

Chapter 54

STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES

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ARTICLE I. IN GENERAL

Secs. 54-1 thru 54-30. Reserved.

ARTICLE II. STREETS

Sec. 54-31. Sprinkler systems.

(a) It is prohibited to operate a fixed head spray system design that, under normal circumstances, sprays water more than two feet onto the paved portion of the street.

(b) It is prohibited to operate a swing head, impulse-type system in a manner that permits, under normal circumstances, a concentrated stream of water to spray on any paved portion of the street.

(Code 1976, §14-48)

Sec. 54-32. Streets, sidewalks, driveways, and certain other public places.

(a) Except as provided in subsections (b) and (c), no person other than the City or a person operating under the express written authority of the City Council or City Manager shall alter, destroy, damage, modify or change the surface or any part or component of any street, sidewalk, driveway, curb, drainage inlet or other facility or infrastructure located in any public right-of-way.

(b) Notwithstanding the prohibition set forth in subsection (a), a property owner may paint or stain a concrete driveway located on such owner's property, as well as that portion of such driveway extending across public right-of-way from the property line to the edge of any street pavement or asphalt surface. As such, for purposes of this subsection only, the term "driveway" includes that portion of the sidewalk located entirely within the boundary of the driveway, as well as the driveway apron.

(c) Any paint or stain used to accomplish any painting or staining authorized by subsection (b) shall be a "non-slip" paint or stain, which paint or stain must be approved by the Building Official.
(Ord. 990, §1, 5-7-08)

Secs. 54-33 thru 54-55. Reserved.

ARTICLE III. BRIDGES

Sec. 54-56. Definitions.

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

Bridge owner means the state or any agency thereof; the county, or any agency thereof; the city; or any corporation, association, partnership or individual owning or jointly owning any bridge. When any bridge shall be in the possession or under the control of any trustee, receiver, trustee in a case under title 11, United States Code, or a lessee, such term shall include both the owner of the legal title and the person or entity in possession or control of such bridge. The bridge owner shall be required to file a statement of ownership with the city clerk and provide proof of compliance with the provisions of this article on a semiannual basis. However, the statement of ownership shall not be required to be filed subsequent to the acceptance of the dedication to the city, pursuant to section 54-67.

Certificate of completion means that document issued by the city to the bridge owner upon the completion of the bridge. Such certificate shall be issued only upon the receipt of the affidavit of the inspector herein, payment of all fees required to be paid to the city under this and any other sections of the Code and after the bridge owner otherwise complies with the terms of this article.

Inspector means one of the following: the persons who designed the bridge, the person who reviewed the design, or an independent inspection agency qualified by the state department of transportation to inspect such bridges.

(Code 1976, §7-2)

Sec. 54-57. Standards and specifications.

(a) The city hereby adopts the Standard Specifications for Highway Bridges adopted by the American Association of State Highway and Transportation Officials, 13th edition (1983), the Standard Specifications for Movable Highway Bridges adopted by the American Association of State Highway and Transportation Officials, 1978 edition, and the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, 1982 edition, as the standards for bridge construction for the city, and by this

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reference such standards are incorporated herein as though fully set forth in this article. A copy of each of these codes shall be kept in the possession of the building department for reference.

(b) In addition to the standard specifications adopted under subsection (a), all movable span bridges constructed in the city shall have sufficient counterweights to balance the movable span and its attachments in any position. Provisions shall be made for the manual operation of the movable span, should the motor-driven mechanism fail. The manual operation system must provide for all functions of the movable span throughout its entire cycle.

(Code 1976, §7-1)

Sec. 54-58. Bridge design; review.

(a) The bridge design shall be prepared by a registered professional engineer certified as qualified by the state department of transportation to design bridges, who shall place his seal upon the plans.

(b) The bridge design must be approved by the city prior to construction and the design submitted shall include all drawings, specifications and design calculations necessary for a complete review of the structure and operation of the proposed bridge. The plans and specifications of the proposed bridge shall not be deviated from after submission to the city under subsection (c) of this section unless specifically approved by the city in writing.

(c) After submission of such plans, an independent design review will then be conducted by the city by utilizing the services of a registered professional engineer certified as qualified by the state department of transportation to design bridges. Such engineer shall not be the same person who designed the bridge, nor shall such person be a member of any firm, corporation, partnership or other entity, whether incorporated or unincorporated, of which the person who designed the bridge has any financial interest. The cost of such independent design review shall be borne by the person seeking construction of the bridge.

(Code 1976, §7-3)

Sec. 54-59. Performance bond.

