repairing and replacement including catch basins, inlets and manholes. Includes maintenance repairs to pedestrian underpasses or walkways under the roadway.
 - (3) *Repairs of concrete, sidewalks, curb and gutter, paved ditches and paved slopes.* Repairing and replacing existing sections of concrete, sidewalks, curb and gutter, paved slopes, flumes or spillways and rip rap.
 - (4) *Outfall ditches, clean and repair.* Machine and hand cleaning of outfall ditches and repairing scoured-out bottom area and side slopes.
- (d) *Landscape maintenance.*
 - (1) *Fertilizing.* Fertilizing existing stands of grass to supplement or nourish the original application.
 - (2) *Beautification maintenance.* All maintenance such as weeding, trimming, mulching, fertilizing and watering plant beds and shrubbery in order for them to provide their purpose to make our highways more pleasant looking. This also includes the replacement of original plants as well as any additional ones later planted.
 - (3) *Chemical weed and grass control.* The application of herbicides by machine or hand to control the growth of vegetation in ditches, around obstructions within the highway rights-of-way and outfall ditches in such a manner as to improve drainage, improve the general approaches of the highway and to reduce the overall costs of maintaining vegetation in areas that cannot be machine mowed.
 - (4) *Large machine mowing.* All mowers pulled by tractors with forty-five (45) horsepower or more.
 - (5) *Small machine mowing.* All mowing with machinery in areas too difficult to mow with large tractors and mowers. Includes mowing done by tractors with fifteen (15) to thirty-five (35) horsepower and small push or riding mowers.
 - (6) *Weed control.* Includes all brush, weed and grass cutting done with tools such as swing blades, bush hooks, etc., in order to improve the appearance and drainage of the highway facility in areas which cannot be mowed by machine.
- (e) *Structure maintenance.*

- (1) *Bridge inspection.* Costs of all inspection activities such as underwater divers, bridge engineers on site reviews and reports, use of equipment and operators.
- (2) *Bridge structure maintenance.* Any repairs or replacement, including painting of bridge members such as piling caps, beams, sidewalk, handrail, gates and fenders. This also includes repairs of bearing plates and expansion joints, bridge roadway deck including plant mix patching of the deck if it is asphaltic overlay on top of concrete. Cleaning by chipping, wire brushing, sand blasting or any other means of painting bridges. Includes pedestrian overpass type crosswalks.
- (f) *Traffic service.*
 - (1) *Center line, lane line, edge line striping.* Machine striping of traffic lanes and edge lines on the pavement surface done so as to channelize vehicular traffic movements. This includes all paints, beads, plastic marking materials and would also cover all activities related to the removal of lane lines and symbols as a part of remarking a roadway such as the removal of a parking lane or symbol to provide additional traffic lanes.
 - (2) *Pavement symbols.* Installation or replacement of pavement symbols such as stop bars, school and railroad crossings, crosswalks, arrows and any other symbol used in conjunction with signs to convey warnings or information to the motorist without taking his attention from the roadway.
 - (3) *Pavement delineators.* The installation of pavement delineators and their replacement, due to damage, including all activities such as sandblasting the pavement, application of the epoxy and the delineator.
 - (4) *Signs.* Inspection, installation, replacement, repair and maintenance of ground and overhead signs including the repairs, maintenance and cost of lighted sign operations.
 - (5) *Safety.* Use only for items such as hard hats, safety vests, flagging devices, warning signs, safety cones, etc.; or activities such as employee's time utilized in setting up the safety requirements to protect the worksite, flagging, safety meetings, etc., which are related to personal safety.
 - (6) *Guardrails.* Installation, repair, repaint or galvanizing guardrails or median barriers including posts, hardware and any other similar devices.
 - (7) *Fences.* Installation and repair of fencing including posts, hardware and any other devices necessary to maintain the fence so it will serve its intended purpose.
- (g) *Litter cleanup and control.*
 - (1) *Litter cleaning of roadsides.* Cleaning roadsides of debris, such as cans, bottles, paper, pieces of tires, lumber, metal junk and trash in order to provide a clean roadway.
 - (2) *Road sweeping.* Sweeping of roadways and streets by machine or hand in order to provide a clean highway system including the loading, hauling and disposing of the collected debris and sand.

(Code 1964, § 16-2)

Sec. 23-58. Maintenance map.

A maintenance map will be prepared and maintained by public works and maintenance sections delineated for every public street within the city which is functionally classified as a municipal road. Survey sheets will be developed for each maintenance section and will be used to establish and monitor the maintenance of the municipal street system on a uniform basis. The forms for the survey sheets are not set out herein but are available for public inspection in the city offices.

(Code 1964, § 16-3)

Sec. 23-59. Roadway evaluation.

Each maintenance section within the city will be evaluated at least once a year and defect ratings made for the section. These ratings will be reviewed and a yearly work program can be budgeted for the maintenance of these segments in order to prevent major rebuilding of roadways due to lack of proper maintenance. The following guidelines should be used in this evaluation process.

- (1) *Asphalt concrete pavement evaluation defect rating (see defect rating procedures, rutting, etc., hereinafter set forth).*

0 to 5--Surface is adequate.

5 to 10--Resurfacing required.

10 to 15--Section needs to be further evaluated for rebuilding or resurfacing.

- (2) *Drainage system, shoulder or swales, traffic service, litter cleanup and landscaping evaluation.*

Good--No work necessary.

Fair--Minor work necessary, section should be monitored closely.

Poor--Major maintenance.

- (3) *Structure, bridge, defect rating, use FDOT bridge maintenance report, maintenance.* This item will not be kept in the maintenance section records but will be kept separately by structure number as developed in the bridge inspection report.

(Code 1964, § 16-4)

Sec. 23-60. Routine maintenance schedules.

Certain maintenance items should be scheduled on a periodic basis for all segments within the city and should not depend on the yearly evaluations to detect deficiencies. These items are:

- (1) Grass mowing operation;

- (2) Ditch cleaning and maintenance;
 - (3) Storm drainage cleaning;
 - (4) Beautification maintenance;
 - (5) Vegetation and weed control;
 - (6) Pavement striping and symbols;
 - (7) Roadway sweeping;
 - (8) Litter cleaning.
- (Code 1964, § 16-5)

Sec. 23-61. Public relations.

Since the major need for government is to serve the people, a proper response with a designated plan of action within a specified time limit is necessary to properly serve resident inquiries and complaints. Therefore, a public relations form is hereinafter included to document resident inquiries and complaints and to show the action taken including the time frame in which the action will be taken. In addition, these inquiries and complaints will be a valuable tool in providing information to potential major problems that may be avoided by timely maintenance operations.

(Code 1964, § 16-6)

Secs. 23-62--23-75. Reserved.

DIVISION 4.

EXCAVATIONS*

* **Cross References:** Excavations for underground utilities, § 26-46 et seq.; utilities, Ch. 26; zoning, Ch. 27.

Sec. 23-76. Street cuts; permit; repair specifications; penalty for violation.

(a) Any person requiring or desiring the cutting of any street pavement, sidewalk, drainage course, or other appurtenance thereto, or any kind of tunneling, jacking or boring in public rights-of-way through or over any public way must obtain a permit issued by the engineering department and pay a fee therefor, which shall be in the amount determined by the city engineer to be sufficient to cover the actual amount of engineering and administrative work the city would require to perform in connection with such permit. The application for permit shall be on a form provided by the city and must be accompanied by a plan showing in detail the work contemplated unless said work is shown by a previously approved plan for water distribution, sewage collection, drainage or similar improvements which have been signed by the city engineer and are on file with the engineering department.

(b) At any and all open cut crossings, a minimum of one-way traffic will be maintained during the daylight hours and two-way traffic at night. All traffic detours should be restricted to the limits of right-of-way with necessary flagmen and marking devices. These detours shall be approved by the police chief as to time, location and protection.

(c) All necessary signs, flagmen and other safety devices will be used in accordance with the Manual on Uniform Traffic Control Devices.

(d) All side drains, side ditches and storm sewers within one hundred (100) feet of the pavement cut will be referenced as to grade and location prior to construction.

(e) *Backfilling of ditch.* The trench shall be backfilled in lifts not exceeding six (6) inches, each lift being thoroughly compacted by hand or mechanical tamping. Backfilling shall be accomplished as noted below:

- (1) *Initial lift to twelve (12) inches above pipe.* The initial lift shall be carefully backfilled around and over the pipe with select materials, not exceeding three-fourths inch in diameter, and compacted in six-inch layers with manual equipment to an average maximum density of ninety-five (95) percent as determined by AASHO T-180 Modified Proctor.
- (2) *Final lift.* The final lift (to finish grade or bottom of pavement as applicable) shall be carefully backfilled with material free from organic material and stones and clumps exceeding six (6) inches (four (4) inches in the final twelve-inch layer) in diameter, and compacted in twelve-inch layers to an average maximum density of ninety-five (95) percent as determined by AASHO T-180 Modified Proctor.
- (3) *Density compliance.* In determining compliance with density specifications, the lowest acceptable density shall be ninety-three (93) percent. In determining "job average maximum density" one hundred two (102) percent shall be the highest percentage used.

The backfill material shall be approved by the engineer or his representative and shall be free from boulders, organic material or other deleterious material.

(f) All repairs to bases for roads shall conform with the specifications for such roads as set forth by the city ordinances and the city engineer. A minimum of two (2) density tests shall be taken for the subgrade and the base material at each open crossing. When the specified compacted base is greater than six and one-half (6 1/2) inches, the base shall be constructed in two (2) or more courses. Proctors for materials used in backfilling shall be obtained by a certified laboratory. Density tests shall be conducted by a certified laboratory. The owner shall provide to the city copies of all completed and accepted tests. Location of the testing shall be approved by the city.

(g) Temporary patches will be maintained so as to provide a smooth, all-weather surface at all times. Permanent replacements of the temporary patch shall be made as soon as all other work on the installation is completed.

