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OFFICE OF STATE
TALLAHASSEE, FLORIDA
FEB 11 1988

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A RIGHT-OF-WAY UTILIZATION REGULATION WHICH ESTABLISHES PROCEDURES FOR RIGHTS-OF-WAY UTILIZATION IN HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE PURPOSE OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF RESOLUTION 77-67; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hernando County has determined that new regulations relating to right-of-way utilization in Hernando County are necessary to protect the health, safety, and welfare of its citizens.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Hernando County, Florida, the following:

SECTION I. PURPOSE

The purpose of this Ordinance is to adopt regulations relating to the use of County owned rights-of-way in the unincorporated areas of Hernando County, Florida.

SECTION II.

The Hernando County Board of County Commissioners shall adopt, by resolution, a right-of-way utilization manual for Hernando County. All applicable use of County owned right-of-way shall be in accordance with the provisions of said manual.

SECTION III.

No person, partnership, firm, governmental agency, corporation, association, department, authority, or other entity shall dig, excavate, obstruct, place any obstructions or other materials, or perform any work which disturbs the existing structure and compaction of the soil in any right-of-way provided for public use in the unincorporated areas of Hernando County, Florida, without first obtaining a permit for such work.

SECTION IV.

Hernando County is hereby authorized to levy and collect fees for obtaining permits and utilizing any County owned right-of-way. The fees shall be in an amount to be approved by resolution of the Hernando County Board of County Commissioners.

SECTION V.

Any entity identified above, shall make application to Hernando County for said permit on forms provided by the County and such application shall include, but not be limited to, the following information:

- a) location of the proposed construction
- b) type of facility to be constructed
- c) method of construction to be used
- d) expected time to complete construction
- e) proposed means of restoring the right-of-way
- f) sketches and drawings showing completely the nature of the proposed construction

SECTION VI.

All work performed under the permit shall be done with no expense to Hernando County.

SECTION VII. PENALTY

If any permittee or any authorized agent, officer or employee of a permittee, shall knowingly refuse to comply with or willfully violate any provision of this Ordinance, such permittee shall incur a penalty for each offense of not more than 25% of the estimated project cost, to be fixed, imposed, and collected by the Board of County Commissioners, proceeds of which shall be deposited in the transportation trust fund. Additionally, any permittee who has previously failed to restore the Right-of-Way as required by this Ordinance, shall not be issued further permits until such Right-of-Way is restored, or the entire cost of restoration incurred by the County, to make such restoration has been paid by the applicant.

SECTION VIII. REPEAL

Resolution Numbers 77-67 and 77-89 are hereby repealed. Any Ordinance in conflict with this Ordinance is hereby repealed to the extent of the conflict.

SECTION XI. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be effected by such holding.

SECTION X. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION XI. EFFECTIVE DATE

A certified copy of this Ordinance shall be filed in the office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of the Ordinance.

ADOPTED THIS 27th DAY OF January, 1988 A.D.

Board of County Commissioners
Hernando County, Florida

Attest: Jenine Nimer, Deputy Clerk
KAREN NICOLAI
CLERK OF CIRCUIT COURT

By: [Signature]
DAVID D. ROSSELL, SR.
CHAIRMAN