As a precondition to the issuance of a building permit for the bridge, the person constructing the bridge shall post a performance bond in the total amount of the construction contract for the bridge. The bond shall name the city as the beneficiary if the bond is to be invoked. The bond shall be issued by an insurance/surety company, authorized to do business in the state, that has at least an AA rating, according to the most recent Moody's publication prior to the purchase of the bond.

(Code 1976, §7-4)

Sec. 54-60. Inspections; fees; affidavit of inspector; certificate of completion.

(a) *Independent inspector.* The person constructing the bridge shall post with the city an amount equal to ten percent of the total cost of construction of the bridge for the purpose of paying an independent, full-time bridge inspector during the construction of the bridge. The bridge inspector shall be the same person who performed the independent design review for the plans and specifications for the construction of the bridge. The inspector shall ensure that no deviation is made from the plans and specifications supplied to the city for the construction of the bridge. The inspector shall be retained by the city as an independent contractor and not as an employee or agent of the city. Alternately, the city may authorize the engineer who prepared the design of the bridge under section 54-58(a), or may appoint a qualified bridge inspector, as defined in section 54-56, to provide full-time inspection of the bridge.

(b) *Fee.* An inspector hired by the city under subsection (a) shall be paid on a monthly basis by drawing from the special fund utilized for payment of the inspector. The fee deposited under subsection (a) shall be placed in a special interest-bearing account and the funds shall be used solely for the payment of costs incurred in retaining the inspector for the specific project and the fees for the inspector.

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(c) *Affidavit of inspector.* Upon completion of the bridge and prior to the issuance of a certificate of completion, the inspector shall file a signed and sealed affidavit with the city in substantially the following form: "To the best of my knowledge and belief, the above described construction complies with the permitting documents and complies with the standards and specifications regarding bridge construction adopted by the City of Satellite Beach in effect at the time this affidavit is executed." Such affidavit shall be signed, dated and stamped as provided in F.S. §471.025.

(d) *Issuance of certificate of completion.* Upon completion of the bridge, but prior to the issuance of a certificate of completion, the bridge owner shall pay to the city any balance remaining due to the inspector should the amount deposited under subsection (a) be insufficient to pay such costs and expenses. Payment of the deficiency is a precondition of the issuance of a certificate of completion. If the initial deposit exceeds the cost and expenses incurred by the city in retaining the inspector, the city shall return such excess to the person making the initial deposit within 30 days after issuing a certificate of completion. The city shall have the right to retain any accrued interest on such funds. Such accrued interest shall be utilized by the city only for the maintenance, operation and replacement costs of the bridge.

(e) *Payment of deficiency.* Payment of any deficiency between the fee deposited under subsection (a) and the amount actually owed the inspector, plus any costs, shall be paid within 30 days of receiving written notice of the deficiency from the city. Such notice shall be forwarded by certified mail, return receipt requested, to the bridge owner, developer and general contractor constructing the bridge. If a deficiency arises during the construction of the bridge and is not paid and brought current within the 30-day time period, the city shall order work on the bridge stopped until the account is brought current.

(Code 1976, §7-5)

Sec. 54-61. Required dedication and request by bridge owner.

Upon completion, the bridge shall be dedicated to the city by appropriate documents and shall be submitted for approval and acceptance for ownership, maintenance and operation. With his request, the bridge owner shall submit one complete set of as-builts which shall be reproducible. As-builts shall include, but not be limited to, all shop drawings for spans and related machinery, if applicable. Additionally, the contractor shall provide the city with a complete set of operating instructions, including instructions or charts for maintenance and lubrication. The request shall specifically include consideration of the following items:

- (1) Release of the bridge owner and/or person constructing the bridge from the performance bond or surety for construction of the bridge.
- (2) A review of the bridge with the city staff on the issue of completion and acceptance of the bridge.
- (3) A request for the city to issue a certificate of completion.
- (4) The bridge owner shall attach the engineer's affidavit of compliance with the application.

(Code 1976, §7-6)

Sec. 54-62. Operational testing.

The city staff shall review, inspect and test the bridge at the applicant's expense. The types of tests shall be selected by the city, shall be carried out by firms approved by the state department of transportation and selected by the city and shall be carried out in accordance with the standards, practices and procedures generally utilized by the industry for such tests. Review of the bridge by the city staff is to be based upon the applicable city, county, state and/or industry construction specifications that set the standards for the bridge contained in the request. For bridges to be constructed after the date of this article the applicable construction standards will be the construction specifications of the city adopted pursuant to this article.

(Code 1976, §7-7)

Sec. 54-63. Recommendations to council.