(h) Shoring will be required where necessary to protect existing pavement.

- (i) All excavated material in excess of the quantity required for backfill in rights-of-way shall be hauled by the permittee at his cost and expense.
- (j) All trees and/or shrubbery damaged or disturbed during construction shall be replaced by the permittee at his expense as directed by the city. Any that have been planted by property owners shall be removed and replaced to the satisfaction of the city. All debris shall be removed by the permittee at his expense.
- (k) All jack and bore crossings will be a continuous operation at each location in accordance with the Florida Department of Transportation Utility Accommodation Guide. Any deviation from the above will be sufficient grounds for work stoppage, plugging the line with concrete and replacement of a line at the proper location.
- (l) Grassing and mulching operations are to begin within a maximum of three (3) weeks after an installation or section of line has been installed. Any yards or parts of right-of-way in front of private property that has a grass mat will be resodded with like sod, or otherwise, to the satisfaction of the city.
- (m) The indiscriminate cutting of trees or disfiguring of any feature of scenic value shall not be permitted. This includes other methods such as the use of herbicides.
- (n) All excavations are to be promptly repaired within a time period which is to be established by the city engineer at the time of permitting.
- (o) The contractor receiving such permit for a street cut shall furnish a bond in an amount acceptable to the city engineer, which bond shall be usable to complete the work permitted if the contractor fails to so complete said work within the designated time period and his failure is not excused by the city engineer by virtue of extensions in the completion date being granted prior to such completion date or any extended completion date due to inclement weather, strikes or other forces beyond the control of the contractor. All such requested extensions of the completion time to the city engineer shall be in writing and shall be served upon the city engineer prior to the designated completion date or any extension of said completion date which the city engineer previously granted the contractor.
(Code 1964, § 22-1)

Sec. 23-77. Minimum design standards for bridges and culverts.

Detailed construction drawings, prepared by a professional engineer, duly registered in the state, shall be submitted to the city engineer for approval prior to the construction of any bridge or culvert, wholly or partially within the city limits. The bridge or culvert installation shall be designed and constructed in accordance with the following provisions:

- (1) *Bridges:* The design, materials and construction of bridges shall conform to Divisions II, III, and IV of the "Standard Specification for Highway Bridges," twelfth edition, as adopted by the American Association of State Highway Officials with the following modifications:
 - a. The clear width of roadway shall be two (2) feet wider than the approach wearing course width.

- b. Sidewalks with a minimum clear width of three (3) feet shall be constructed on both sides of the bridge.
- c. Guard rails shall be installed where required for the protection of pedestrian or vehicular traffic.

Bridges constructed of prestressed concrete members shall conform to the requirements of the Prestressed Concrete Institute, the Florida State Road Department or other approved agency. Sidewalks of width conforming to the approach sidewalk shall be constructed on both sides of the roadway at each end of the bridge between the bridge and the right-of-way line of the canal being crossed.

(2) *Culverts:*

- a. The surface profile along the center line of each culvert installation shall conform to the cross section of the approach road right-of-way, the intention being to provide a constant right-of-way section across each installation. For approach road right-of-way widths greater than sixty (60) feet, consideration will be given to a reduced width of section as individual conditions may warrant. Headwalls or slope stabilization approved by the city engineer shall be provided at each end of the culvert. The inside crown of the culvert shall be not lower than one (1) foot above normal high water elevation.
- b. Sidewalks of width conforming to the approach sidewalk shall be constructed on both sides of the roadway for the entire width of canal right-of-way being crossed.
- c. Railings of approved design and materials shall be constructed as required for the safety of pedestrian traffic. Guard rails shall be installed where required for the protection of pedestrian or vehicular traffic.
- d. Suitable provision shall be made to conduct storm water flowing in the approach swales to the canal being crossed.
- e. The materials and construction methods used shall conform to the city's "Standard Specifications for Road Construction" and "Standard Specifications for Drainage Facilities" as applicable.

(3) *Permit and inspection fee:* A construction permit shall be obtained from the city prior to the commencement of any work on a bridge installation lying wholly or partially within the city limits. The fee to the city for its administrative and engineering costs for such permits, and in making inspections of the construction, shall be in accordance with the formula of five (5) percent of the total estimated construction and installation costs of the bridge. The "total estimated construction and installation costs" shall be those costs provided by the permit applicant and approved by the building official. Any request for a preliminary review prior to permit application shall be accompanied by a deposit which shall be held, administered and expended in accordance with the city's cost recovery system pursuant to section 27-64 of the

Code of Ordinances. Nothing in this section is intended to supersede, replace or conflict with the provisions of the city's cost recovery system pursuant to section 27-64 of the Code of Ordinances.

- (4) The low member elevation shall be not lower than one (1) foot above normal high water elevation.

(Code 1964, § 22-2; Ord. No. 1854, § 1, 7-15-92)

Secs. 23-78--23-90. Reserved.

DIVISION 5.

SWALE AREAS AND MEDIAN STRIP DAMAGES*

* **Cross References:** Traffic and motor vehicles, Ch. 25.

Sec. 23-91. Swale areas and median strips damaged by motor vehicles; lien imposed.

(a) A lien is hereby imposed on any motor vehicle operated or driven in such a manner as to cause damage to any swale areas or median strips within the city which are maintained by the city. Damage to the swale area or median strip shall be defined as including resulting discoloration or dislocation of grass as a result of driving on the swale or median strip and spinning the drive wheels of the motor vehicle or turning or braking suddenly without good cause, as well as damage to any shrubbery or trees or sprinklers or other objects located therein.

(b) The lien set forth above shall accrue immediately upon the occurrence of the damage and it shall be perfected by a court of competent jurisdiction after notice to the owner of the motor vehicle, upon a sworn affidavit of at least one (1) adult person identifying the licensed motor vehicle as the motor vehicle which caused the damage to the swale area or median strips, and upon an allegation of the city that the motor vehicle was believed to be operated with the owner's express or implied consent at the time of the damage in that no stolen car report on the vehicle was then on record with the state or any of its agencies. The aforescribed identifying affidavit shall be secured by the police department and forwarded to the legal department along with a report of the incident for further processing.

(c) The lien shall be discharged upon the repair or replacement of the damage to the swale area or median strips by the owner of the motor vehicle or the operator of the motor vehicle. The repair or replacement shall be to the satisfaction of the city maintenance department. A release of this lien may be given only by the chief of the city maintenance department by written instrument.

(d) The owner of the motor vehicle shall be promptly notified, by certified mail or hand delivery to the residence of owner or at the address shown on the records of the state department of motor vehicles, of the incident and the lien and given seven (7) days from the date of such notification in which to repair or replace the affected areas of the swale area or median strips at his own expense. In the event such repair or replacement has not been promptly performed within such period to the satisfaction of the city maintenance department, the city may institute an action to perfect the lien imposed by this section. The amount of the lien shall be the sum

which will pay for the resodding or relandscaping of the damaged portion of the swale area or median strips and any other related damage, including labor, supervision, materials and any other costs incurred by the city in connection with the repair of the damage or enforcing of the lien, including court costs and reasonable attorney fees as awarded by the court.

(e) After the court of competent jurisdiction has perfected the lien, it shall be enforced by order of that court, which may provide that the amount of the lien be immediately paid or, failing that, the motor vehicle shall be held by the sheriff and ordered sold at public auction within thirty (30) days, for cash, after the notice of sale has been advertised in a newspaper of general circulation, once a week for two (2) consecutive weeks, in Broward County, and a public notice of the sale posted for ten (10) days in three (3) public places in the county, one of which shall be at the courthouse. Notice shall also be given by registered or certified mail addressed to the owner of the vehicle and any person having a recorded lien on the vehicle at the address shown on the records of the registering agency and such notice shall be mailed not less than fifteen (15) days before the date of the sale. The proceeds of the sale, after payment of charges for storage, costs of the sale and other administrative costs and payment of the lien, shall be delivered to the owner of the vehicle or deposited with the clerk of the circuit court for Broward County, Florida, if the owner is absent, where they shall remain subject to the order of the person legally entitled thereto. In the event the funds are paid to the clerk, the clerk shall be entitled to receive five (5) percent of the proceeds for the case and disbursement thereof. The lien shall also be enforceable by the process of the circuit court in accordance with the rules for levy on personal property.

(f) The remedies and rights granted pursuant to this section are in addition to other ordinances and statutes regulating and controlling motor vehicle operation and liens on motor vehicles.
(Code 1964, § 17-28)

Secs. 23-92--23-105. Reserved.

DIVISION 6.

PLANTATION ACRES

Sec. 23-106. Conveyances in Plantation Acres.

(a) *Boundaries described; road standards.* The geographical area of the city, commonly known as Plantation Acres to which this section applies, is bounded on the south by the North New River Canal, on the north by Northwest 28th Court, on the east by the West Holloway Canal, which lies easterly of the east right-of-way line of Hiatus Road, Northwest 112th Avenue, as presently constructed, and on the west by the west right-of-way line of Flamingo Road as presently constructed. Within this geographically defined area, the municipal needs for road purposes and any accompanying water or waste water treatment transmission line needs of the City of Plantation Acres shall be those standards which are hereinafter set forth:

- (1) All rural collector roads which is herein defined in presently being limited to Northwest 118th Avenue shall have an eighty-foot right-of-way forty (40) feet from either adjacent property owner conveyed by warranty deed to the city without restriction as to usage and without reverter. Said deeds of conveyance shall be accompanied by partial releases of any existing mortgage interest against the land so conveyed and an opinion of a licensed Florida attorney that the grantors on the deed and the mortgage holders releasing their mortgage liens are the only parties

of record having any interest in the land so conveyed to the city. Such conveyed land may be used for any valid municipal purpose. A typical roadway section for such rural collector road is attached hereto as Attachment No. 1. The detailed specifications of the city engineer on the construction of the rural collector road are otherwise set forth in subpart B. of Attachment No. 2 which is hereby adopted and attached hereto.

(2) For that central part of Plantation Acres which lies north of Southwest Third Street and south of Northwest 21st Court and essentially consists of the RS-1EP zoning district, except for a neighborhood commercial usage on the extension of West Sunrise Boulevard, Northwest 17th Street, and multiplefamily dwelling in the vicinity of West Broward Boulevard, both of which are included within the Broward County trafficways and have the rights-of-way and roadway construction requirements dictated by county and state standards as set forth in (b) hereof, the right-of-way for rural subdivision roads shall obtain and the same shall be a sixty-foot right-of-way, with those standards as are set forth in subpart B. on Attachment No. 2 and as otherwise depicted in the section of such rural subdivision road on Attachment No. 1 to henceforth be in force and effect for said central part of Plantation Acres. All conveyances of such land shall be by thirty (30) feet from each adjacent property owner, by warranty deed and mortgagee releases with an accompanying opinion of attorney form as set forth in subpart (1) hereof.

(3) In the areas of Plantation Acres where more intense development is foreseen which is commonly known as Plantation Acres South, lying south of Southwest Third Street and also that area lying south of Southwest Third Street and also that area lying north of Northwest 21st Court and south of the city line between Plantation and Sunrise, an urban subdivision road having a fifty-foot right-of-way shall be required and the same shall have those engineering standards of construction as noted on subpart C. of Attachment No. 2, with a typical section of said urban subdivision road being depicted on Attachment No. 1 hereof. All deeds of conveyance and mortgage releases twenty-five (25) feet by the adjacent property owners on either side of roads shall be by warranty deeds and partial mortgage releases with the opinion of attorney form accompanying same, as more specifically described and set forth in subpart (1) hereof.

(b) *Exemption.* The Broward County trafficways within the Plantation Acres area, as more specifically defined in subpart A. of Attachment No. 2, are exempted from this section, since such rights-of-way are developed on county and state arterial standards.

(c) *Abstract company certificate may be substituted for attorney's opinion.* Whenever an opinion of a Florida attorney is required addressing the fact that the grantors on the deeds of conveyance and the mortgage holders releasing their mortgage liens on the partial releases tendered for such municipal-purpose needs of roadways and utilities in the Plantation Acres area are the only parties in interest on the land being so conveyed to the city for municipal purposes, a similar certificate from a local abstract company may be substituted for such attorney opinion form.

(d) *Deed without restrictions.* By requiring a deed without restrictions or reverter for any municipal purpose instead of easements which are narrowly construed, the city consents that the land so conveyed to the city hereunder shall not be deducted from the calculation of the minimum plot sizes required by the appropriate zoning use districts now in effect within the said Plantation Acres area, except the city's RS-1EP zoning district.

(e) *Additional utility easements.* No additional utility easement for utilities which may be installed in the future will be required; however, any aboveground wire easements or surface or anchor easements required by Florida Power and Light Company shall be by private easements between the owners and said electric utility company or its successor in interest on land other than that to be conveyed hereunder to the city, with all such electric utility easements to be depicted with recordation datum on any plat or site data record submitted to the city when the building permit is requested.

ATTACHMENT NO. 1

GRAPHIC UNAVAILABLE: [Click here](#)

EXHIBIT 1 ILLUSTRATION

GRAPHIC UNAVAILABLE: [Click here](#)

ATTACHMENT NO. 2

GRAPHIC UNAVAILABLE: [Click here](#)

ATTACHMENT NO. 3

PLANTATION ACRES ROADWAY STANDARDS

I. BROWARD COUNTY TRAFFICWAYS

A. The Broward County Trafficways in the Plantation Acres area are exempted from these standards since the right-of-way and roadway construction requirements are developed based on future County and State arterial standards. These road corridors are:

1. Broward Boulevard
2. N.W. 17th Street
3. Flamingo Road
4. Hiatus Road

II. ROADWAY DESIGN CRITERIA

A. General Requirements (These Requirements Apply to all Plantation Acre Roadways)

1. Compact all fill within right-of-way limits to 95% of AASRTO T-180 maximum density.
2. Shoulders shall be stabilized if they are not capable of supporting normal vehicle loads. The City Engineer shall determine the necessity of stabilization.
3. Muck within new right-of-way shall be removed in accordance with the muck removal details (see attachment #2). Muck under existing roadways shall be removed as determined by the City Engineer.
4. If adjacent lawn is sodded, then unpaved sections of the right-of-way shall be sodded to match adjacent lawn. Where adjacent property is not sodded, the developer may construct alternate methods of erosion control, in lieu of sodding.

The developer shall be responsible for repairing any unpaved sections of the right-of-way where sod was not installed and erosion has occurred.

Prior to a Certificate of Occupancy being issued, swales adjacent to new developments shall be completely sodded.

5. Top of sod shall match typical cross-section grade line.
6. Drainage plan must have Plantation Acres Improvement District (P.A.I.D.) approval prior to submittal for City review.
7. City requirements for lighting, landscaping and utilities shall not apply to Plantation Acres.

B. Rural Collector Road and Rural Subdivision Road, Alternate "A"

1. The minimum profile grade line shall be 7.5 feet NGVD.
2. The roadway and swale shall have a minimum longitudinal slope of 0.05%.
3. The side drains for the ditches shall be designed to carry the drainage flow as outlined in Section 23-15. Minimum side drain size-18" diameter. Endwalls will be required for side drains-Minimum construction-Sand/Cement.

C. Rural Subdivision Road, Alternate "B-1"

1. The minimum profile grade line shall be 7.0 feet NGVD.
2. The roadway and swale shall have a minimum longitudinal slope of 0.2% and a maximum tangent length of 300 feet. (Soil permeability is to be reviewed to determine if minimum swale grade should be increased and tangent lengths

adjusted).

3. Roadway swales shall be graded to meet property line swales that will carry runoff to the backyard ditch or canal.
4. The side and back property lines must have dedicated public drainage easements along them. P.A.I.D. will be responsible for maintaining these swales and canals in good condition. The City will not approve the drainage plan until the maintenance commitment by P.A.I.D. is obtained.

D. Urban Subdivision Road

1. The minimum profile grade line shall be 7.0 feet NGVD.
2. The roadway and swale shall have a minimum longitudinal slope of 0.2% and a maximum tangent length of 300 feet. (Soil permeability is to be reviewed to determine if minimum swale grade should be increased and tangent lengths adjusted).
3. A positive storm sewer drainage system is required, see Plantation Code of Ordinances, Section 23-15.

E. Private Road

1. The minimum profile grade line shall be 6.5 feet NGVD.
2. Roads built to private road criteria will not be accepted by the City as a public street, and will not be maintained by the City.
3. If an owner or owner's association desires to turn over an existing private road to the City, the private road must first be up-graded to meet City subdivision road criteria by the owner or owner's association, prior to acceptance by the City.

(Code 1964, § 22-4; Ord. No. 2384, § 2, 2-14-2007)

Sec. 23-107. Road specifications for Plantation Acres.

- (a) *Public streets to be maintained at public expense.*
 - (1) Muck removal criteria (to be provided by engineers);
 - (2) Road right-of-way criteria (to be provided);
 - (3) Elevation (to be provided);
 - (4) Drainage alternatives (to be provided);

- (5) Paving, etc., (per typical section detail to be provided).
 - (b) *Private roads to be privately maintained under some form of approved unified control.*
 - (1) Included are those portions of section 23-43 pertaining to inspection fees, etc., that are applicable on other private roadways that should be included in Plantation Acres;
 - (2) Defined elevation;
 - (3) Defined drainage;
 - (4) Define widths, surface paving, etc., give typical detail.
- (Code 1964, § 22-13)

Secs. 23-108, 23-109. Reserved.

DIVISION 7.

TRAFFIC MONITORING DEVICES

Sec. 23-110. Purpose and intent.

The paramount, essential and compelling public purposes served by this division are the prevention of crime and the opportunities for crime, the enhancement of neighborhood security, and the preservation of property values, recognizing that crime is often facilitated through use of the public streets, and that crime prevention, reducing the opportunities for crime, and preservation of property values may be directly advanced by permitting traffic monitoring devices which are operated in an under reasonable, neutral, and discretionless manner to be installed and operated within public streets into, through, and out of residential neighborhoods. The city is no less cognizant of the public right to use and traverse upon public streets built or maintained with public funds in a manner which is free from unreasonable intrusion, and of citizens' First Amendment rights to use public streets as a public forum, and of citizen's Fourth Amendment right to be secure in their persons from unreasonable searches and seizures, and the city also wishes to safeguard and protect these important rights and interests. It is the purpose and intent of the city to balance and weigh these governmental interests in creating this division which is intended to serve these compelling and paramount governmental purposes by using minimally intrusive monitoring devices on public streets which will not operate to prohibit access or use of public streets.

(Ord. No. 2048, § 1, 10-11-95)

Sec. 23-111. The applicant.

(a) Applications to install traffic monitoring devices on public roads within a residential neighborhood subdivision(s) or portion thereof must be made by the governing homeowners association, property owners association, condominium association, or like association which, according to a Declaration of Covenants or Restrictions, Condominium Declaration, or like restrictive covenant, has the management and maintenance responsibilities for the applying neighborhood subdivision(s) or portion thereof (hereafter, the "association").

(b) The association must have the power to establish, operate and maintain traffic monitoring devices on property owned by the public and licensed to the Association, and the application shall contain a legal opinion, certified to the City, from a lawyer licensed to practice law in the State of Florida to such effect, or the Legal Department shall review the Association documents and render an opinion to such effect.

(c) In the event a residential subdivision has no such association, a board of directors of a Safe Neighborhood District, created pursuant to Part IV, Chapter 163, Florida Statutes, may make the application.

(d) The residential subdivisions which desire to be served by the monitoring device must be participating in the City Police Department Crime Watch Program, and must be signed accordingly.
(Ord. No. 2048, § 1, 10-11-95)

Sec. 23-112. Application review process.