If the bridge is determined to be unacceptable, the city manager shall have the following options:

- (1) Recommendation to the city council that it invoke any posted bond or surety.
- (2) Direction to the city staff to continue working with the applicant on a correction list to complete the bridge in conformance with applicable standards, all at the bridge owner's expense.
- (3) Recommendation to the city council that the bridge not be accepted.

(Code 1976, §7-8)

Sec. 54-64. Report to council.

Upon completion of the review, inspection and testing of the bridge, the city manager shall report the findings to the city council. In no event shall the staff-review process exceed 60 days, unless testing of the bridge cannot be completed within such time period, in which event the time period shall be extended an additional 60 days.

(Code 1976, §7-9)

Sec. 54-65. Illegal to utilize bridge prior to issuance of certificate of completion; penalty.

(a) It shall be unlawful to utilize a bridge for any purpose whatsoever prior to receiving the affidavit of the inspector and the issuance by the city of a certificate of completion. This prohibition shall not apply to work being done on the bridge prior to the city receiving the affidavit from the inspector.

(b) If a violation of this section occurs, the city may cause the bridge to be barricaded until such time as a certificate of completion is issued by the city. In addition, a fine of up to \$1,000.00 shall be imposed against any person found guilty of violating the provisions of this section.

(Code 1976, §7-10)

Sec. 54-66. Bridge acceptance.

If the bridge is determined to be acceptable, the city council may, upon recommendation of the city manager, consider a resolution accepting the construction of the bridge specifically listed in the resolution, ordering issuance of certificate of completion, releasing the performance bond and requiring the applicant to maintain, operate and replace if necessary the specified bridge for a period of two years. Such resolution shall also be contingent upon the applicant complying with the provisions of section 54-67. Adoption of the resolution shall be contingent upon the applicant posting a maintenance bond or adequate security for the maintenance period prescribed by the city council. The amount of the maintenance bond shall be 25 percent of the performance bond for the project. The maintenance bond must be approved by both the city manager and the city attorney as to the amount and form. Such bond or security shall be filed with the city clerk. The city council may also reject the request.

(Code 1976, §7-11)

Sec. 54-67. Review for final acceptance.

(a) Not less than 90 days and not more than 150 days prior to the expiration of the two-year maintenance period, the bridge owner shall request the city review, reinspect and retest the bridge, at the bridge owner's expense, for purposes of final acceptance of the bridge for maintenance and operation.

(b) Such retesting shall be based upon standards, practices and procedures that are generally utilized in the industry that pertain to the bridge sought to be accepted.

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(c) If the bridge is determined to be acceptable, the city council shall consider adoption of a final resolution accepting the dedication of the bridge and establishing the effective date as the termination of the two-year maintenance period.

(d) If the bridge is determined to be unacceptable, the city manager shall have the following options:

- (1) Recommendation to the city council that it invoke the posted maintenance bond or security.
- (2) Direction to the city staff to continue working with the bridge owner on a correction list to correct deficiencies at the bridge owner's expense.
- (3) Recommendation that the city council take any other action it may deem appropriate, including the rejection or tabling of the request.

(e) If a bridge owner fails to either request review of the applicable bridge or complete the required corrections under this section within the appropriate time, the bridge owner will be required to post an additional one-year maintenance bond or security. If the bridge owner fails to post such a bond or security within 30 days before expiration of the existing bond or security, the city council may rescind its prior resolution accepting construction of the bridge, invoke the posted maintenance bond or security, if appropriate, and the applicant shall be required to recommence, beginning with the requirements as established in section 54-61.

(Code 1976, §7-12)

Sec. 54-68. Necessity of council action to assume maintenance responsibility.

Any resolution that provides for the city to finally assume responsibility to maintain any bridge shall not become final until the expiration of any maintenance period required under this article. The maintenance of bridges shall never become the responsibility of the city unless and until final acceptance by the city council by appropriate resolution, effective at the end of the two-year maintenance and operation period.

(Code 1976, §7-13)

Sec. 54-69. Special assessments for maintenance, operation and replacement of bridges.

Upon acceptance of dedication of a bridge by the city, the city shall levy and collect special assessments upon real property for special benefits conferred upon such property for the purpose of payment of all costs of maintenance, operation and replacement of such bridge. All costs associated with such bridge shall be borne solely by those benefitted by the bridge. The method of levying, financing, securing and collecting the special assessments for maintenance, operation and replacement of bridges shall follow the procedures and requirements set forth in F.S. ch. 170. For purposes of imposing special assessments only, "bridge" shall mean a structure over navigable water, including supports, streets and drainage, and storm sewer improvements appurtenant to the structure, constructed to carry vehicular or pedestrian traffic or moving loads.

(Code 1976, §7-14)