(a) An application to install a traffic monitoring device on a public road shall be made in the city building and zoning department, and shall be drawn on plans sufficient to detail any street modifications and markings, the elevations of the guardhouse(s), all landscaping, and the location and arrangement of all structures.

(b) The application shall be reviewed by the city review committee and shall be then considered by the city council, which may deny, approve, or approve with conditions, the application.

(c) The application shall be considered and reviewed in accordance with the measurable standards and criteria of this division.

(d) The city's staff and consultant time in reviewing, evaluating, processing, and advertising the application shall be recovered through the city cost recovery system.

(e) The city clerk shall advertise the city council meeting at which the application is considered by posting the agenda for the meeting on the outside of City Hall at least three (3) days before the meeting, and by placing an advertisement of the date, time, place, and purpose of the meeting at least once in a newspaper of general circulation at least ten (10) days prior to the meeting.
(Ord. No. 2048, § 1, 10-11-95)

Sec. 23-113. Review criteria.

(a) The application may be granted only where the city has the right-of-way necessary to safely accommodate a traffic monitoring device and any attendant vehicle turnaround areas.

(b) Implementation of the approved plan should not cause adverse traffic circulation impacts, including unreasonable traffic lane width restrictions, adverse stacking, or adverse turning movements.

(c) All construction must meet all city and South Florida Building Code requirements, and any special conditions as may be required by the city council and which may be recommended by the city engineer, police, fire, and utility departments.

(d) All traffic monitoring devices must be of a "break away" design, so as to reduce the likelihood of accidental injury (fire, police and other emergency vehicles will not drive through break away barriers). In addition, the traffic monitoring devices must contain a back-up battery power source, a "Knox box" must be installed, and the traffic monitoring devices must open by remote "garage door opener" style devices set at the fire department's frequency, and further, at least four (4) of such remote operation devices must be given to the fire department.

(e) At least one of the traffic monitoring devices must be operable from a permanent guardhouse located within the median of the public right-of-way, which must be manned at all times that any of the traffic monitoring devices are in operation. The city may require more than one (1) guardhouse to assure convenient access through the neighborhood.

(f) All traffic monitoring devices must be designed so as to stop vehicles for an amount of time reasonable to ascertain or photograph (videotape) the make and model of the car, and the license plate, after which the device will automatically permit access after a time delay without the use of key punch codes, access cards, or the like. A vehicle's color may also be recorded.

(g) All video cameras shall not be capable of recording sound. The location and type of the video camera must be approved by the city police department. A device may include an intercom system which will not record sound, and which must be activated from the vehicle in order for any communication to be heard by, or made to, the guardhouse.

(h) In the event any remote device video camera is inoperable, or in the event of power failure to the traffic monitoring device, the traffic monitoring device must be designed so as to automatically default to the up or open position.

(i) All monitoring areas shall be well lit, and shall be signed to notify owners and occupants in cars passing through the areas that the vehicle is being photographed or videotaped. This sign shall be a flat sign having an area of _____(_____) square feet and shall be posted visibly in each monitoring area.

The sign at each guardhouse shall read:

"NOTICE: THIS IS A CRIME WATCH SAFE NEIGHBORHOOD. FOR YOUR SAFETY AND THAT OF THE RESIDENTS IN THE NEIGHBORHOOD, ACCESS ON THIS ROAD SEGMENT IS BEING MONITORED. A RECORD IS BEING MADE OF THE COLOR, MAKE, AND MODEL OF YOUR CAR, ITS LICENSE TAG NUMBER, AND THE DATE AND TIME OF DAY. AFTER THIS INFORMATION IS OBTAINED, THE DEVICE WILL PERMIT ACCESS AUTOMATICALLY. IF YOU WOULD LIKE DIRECTIONS TO ANY DESTINATION WITHIN THIS NEIGHBORHOOD OR IF THE DEVICE IS NOT OPERATING, PLEASE FEEL FREE TO SPEAK WITH THE GUARDHOUSE ATTENDANT."

The sign at each remote device area shall read:

"NOTICE: THIS IS A CRIME WATCH SAFE NEIGHBORHOOD. FOR YOUR SAFETY AND THAT OF THE RESIDENTS IN THE NEIGHBORHOOD, ACCESS ON THIS ROAD SEGMENT IS

BEING MONITORED. A RECORD IS BEING MADE OF THE COLOR, MAKE, AND MODEL OF YOUR CAR, ITS LICENSE TAG NUMBER, AND THE DATE AND TIME OF DAY. AFTER THIS INFORMATION IS OBTAINED, THE DEVICE WILL PERMIT ACCESS AUTOMATICALLY. IF THIS DEVICE IS NOT WORKING, YOU MAY GAIN ACCESS TO THIS NEIGHBORHOOD AT THE FOLLOWING MONITORING ACCESS POINT: _____."

(j) The traffic monitoring device shall be painted with a reflective paint, and may in addition or as an alternative, have reflector buttons installed, as determined necessary by the city engineer.

(k) The guardhouse must be air conditioned, have a telephone, have a restroom, and have a cement tile, barrel tile, or Spanish "S" tile roof. The guardhouse area must be neatly landscaped.

(Ord. No. 2048, § 1, 10-11-95)

Sec. 23-114. Monitoring regulations.

(a) All traffic monitoring devices approved and installed pursuant to this division shall be operated so as to not prohibit use of the public roads.

(b) Ingress/egress shall be temporarily restricted in order to ascertain the make and model of the vehicle, and the vehicle's license plate number. The color of the vehicle may also be obtained. The date and time shall also be noted. No oral or written communication may be initiated by the guardhouse attendant; however, the guardhouse attendant may respond to questions asked by the driver or occupants.

(c) The applicant shall keep a written log of all ingress/egress information, or shall keep all video tapes, for a minimum of fourteen (14) days. Upon request, the applicant shall turn same over immediately to the city police department without cost, which thereafter, shall be maintained as city records, subject to retention, disclosure, and destruction in accordance with the Florida Public Records Law.

(d) Whenever the attendant is not at the guardhouse, all traffic monitoring devices must be in the up or open position so as to not restrict ingress or egress for monitoring. Further, in the event a given traffic monitoring device becomes inoperable, or in the event a video camera for a remote device becomes inoperable, such traffic device shall be kept in the up or open position. Unless ordered by a law enforcement officer while the officer is in the presence of the attendant and at the device, no attendant shall manually or otherwise override the "automatic open" feature of the device so as to prohibit access or full use of public roads. The attendant shall, however, manually or otherwise open a device which is malfunctioning.

(e) The applicant shall repair any damage to a city vehicle which is caused by the operation of the monitoring device (such repair shall include repainting over any scratch marks).

(f) If the requirements and regulations in this division are not continually satisfied, or in the event the license agreement provided for in the next section is terminated or canceled, the police department may notify the public works department to remove immediately the traffic monitoring device(s). The police department shall monitor all traffic monitoring devices installed pursuant to this section, and shall inspect traffic monitoring devices and check compliance with these requirements at any time, and at least once every three (3) months.

(Ord. No. 2048, § 1, 10-11-95)

Sec. 23-115. The license agreement.

After an application is approved, the applicant shall execute a license agreement with the City of Plantation, which license agreement shall:

- (1) Allow the applicant to construct at the applicant's expense all improvements shown on the approved plans;
- (2) Be automatically renewable on an annual basis unless the City of Plantation cancels the license agreement for a failure of the applicant to continuously adhere to the requirements of this division;
- (3) Contain an indemnification from the applicant for any claims in connection with the operation of the traffic monitoring device, and further, require the applicant to maintain insurance limits acceptable to the city risk manager, which insurance lists or certifies that the city is an additional insured, and further, requires thirty (30) days advance notice to the city of any termination or lapse in coverage (failure by the applicant to maintain the insurance required under the license agreement shall cause, without notice, an immediate termination of the license agreement);
- (4) Require a cash bond or surety bond posted with the City of Plantation, in a penal amount approved by the building and zoning director, which bond shall cover the cost to the city of removing the traffic monitoring device upon cancellation or termination of the license agreement, and further, to repair or repaint, as necessary, any damage to city police, fire, or emergency medical services motor vehicles, or other public vehicles, which damage is caused by the traffic monitoring device;
- (5) Require the guardhouse to be maintained by the association in a first-class condition, especially as to the exterior appearance of the building (painting or other exterior maintenance shall be periodically performed as reasonably required so that no excessive or unsightly mildew, rust deposits, dirt, graffiti or other deterioration shall be permitted to accumulate on such building; further, the area surrounding the guardhouse shall be kept clean and free of debris at all times, and all traffic monitoring devices shall be kept in good operating condition);
- (6) Provide that the structure shall permit access at all times by members of the city police and fire departments; and,
- (7) Provide that the licensee shall comply with all orders of the city police or fire departments.
- (8) Require the licensee to restore the licensed area to its prior condition upon revocation or termination of the agreement.

(Ord. No. 2048, § 1, 10-11-95)

DIVISION 8.

NEWSRACKS ON PUBLIC RIGHTS-OF-WAY*

* **Editors Note:** Ord. No. 2321, §§ 1, 2, adopted May 26, 2004, repealed the former Div. 8, §§ 23-116--23-120, and enacted a new Div. 8, §§ 23-116--23-126. For purposes of classification and to preserve the style of this Code, and at the editor's discretion, §§ 23-121--23-126, have been included as 23-120.1--23-120.6. The former Div. 8 pertained to similar subject matter and derived from Ord. No. 2102, § 1, adopted Aug. 28, 1996.

Sec. 23-116. Intent and purpose.

The City Council of the City of Plantation finds and declares that:

- (1) The city has experienced a significant increase in the number of newsracks installed in the public rights-of-way.
- (2) The uncontrolled placement of newsracks in the public rights-of-way presents an inconvenience and potential danger to the safety and welfare of persons using such rights-of-way.
- (3) The City of Plantation and other governmental agencies have invested significant funds (and will continue to invest significant funds) within transportation corridors of the city, including improvements facilitating pedestrian, bicycle, motor vehicle, and mass transit circulation, and improvements increasing the transportation corridors' aesthetic appeal.
- (4) The uncontrolled placement of newsracks in public rights-of-way within the city's transportation corridors is not consistent with governmental interests of corridor safety-and aesthetics.
- (5) Newsracks located in a manner to cause an inconvenience or potential danger to persons using public rights-of-way, or to undermine the facilitation of pedestrian and vehicular circulation and aesthetic improvements promoted by corridor investments, and abandoned and derelict newsracks, constitute a public nuisance.
- (6) The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of-securing and promoting the public health, safety and general welfare of persons in their use of public rights-of-way.
- (7) Print news media serves an important and protected function in society, and the city wishes to reasonably assure safe and convenient access to such media by regulating the distribution of such media in public rights-of-way.
- (8) The regulation of the placement, maintenance, weight, color, size and height of newsracks in the public rights-of-way will:
 - a. Provide for pedestrian and driving safety and convenience;
 - b. Restrict unreasonable interference with the flow of pedestrian, bike, or vehicular traffic, including but not limited to ingress into or egress from any residence or place of business, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles;

- c. Provide for public and property safety during periods of high velocity winds occasioned by tropical storms and hurricanes which frequent the southeast Florida coast;
- d. Provide access for the use and maintenance of poles, posts, traffic signals, hydrants, mailboxes, sidewalks, pedestrian walkways, bikeways, multi-purpose trails, and transportation facilities;
- e. Provide for the elimination of sight line obstructions;
- f. Reduce unnecessary exposure of the public to personal injury or property damage;
- g. Concentrate the litter and other debris associated with newsracks;
- h. Remove and replace newsracks which result in visual blight on the public rights-of-way, as well as to have abandoned newsracks removed;
- i. Prevent potential damage to swale drainage areas; and,
- j. Enable the reasonable distribution of printed media in the city through the use of modular newsracks and newsracks within public rights-of-way.

(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-117. Definitions.

The following words, terms and phrases, when used in this division, shall have the following meanings ascribed to them, unless the context clearly indicates a different meaning:

Bike path or *bikeway* shall mean that portion of a right-of-way improved, designed, designated or ordinarily used for bicycle traffic and not pedestrian traffic.

Controlling entity shall mean the person or entity responsible for placing and maintaining a newsrack, the owner of the newsrack, or the publisher of the newspaper, news periodical, or advertising circular vended within a newsrack, or some or all of the foregoing. The city may be a controlling entity of newsracks if it purchases, leases, or lease purchases and maintains or subcontracts out the maintenance of newsracks.

Modular newsrack shall mean a connected grouping of two (2) to eight (8) newsrack modules fastened together which is installed as a single structure and used for the display, sale or free distribution of newspapers, news periodicals or advertising circulars.

Multi-purpose trail shall mean right-of-way areas within the city which may be used for a combination of pedestrian or bike travel, but which do not include motor vehicle travel, and which may contain structures for rest, shelter, physical exercise, or relaxation. These areas are sometimes referred to as linear parks or parkways. Two (2) examples are the linear parkway adjacent to Country Club Circle and the linear parkway adjacent to N.W. 5th Street (the latter being currently in construction).

Newsrack means a machine or device located on a right-of-way and used for the sale or free distribution of newspapers, news periodicals or other written materials. This definition encompasses modular newsracks, and any stand alone, self-service, non-coin operated or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale or free distribution of newspapers, news periodicals or advertising circulars.

On-street parking area shall mean those portions of roadway directly adjacent to a curb or sidewalk where motorized vehicular parking is permitted at all times or during specified hours.

Right-of-way means any public street, highway, sidewalk, bike path, parkway or similar way located in the city, within or upon which the public has the right to travel, and which is owned by a governmental entity or over which a governmental entity has an easement for right-of-way purposes.

Roadway shall mean that portion of a right-of-way improved, designed or ordinarily used for motor-vehicular travel.

Sidewalk or pedestrian path shall mean that portion of a public right-of-way that is designed, improved, or ordinarily used for pedestrian travel.

Sight visibility triangle shall mean that area that is within twenty-five (25) feet of the intersection of the extension of the curbs, or extension of the edges of paved roadways of the two (2) rights-of-way.

Vehicle recovery zone or clear zone shall mean that portion of a right-of-way which is adjacent to the roadway and is reserved for the use of drivers who inadvertently travel off the roadway, may or may not come to a stop, and then drive back on to the roadway. This area is specified by the State of Florida in its Traffic Manual.

(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-118. Certificate of compliance required for each location.

(a) It shall be unlawful for any person or entity to place, install or maintain (or cause to be placed, installed or maintained) any newsrack or modular newsrack within any right-of-way in the city without complying with the requirements of this division, or to maintain any newsrack or modular newsrack at a location where the certificate of compliance has been denied or revoked.

(b) The controlling entity of any newsrack or modular newsrack located within a public right-of-way within the city shall notify the director of planning zoning, and economic development or his or her designee, in writing, of the location or change of location of any newsrack or modular newsrack by filing a certificate of compliance in accordance with the provisions of this section no later than fourteen (14) days after the placement or relocation of the newsrack or modular newsrack.

(c) *Reviewing department.* The department responsible for reviewing the certificates of compliance and approving or denying same shall be the planning, zoning, and economic development department.

(d) *Certification.* The controlling entity shall file with the planning, zoning, and economic development department a written certificate of compliance which shall contain the following information:

- (1) The name, address, and telephone number of the controlling entity, who is responsible for the newsrack(s) or modular newsrack(s) being located and maintained in accordance with the regulations of this division;
 - (2) The name, address and telephone number of an individual whom the city may notify or contact at any time concerning the controlling entity's newsrack(s) or modular newsrack(s), including notifications for enforcement purposes;
 - (3) The location of the newsrack(s) or modular newsrack(s);
 - (4) Names of newspapers or periodicals to be contained in each newsrack or modular newsrack;
 - (5) A certification that the newsrack(s) or modular newsrack(s) is (are) installed in conformance with the provisions of this division in their entirety and in conformity with all applicable provisions of the Florida Building Code;
 - (6) Executed indemnification agreement and insurance certificate in compliance with section 23-120.4; and,
 - (7) Payment of the regulatory fee. The fee shall be one hundred dollars (\$100.00) for each new installation at a single location. An installation is defined as placement of a single newsrack or modular newsrack at a location. A newsrack may be expanded to contain eight (8) modules without paying an additional fee. The fee shall be a one-time only fee, such that if a newsrack or modular newsrack becomes damaged and is replaced, a new fee will not be imposed.
- (e) More than one (1) newsrack or modular newsrack location may be included on a certificate of compliance.

(f) *Denial or revocation of certificate of compliance.* If a certificate of compliance for a newsrack or modular newsrack location is incomplete, or if the newsrack or modular newsrack is not located, maintained, or installed in conformity with the certification or this division, the certificate of compliance shall be denied. If the city planning, zoning, and economic development department does not affirmatively deny an application for a certificate of conformity within ten (10) days of receipt, the certificate of compliance shall be deemed approved. If it should come to the city's attention that a newsrack or modular newsrack is not located, maintained, or installed pursuant to the requirements of this division, any certificate of compliance which may have been approved or which may have been deemed to have been approved, shall be revoked, and a notice of violation shall be issued pursuant to section 23-120.5.

(g) *Vested rights.* The issuance of a certificate of compliance shall not be deemed to provide any vested rights in any location. In addition, the city shall not be equitably stopped from amending its codes which may cause the relocation of any newsrack or modular newsrack.

(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-119. Size and design standards for newsrack.

Any newsrack or modular newsrack that in whole or in part rests upon, in or over any public property or right-of-way located within the city shall comply with the following standards. For purposes of this section, only when the words "modular newsrack" appear shall the standard apply to modular newsracks.

- (1) Except as may be provided in this subsection and subsection (6), newsracks and modular newsracks shall be uniform in design. They shall meet the height, width, and depth dimensions of the schematic therefor attached as Composite Exhibit "A". They shall additionally be shaped and colored in accordance with such Exhibit. Finally, they shall be the make, model, and manufacturer of the devices shown in Composite Exhibit "A". In the event the newsracks and modular newsracks shown on Composite Exhibit "A" are no longer manufactured, the city may adopt a different uniform standard by resolution.
- (2) A newsrack's and modular newsrack's width shall not exceed the width of the concrete pad to which it is secured.
- (3) Modular newsrack modules shall be attached together and attached to the ground supports.
- (4) A newsrack or modular newsrack shall not carry any advertising other than identification of the name of the publication being distributed and the identity of the controlling entity.
- (5) Every newsrack and modular newsrack shall be designed and installed to comply with the provisions of the Americans With Disabilities Act.
- (6) Whenever in the future the city council, by resolution, adopts a street furniture theme or design guidelines for portions of the city, all newsracks and modular newsracks shall comply with the structural, color, style, and architectural elements contained within such resolution so as to be aesthetically compatible with such street furniture theme or design guidelines. The resolution must specify the style, color, and make of the compatible newsrack or modular newsrack, in order to supersede the standards above. Controlling entities shall have six (6) months from the effective date of the resolution to make all newsracks and modular newsracks consistent with the requirements of this subsection, unless street furniture theme or design guidelines have been previously established by resolution and have been changed within the previous five (5) years [in which event the six-month time period shall be increased to twenty-four (24) months]. As of October 28, 2004 [the effective date of this division] the city has not established street furniture theme or design guidelines that would qualify to supersede the regulations otherwise set forth in this division.
- (7) Whenever the city becomes a controlling entity, the city's cost recovery system as set forth in section 27-64 of this Code will be employed to recover the monthly amortized cost of construction (over a five-year period) and maintenance of the newsrack or modular newsrack from the newspaper, news periodical, or advertising circular vended within the city controlled newsrack. The cost recovery charges shall be assessed monthly, and the initial deposit of each user of space within the newsrack cabinet or modular newsrack shall be one hundred dollars (\$100.00). The deposit may be adjusted by the administration based upon the city's actual experience. The city shall not elect to become a controlling entity where to do so would displace private sector newsracks which comply with the regulations set forth in this division.

(Ord. No. 2336, § 1, 10-27-2004)

Editors Note: It should be noted that Composite Exhibit "A" referenced above is not set out at length herein, but is on file and available for inspection in the office of the city clerk.

Sec. 23-120. Newsrack and modular newsrack maintenance.

(a) Each newsrack or modular newsrack shall be maintained in a neat, clean condition and good repair at all times. Specifically, each newsrack or modular newsrack shall be maintained, serviced and repaired so that:

- (1) It is free of graffiti.
- (2) It is reasonably free of dirt and grease.
- (3) All visible painted areas are free of chipped, faded, peeling and cracked paint.
- (4) All visible metal areas are free of rust and any other sign of corrosion.
- (5) The clear plastic or glass window parts, if any, through which the publications are viewed, are unbroken and are reasonably free of cracks, dents, blemishes and discolorations.
- (6) The paper or cardboard parts or inserts placed in any cardholder are free of tears, peeling or fading and are firmly secured in the holders.
- (7) The structural parts are not broken or unduly misshapen.
- (8) The surrounding area upon which the newsrack or modular newsrack is placed must be maintained in a neat and orderly condition.
- (9) The newsrack or modular newsrack door opens and closes properly and the side panels of the device are not missing or damaged (i.e., so that the device's contents may not be blown out or removed through such side panels or through an improperly working door).
- (10) A name, address and telephone number of a responsible individual who may be contacted at any time concerning the newsrack or modular newsrack shall be displayed on the hood of the newsrack or modular newsrack in such a manner as to be readily visible and clearly legible.

(b) The approving authority for determinations as to whether a newsrack or modular newsrack meets the requirements of this section shall be the public works director. Upon determining that a newsrack or modular newsrack does not comply with any one (1) or more of the requirements, the deficiency shall be conveyed in writing to the person or controlling entity responsible for the newsrack or modular newsrack and an opportunity will be afforded to correct all deficiencies within ten (10) days from the date of such notice. If all deficiencies are not timely corrected, each violation of any of the requirements of this division shall be subject to the enforcement provisions in section 23-120.5 of the City Code.

(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-120.1. Abandoned newsracks and modular newsracks.

(a) If a newsrack or modular newsrack is determined by the city to be abandoned, the city may dispose of it as provided for in this section 23-120.5 of the City Code. A newsrack or modular newsrack module shall be presumed to be abandoned if no publication issues are placed in the newsrack or modular newsrack module for sale or distribution in accordance with the following schedule:

- (1) If the publication is published daily, no publications are placed within it for four (4) days;
- (2) If the publication is published weekly, no publications are placed within it for ten (10) days;
- (3) If the publication is published monthly, no publications are placed within it for thirty-five (35) days;
- (4) If fifty-one (51) percent of the total modules in a modular newsrack remain empty for fourteen (14) continuous days, it shall be deemed abandoned and posted as such.

(b) If the controlling entity is not identified, it shall be deemed abandoned and posted as such.

(c) If a newsrack or modular newsrack is placed within a right-of-way in a location not approved by a certificate of conformity, or if a newsrack or modular newsrack is placed in a location where newsracks or modular newsracks are prohibited, it shall be deemed abandoned and posted as such.

(d) If the controlling entity of a newsrack or modular newsrack is in violation of section 23-120.4, all newsracks or modular newsracks controlled by such entity, as the case may be, shall be deemed abandoned and posted as such.

(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-120.2. Location and placement of newsracks.

(a) Any newsrack or modular newsrack which rests in whole or in part upon, or on any portion of a public right-of-way or which projects onto, into or over any part of a public right-of-way shall be located in accordance with the provisions:

- (1) No newsrack or modular newsrack shall be used or maintained which projects onto, into, or over any part of the roadway, vehicle recovery zone, bikeway, multi-purpose trail, or on-street parking area of any public street.
- (2) No newsrack or modular newsrack shall be chained or otherwise secured to a tree, to any landscaping material, to a mailbox or similar facility, to a traffic signal, to a pedestrian traffic signal button pole, to a sign, to a bus bench or bus shelter or street furniture, or to a utility or light pole, or to street furniture.
- (3) No newsrack or modular newsrack shall be placed, installed, used or maintained:
 - a. On any sidewalk adjacent to a roadway unless placed near the designated right-of-way line for the roadway, consistent with the provisions of this subsection. The placement of

the newsrack must maintain a minimum three (3) foot clear area for pedestrian usage on any sidewalk, measured from the street face of the structure inward over the sidewalk (measured with the rack doors shut).

- b. Within fifty (50) feet of any marked crosswalk.
 - c. Within one hundred fifty (150) feet of a pedestrian crossing traffic signal control button.
 - d. Within a sight visibility triangle.
 - e. Within fifty (50) feet of any fire hydrant, fire call box, police call box or any other emergency facility.
 - f. Within twenty-five (25) feet of any driveway.
 - g. Within ten (10) feet ahead or to the rear of any sign marking a designated official public mass transit bus stop, trolley stop or taxi stand.
 - h. On any public right-of-way improved with sod, shrubs, vegetation, flowers, trees or other landscaping, unless a concrete pad is in place for this usage and accessibility for the disabled is provided.
 - i. Within thirty (30) feet of any disability access ramp.
 - j. Within thirty (30) feet of any public information display, public artwork or decorative fountain.
 - k. At any location which would restrict or interfere with ingress or egress to abutting properties.
 - l. Within the median of a divided roadway.
 - m. Within fifty (50) feet of a pedestrian entrance of a single-family house, public or private school or a house of worship.
 - n. Within one hundred fifty (150) feet of a roadway intersection as measured from the right-of-way line of the cross street.
 - o. In areas where a vertical surface for the newsrack or modular newsrack is on or within twelve (12) inches of any area improved with lawns, hedges, flowers, or trees.
 - p. When a newsrack or modular newsrack is located in an easement for right-of-way, the newsrack or modular newsrack shall be removed and relocated if the owner of the servient estate requests that it be relocated.
- (b) Any newsrack or modular newsrack being installed, placed or maintained within a public right-

of-way shall be installed in a safe and secure manner so as to prevent the newsrack or modular newsrack from being stolen or becoming a hazard in severe weather.

(c) Not more than one (1) newsrack (excluding modular pockets) per publication containing the same issue or edition of the same publication shall be located on the same side of the street within one thousand (1,000) feet of the same publication. Provided, however, a controlling entity may locate newsracks within this separation standard by demonstrating a public need for the additional distribution. A controlling entity desiring to establish a public need may place an extra newsrack at a proposed location, after notice to the city, for a test period of one (1) month. If during that one (1) month test period the average circulation from that newsrack equals or exceeds seventy-five (75) percent of the capacity of the newsrack, then a public need will be deemed to have been established and the newsrack may remain at the location.

(d) A modular newsrack must be used at any location where there are two (2) or more existing newsracks. A modular newsrack must be used at any location where there are two (2) or more controlling entities requesting a newsrack. A modular newsrack must be used at any location where under any circumstance two (2) or more newsracks would be operated.

(e) Newsracks and modular newsracks may not be placed in any public right-of-way property unless installed on a concrete pad and securely affixed thereto.

(f) Newsracks, newsrack cabinets, and modular newsracks shall not be placed, installed, or erected to obstruct the use of any drainage improvements [defined as being limited to catch basins, storm sewer inlets or outfalls, gutters and curbing, culverts, or infiltrations trenches (French drains)].
(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-120.3. Newsrack and modular newsrack operating standards.

(a) Coin operated newsracks or modular newsracks shall be equipped with a coin return mechanism, maintained in good working order at all times, to permit customers to secure an immediate refund if newsrack is inoperable.

(b) In the event of issuance of a tropical storm or hurricane warning, all newsracks and modular newsracks shall be inspected by the controlling entity to ensure that they remain secure in the same manner as initially installed. If such is not the case, it shall be removed by the controlling entity to avoid damage to public and private property.

(c) Should those responsible for newsracks and modular newsracks not comply with these requirements, necessitating city removal and storage, the city shall provide notice to the controlling entity of the fee for removal, administrative and storage charges prior to release of newsracks or modular newsracks. If such charges are not paid within fifteen (15) days of notice, the city shall dispose of the newsracks or modular newsracks in any manner it may desire.
(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-120.4. Insurance and indemnification.

(a) *Insurance.* Every controlling entity who places or maintains a newsrack or modular newsrack on

a public right-of-way or public property shall provide to the city a current certificate of insurance, naming the city as an additional insured by October 1 of each year. Such insurance shall be comprehensive general liability or commercial general liability coverage. Minimum limits of total coverage shall be three hundred thousand dollars (\$300,000.00) per occurrence combined single limit for bodily injury liability and property damage liability. Reasonable evidence of equivalent self-insurance coverage may be substituted by the controlling entity for the above certificate of insurance, subject to the approval of the city's risk manager. The city risk manager may specify reasonable additional limits, coverages, or underwriting requirements in consideration of the types of coverages offered in the risk markets and any recommendations made by the city's excess liability carrier.

The insurance required herein shall run continuously with the presence of the structure in the city's right-of-way. Any termination or lapse of such insurance shall be a violation of this section.

(b) *Indemnification.* Every controlling entity who places or maintains a newsrack or modular newsrack on a right-of-way shall execute and deliver a written agreement under which it agrees to indemnify, hold harmless and defend the city, its officers, agents and employees from any loss, liability, or damage sustained by any person as a result of the negligent, reckless, or intentionally willful and wanton installation, use or maintenance of a newsrack or modular newsrack within the city.

(c) Neither the insurance or the indemnity required by this subsection shall be construed to waive, elect, or affect in any way the city's defenses, immunities, rights or privileges with respect to any claimed city liability [including but not limited to, immunity as provided by law subject to the limited waiver thereof in § 768.28, Fla. Stat. (2003)].

(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-120.5. Enforcement.

Each controlling entity of a newsrack violating any provision of this division shall be subject to the code enforcement process and procedures set forth in chapter 6 of the Plantation City Code. These procedures may result in financial liens in addition to special removal, storage, and disposal regulations contained within the following subsections of this section.

- (1) City removal of newsracks erected with certificate of compliance obtained in accordance with section 23-118 of the City Code.
 - a. Upon determination by a code enforcement officer that a newsrack exists within public right-of-way in violation of this article, the city shall prominently post on the newsrack visible from the main-traveled way a notice of violation. If the newsrack bears the name of the controlling entity or the controlling entity is known, the notice of violation shall also be issued to the controlling entity. Notwithstanding the preceding sentence, the city may immediately remove without notice and then store any newsrack which is located within a roadway, or on a bikeway, multi-purpose trail, or in the median of a public right-of-way, as these situations create an immediate threat to the public's health, safety, and welfare and the code enforcement officer shall notify the controlling entity of such removal and storage as quickly as reasonably possible by certified mail with return receipt requested to the controlling entity (resultant code violations from such conditions may be prosecuted).

- b. The notice of violation shall specifically describe the violation and may suggest actions necessary to cure the violation. The notice of violation shall be mailed by certified mail with return receipt requested to the controlling entity. The city may also contact by telephone the contact person noted on the newsrack unless such a contact person is not noted on the newsrack or the label containing such controlling entity's identity has become obliterated.
 - c. Except as provided in the next sentence, failure to correct the violation within ten (10) days of the date of the notice shall result in the removal of the offending newsrack by the city upon final disposition of the code enforcement case. Notwithstanding the preceding sentence, the city may immediately remove without notice and then store any newsrack that is located within a roadway, on a bikeway, on a multi-purpose trail, or in the median of a public right-of-way as these situations create an immediate threat to the public's health, safety, and welfare.
 - d. Upon removal, the city shall store the newsrack for a period of ninety (90) days following the final disposition of the code enforcement case, and if the newsrack is not claimed during that time period and the appropriate removal, administrative and storage fees paid, the city may dispose of the newsrack in any manner deemed appropriate. The city may contract for the removal, storage, and disposal of newsracks in accordance with this section payment for services of which the controlling entity shall be responsible.
- (2) Newsracks erected without certificate of compliance obtained in accordance with section 23-118 of the City Code.
- a. Upon determination by a code enforcement officer that a newsrack exists within public right-of-way without a certificate of compliance in accordance with section 23-118, the city shall prominently post on the newsrack visible from the main-traveled way a notice of violation that the newsrack is unlawful and must be removed within ten (10) days after the date on which the notice was posted. If the newsrack bears the name of the controlling entity, the notice of violation shall also be issued to the controlling entity. Notwithstanding the preceding sentence, the city may immediately remove without notice and then store any newsrack which is located within a roadway, on a bikeway, on a multi-purpose trail, or in the median of a public right-of-way, as these situations create an immediate threat to the public's health, safety, and welfare. The code enforcement officer shall notify the controlling entity, if known, of such removal and storage as quickly as reasonably possible by certified mail with return receipt requested.
 - b. The notice of violation shall be mailed by certified mail with return receipt requested to the controlling entity, if known. The city may also contact by telephone the contact person noted on the newsrack if known unless such a contact person is not noted on the newsrack or the label containing such controlling entity's identity has become obliterated.
 - c. Except as provided in the next sentence, failure to correct the violation within ten (10) days of the date of the notice shall result in the removal of the offending newsrack by the

city upon final disposition of the code enforcement case. Where the identity of the controlling entity is unknown, the case shall list as respondents John and Jane Doe. Notwithstanding the preceding sentences, the city may immediately remove without notice and then store any newsrack that is located within a roadway, or on a bikeway, or on a multi-purpose trail, or in the median of a public right-of-way as these situations create an immediate threat to the public's health, safety, and welfare.

- d. Upon removal, the city shall store the newsrack for a period of ninety (90) days following the final disposition of the code enforcement case. If the newsrack is not claimed during such time period and the appropriate removal, administrative and storage fees paid, the city may dispose of the newsrack in any manner deemed appropriate. The city may contract for the removal, storage, and disposal of newsracks contemplated herein, payment for services of which the controlling entity shall be responsible.

(3) Abandoned newsracks.

- a. Upon determination by a code enforcement officer that a newsrack is abandoned based on criteria listed in section 23-120.1 of the City Code, the code enforcement officer shall prominently post on the newsrack visible from the maintraveled way a notice of violation that the newsrack is considered abandoned and must be removed within ten (10) days after the date on which the notice was posted. If the newsrack bears the name of the controlling entity, the notice of abandonment shall also be issued to the controlling entity. Notwithstanding the preceding sentence, the city may immediately remove without notice and then store any newsrack which is located within a roadway, or on a bikeway, or on a multi-purpose trail, or in the median of a public right-of-way, as these situations create an immediate threat to the public's health, safety, and welfare. The code enforcement officer shall notify the controlling entity, if known, of such removal and storage as quickly as reasonably possible by certified mail with return receipt requested to the controlling entity (resultant code violations from such conditions may be prosecuted).
- b. The notice of abandonment shall be mailed by certified mail with return receipt requested to the controlling entity, if the controlling entity is known. The city may also contact by telephone the contact person noted on the newsrack unless such a contact person is not noted on the newsrack or the label containing such controlling entity's identity has become obliterated.
- c. Except as provided in the next sentence, failure to correct the violation within ten (10) days of the date of the notice shall result in the removal of the offending newsrack by the city upon final disposition of the code enforcement case. If the name of the controlling entity or owner of the device is not known, the respondents shall be John and Jane Doe. Notwithstanding the preceding sentences, the city may immediately remove without notice and then store any newsrack that is located within a roadway, or on a bikeway, or within a multi-purpose trail, or in the median of a public right-of-way as these situations create an immediate threat to the public's health, safety, and welfare.
- d. Upon removal, the city shall store the newsrack for a period of ninety (90) days following

the final disposition of the code enforcement case, and if the newsrack is not claimed during that time period and the appropriate removal, administrative and storage fees paid, the city may dispose of the newsrack in any manner deemed appropriate. The city may contract for the removal and storage of newsracks contemplated herein, payment for which the controlling entity shall be responsible.

(Ord. No. 2336, § 1, 10-27-2004)

Sec. 23-120.6. Implementation.

All existing and proposed newsracks and modular newsracks shall comply with this division no later than February 1, 2005.

(Ord. No. 2336, § 1, 10-27-2004)

ARTICLE III.

SIDEWALKS*

* **Cross References:** Buildings and building regulations, Ch. 5; code enforcement, Ch. 6; landscaping, Ch. 13; licenses and business regulations, Ch. 14; planning and development, Ch. 19; platting, Ch. 20; traffic and vehicles, Ch. 26; zoning, Ch. 27; pedestrian zones along building facades required to have certain landscaping, § 13-43.

Sec. 23-121. Standard details of pavement, sidewalk and swale construction.

To the extent not specifically prohibited otherwise by limiting ordinances pertaining to geographically identified areas of the city having unique soil characteristic problems, there is herewith established a "Standard Details of Pavement, Sidewalk and Swale Construction Section I for the City of Plantation, Florida," as set forth below on the city engineer's details which are on file in the city clerk's office and specifically made a part hereof by reference. Where valley gutters are specified for geographically identified areas there is herewith established the following "Standard Details for Pavement, Sidewalk and Valley Gutter Construction Section II" as set forth below on the city engineer's details which are specifically made a part hereof.

GRAPHIC UNAVAILABLE: TYPICAL SECTION REQUIREMENTS FOR PUBLIC ROADS
(Code 1964, § 22-14)

Sec. 23-122. Construction of sidewalks and/or roadside drainage swales required in certain areas.

(a) The owner or owners of lots in all portions of the city shall construct, or cause to be constructed, a sidewalk immediately inside the street right-of-way or easement upon which said lot or lots abut, except within the following described areas and subdivisions:

- (1) The south one-half (S 1/2) of Section 2, Township 50 South, Range 41 East.
- (2) Westgate Lake Manors Subdivision as Recorded in Plat Book 35, at Page 13, Public Records of Broward County, Florida.
- (3) Plantation Golf Estates Subdivision as Recorded in Plat Book 31, at Page 21, Public Records of

Broward County, Florida.

- (4) Plantation Golf Estates 1st Addition as Recorded in Plat Book 45, at Page 7, Public Records of Broward County, Florida.
- (5) Country Club Estates Subdivisions: Unit "A", Plat Book 23, at Page 4; Unit "A" Amended, Plat Book 27, at Page 34; Unit "B" Plat Book 22, at Page 50; Unit "C" Plat Book 26, at Page 20; Unit "D", Plat Book 28, at Page 2; Unit "E", Plat Book 62, at Page 48, and all Recorded in the Public Records of Broward County, Florida.
- (6) Tract 59, less the East 885 ft. and less the West 10 ft. thereof; AND ALSO, Tract 58, less the East 885 ft. and less the West 10 ft. and less the South 100 ft. thereof. All in Section 1, Twp. 50 South, Range 41 East, Florida Fruit Lands Company's Subdivision No. 1, Plat Book 2, Page 17, Public Records of Dade County, Florida. Said lands situate, lying and being in Broward County, Florida, and containing 5.53 acres, more or less.
- (7) West Broward Boulevard, State Road No. 7, West Sunrise Boulevard and University Drive, except where required in connection with site plan or plat approval by the planning and zoning board and/or the city council.

(b) The owner or owners of lots in all portions of the city shall construct, or cause to be constructed, a roadside drainage swale inside the street right-of-way or easement upon which said lot or lots abut, unless otherwise directed by the city.

(c) Such sidewalk and/or swale construction shall be done prior to, or simultaneously with the construction of any buildings upon said lot or lots and, at the time an application is made for a building permit for the construction of a building on said lot or lots, applicant shall show on his building plans the location and type and character of the sidewalk and/or swale to be constructed adjacent to said lot or lots. No building permit shall be issued until such plan of sidewalk and/or swale construction is submitted and no "certificate of occupancy" for the building constructed is to be issued until said sidewalk and/or swale has been constructed and approved by the city.

(Code 1964, § 22-18; Ord. No. 2222, § 1, 5-31-2000)

Sec. 23-123. Specifications, line and grade stakes.

(a) The Manual of Minimum Standards for Design, except as otherwise provided herein, shall apply in the city. The swales shall be constructed as directed by the city. Sidewalks in areas designated for sidewalk construction shall be constructed in accordance with the following specifications:

- (1) Sidewalks shall have a minimum width of four (4) feet in residential areas, and a minimum width of five (5) feet in commercial areas, and shall have a minimum thickness of four (4) inches except at driveway intersections where the thickness shall be not less than six (6) inches, and except for the pavement side face of the sidewalk which shall be no less than seven (7) inches in thickness tapering to normal thickness at a point four (4) inches back of the pavement side face.
- (2) All sidewalks on streets designated as primary bikeway routes in the City of Plantation Bikeways

System Plan other than local streets in single-family residential areas, shall have a minimum width of six (6) feet unless otherwise specified by city council.

- (3) Concrete shall be portland cement concrete, shall have a minimum compressive strength of two thousand five hundred (2,500) psi at twenty-eight (28) days, and shall be properly finished so as to produce a nonskid surface. All concrete shall be adequately cured with clean sand, plastic membrane, or other approved method.
- (4) One-eighth inch wide transverse contraction joints with a minimum depth of one-half inch shall be spaced at intervals not exceeding five (5) feet.
- (5) One-half inch wide transverse expansion joints running the full depth of the slab and filled with an approved nonrising filler shall be spaced at intervals not exceeding thirty (30) feet.
- (6) All driveway intersections shall be reinforced with a minimum six (6) by six (6) 10/10 welded wire fabric.
- (7) Sidewalks shall be formed with either wood or metal, straight, free from warp or kinks, and of sufficient strength. They shall be staked securely enough to resist the pressure of the concrete without spring. When forms are ready for concrete to be deposited they shall not vary from approved line and grade and shall be kept so until the concrete has set.
- (8) Unless otherwise directed by the city, the back of the sidewalk shall be set at the same elevation as the center of the adjacent street pavement with the street face of the sidewalk set one-tenth foot lower than the back of the sidewalk.
- (9) The back line of the sidewalk shall be the established street right-of-way line unless otherwise directed by the city.

(b) Proper and sufficient line and grade stakes, furnished by the owner or builder, shall be established prior to construction of sidewalks and/or swales. Prior to constructing the sidewalk and/or swale the city shall be notified and all forms checked by the city for conformance to the approved line and grade. No construction shall commence until specific authorization to do so has been received from the city. After construction has been completed, the city shall again be notified and a final inspection made by the city. (Code 1964, § 22-19; Ord. No. 1376, §§ 1-3, 1-22-86; Ord. No. 1388, §§ 1, 2, 4-9-86)

Sec. 23-124. Owners of property required to maintain abutting sidewalks.

(a) *Duty of owner of adjacent property.* It shall be the duty of each owner to reconstruct, maintain, and keep in good repair the sidewalks abutting his property within the city when so directed by the director of public works and when the property owner is at fault for causing the sidewalk to be cracked or uplifted, because of planting or allowing to continue growth of trees or plants in proximity to sidewalks.

(b) *Appeal procedure for person affected by this section.* Any person aggrieved by an adverse decision of the director of the public works department is entitled to appeal the decision to the board of adjustment.

(c) *Width, material, grade, etc.* The width of each sidewalk, the material to be used in its construction, the grade thereof, and the method and manner of construction, reconstructing and repairing the same shall be as prescribed and approved by this Code and the enforcing departments under this Code.

(d) *Needed sidewalks, repairs, etc., to be determined by the director of public works.* The director of the public works department shall determine all places and sites within the city wherein it is necessary or advisable by reason of any unsafe, hazardous, or dangerous condition because of cracking or uplifting for sidewalks to be repaired or reconstructed.

(e) *Notice to owners to construct, reconstruct, repair, etc.*

(1) It shall be the affirmative duty of the street inspection and rotation team to inspect the sidewalks in the city as part of their periodic inspection of improvements within such street rights-of-way. Where a sidewalk is cracked, uneven, or broken apart, said team shall report to the director of public works the location of the sidewalk and give the director a description of the physical state of the sidewalk. It shall also be the affirmative duty of any employee of the city to report to the director of the public works department the location of any area of a sidewalk within the city which presents hazards to persons traveling thereupon which is discovered during the normal performance of his duties as an employee of the city.

(2) The director of public works shall determine whether the said reported areas of disrepair or hazard are due to the fault of the adjacent private property owner because of planting or allowing to continue growth of trees or plants in proximity to sidewalks. If the director determines that said sidewalk should be maintained or repaired by the adjacent property owner, he shall give or cause to be given, written notice to the owner of the property adjacent to such sidewalk directing the property owner to reconstruct, maintain or repair the sidewalk.

(3) If the property owner was not at fault in causing the sidewalk to become a hazard, the director shall forthwith undertake such repair at the city's expense.

(f) *Information to be shown in notice; service; when notice to be published in newspaper.*

(1) The notice required by subsection (e) hereof shall direct the adjacent property owner to forthwith commence, and within thirty (30) days after the date of such notice complete, the reconstruction or repair work. Such notice shall be mailed to the address of the owner as it appears on the tax rolls of Broward County by certified mail, return receipt requested. If such notice be returned unclaimed, then a copy of such notice directed to the owner shall be posted upon the entrance of such property if improved, and if vacant and unimproved, a notice shall be published in a newspaper of general circulation in the county once a week for two (2) consecutive weeks directing the owner to forthwith commence and within thirty (30) days after the last publication of such notice complete the construction, reconstruction or repair work.

(2) Each first notice of a cracked or uplifted sidewalk will also state that upon the cracking or lifting of the once required sidewalk will mandate that any tree causing said cracking will be removed by owner, occupant, or the city.

(g) *Failure of owner to comply with notice; work to be done by city; cost to be assessed against property; lien.*

- (1) In the event the adjacent property owner shall fail or refuse to perform the construction, reconstruction or repair work on the sidewalk within the time prescribed in the aforementioned notices, the director of public works is hereby authorized to cause the repair to be completed as herein set forth, and the director shall make a charge and lien against the property for the cost incurred by the city to repair and reconstruct. Said lien will be assessed by resolution of the city council and will be foreclosed in the same manner as special assessment liens as provided for in the charter. The city clerk will keep a docket of these liens, as a special assessment docket according to the charter is kept, and will notify the city attorney of delinquencies in the same manner as the charter requires notification of delinquent special assessments. The assessment will give rise to a lien co-equal with the lien of all state, county, district, and municipal taxes, and superior in dignity to all other liens, titles, and claims.
- (2) The director of the public works department shall maintain a list of contractors in the area which he feels is competent to accomplish the repair work. Such contractors shall submit, as offers to contract, dollar per hour bids for such work. When called upon by the director of the public works department to perform (that being the acceptance of the offer), the contractor so called upon shall repair, reconstruct, or otherwise put the sidewalk back in a condition which will no longer render it a threat to health, safety, or general public welfare. The cost of this contracted work shall be part of the costs incorporated into the lien.
- (3) Additionally, there shall be incorporated into the lien amount any notice, advertising or administrative costs. Should it become necessary to foreclose said lien, the party foreclosed against will pay all costs and attorney's fees, including attorney's fees on appeal. Interest will be charged running from the date of the passage of the resolution assessing the lien at the interest rate set forth in Fla. Stats., section 170.09, for special assessment liens or successor amendatory provision.

(h) *Cracking or uplifting of once required [repaired] side walks; removal of tree the roots of which causing damage.*

- (1) When the owner or occupant of property or the city has repaired a sidewalk pursuant to this section and the director of the public works department a second time finds that the sidewalk is cracked or uplifted because of planting or allowing to continue growth of trees or plants in the proximity of the once repaired sidewalk, then not only will the sidewalk be repaired a second time pursuant to this section, but also the owner or occupant or city will remove any tree, the roots of which have caused the cracking or uplifting pursuant to this subsection.
- (2) The same notice which indicates the sidewalk has the second time been uplifted or cracked and that repair is required pursuant to the terms of this section will also state that this is a second occurrence and that the owner is required to remove the disrupting tree, the roots of which have caused the cracking or uplifting. The director of public works will make said determination, in his reasonable discretion, a personal inspection of the site.

- (3) Just as the city will repair a sidewalk and impose a lien for uplifted sidewalks upon failure of the owner to repair, so will the city remove a disrupting tree and impose a lien when an owner fails to remove a disrupting tree. All procedures and provisions of this section pertinent to notifying owners or occupants, repairing, charging a lien, attorney's fees, and appeal of administrative decisions, which apply to the repair of sidewalks shall also apply to the removal of a disrupting tree.
- (4) An owner who fails to control disrupting tree roots after a cracked or uplifted sidewalk has been once repaired will be deemed to have been given permission to the city to come upon his property to remove any tree causing said cracking or uplifting. All notices of first-time cracking or uplifting will include a statement that such permission will be deemed granted.

(Code 1964, § 22-20)