

MEMORANDUM

Agenda Item No. 7(K)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

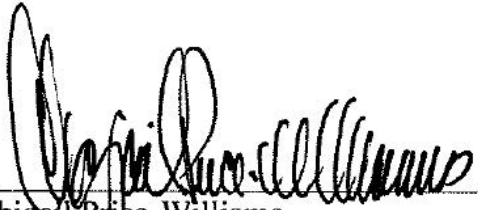
DATE: (Second Reading 5-5-20)
May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to pavement
cuts on County-owned roads;
amending section 2-103.1 of
the Code; prohibiting certain
entities from cutting pavement
within a certain time period
following paving or repaving;
providing exceptions; directing
the County Mayor to submit
reports regarding variances
granted

This item was amended at the 3-10-20 Infrastructure and Capital Improvements Committee to include a requirement for the County Mayor to maintain up to date information on the County website regarding the status of pavement improvements and the requirements of this Ordinance.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: May 5, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is stylized and cursive.

Subject: Fiscal Impact Statement for Ordinance Relating to Pavement Cuts on County-Owned Roads

Implementation of the proposed ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Jennifer Moon". The signature is stylized and cursive.

Jennifer Moon
Deputy Mayor


Fis03420 200087

Memorandum



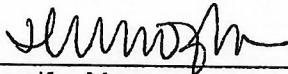
Date: May 5, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Relating to Pavement Cuts on County-Owned Roads

If implemented, the proposed ordinance will benefit the community as it would reduce the incidences of repeated pavement cuts by County Departments, Developers and Utility Companies, which are disruptive to the community and commuters. Also, variances granted by the Department Director would require a modified extensive restoration to the pavement, ensuring a smooth transition between the new pavement and any improvements, which results in a positive aesthetic appearance.



Jennifer Moon
Deputy Mayor

Fis03420 200087



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(K)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(K)
5-5-20

ORDINANCE NO. _____

ORDINANCE RELATING TO PAVEMENT CUTS ON COUNTY-OWNED ROADS; AMENDING SECTION 2-103.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING CERTAIN ENTITIES FROM CUTTING PAVEMENT WITHIN A CERTAIN TIME PERIOD FOLLOWING PAVING OR REPAVING; PROVIDING EXCEPTIONS; DIRECTING THE COUNTY MAYOR TO SUBMIT REPORTS REGARDING VARIANCES GRANTED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, work on County-owned roadways by different County departments and utilities shortly after roadway improvements have been completed has resulted in roadway pavement being re-cut shortly after the implementation of improvements; and

WHEREAS, cutting pavement degrades the pavement structure, such as making pavement rougher and creating discontinuities in the pavement structure; and

WHEREAS, duplicative pavement cuttings result in unsightly roadways, such as when paving is replaced with a newer and different material than the original pavement; and

WHEREAS, pavement cuts expedite both structural failure, wherein the pavement can no longer carry the loads for which it was designed, and functional failure, wherein the pavement no longer provides a safe riding surface for vehicles; and

WHEREAS, duplicative pavement cuts are disruptive to the traveling public, and can impact local businesses by limiting accessibility and resulting in traffic congestion; and

WHEREAS, repeated pavement cuts by different County departments creates an unnecessary waste of taxpayer dollars; and

WHEREAS, repeated pavement projects along the same roadway creates a public perception that highways and streets are under constant construction, and reduces public confidence in an efficient County government; and

WHEREAS, although certain administrative efforts have been made in an attempt to minimize duplicative cutting, projects continue to lack synchronization; and

WHEREAS, section 2-103.1 of the Code requires that permits be obtained for any work in the County rights-of-way, to ensure conformance with the Public Works Manual; and

WHEREAS, to preserve the structural and functional integrity of the pavement and to minimize the disruption to County residents caused by repetitive construction projects within the roadway, this Board desires to prohibit, subject to certain limited exceptions, the cutting of roadway pavement that is less than three years old,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are incorporated as if set forth herein and are approved.

Section 2. Section 2-103.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-103.1. Construction of public utilities or works in public rights-of-way; construction of paving and drainage on private property—Permit required; effect of installation of County facility; exemption.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

* * *

>>(c) No permit shall be issued for a County department, utility company, or any other person or public or private entity, to cut into pavement on any County-owned roadway that is located within the unincorporated area or a municipality and that was paved or repaved within the last three years, except as provided in this subsection.

(1) This prohibition shall not apply to (i) an emergency situation, (ii) the federal government or its contractors performing federally authorized projects, (iii) the state government or its contractors performing state authorized projects, and (iv) permits for the collocation of small wireless facilities or the installation, modification, or replacement of utility poles used to support the collocation of small wireless facilities in accordance with section 337.401(7)(g), Florida Statutes, to the extent applicable.

(2) The director of the Department of Transportation and Public Works, or its successor department with jurisdiction over county roadways, may grant a variance with respect to this prohibition in accordance with the following:

(i) The applicant shall submit a request for variance, in writing, setting forth the basis for the request, which shall include:

a. an explanation why the requested pavement cutting was not synchronized with the initial roadway improvements; and

b. facts showing substantial hardship that was not self-imposed.

(ii) Within five business days of receipt of the application, the director shall provide a copy of the application to the district commissioner in whose district the proposed paving project lies.

(iii) After forwarding the application to, and consulting with, the district commissioner in whose district the proposed paving project lies, the director shall issue a written decision approving or denying each variance application. A decision to approve a variance may include appropriate conditions and shall include a finding of good cause and that there was a substantial hardship that was not self-imposed.

(iv) Within 30 days of granting of any variance, the County Mayor shall submit a report consisting of the decision to approve a variance for placement on an applicable agenda of the Board in accordance with Ordinance No. 14-65. The report shall include both the application and the written approval of the variance request.

>>(3) To inform the local community of the prohibition set forth in this subsection and to facilitate the coordination of planned roadway improvements and pavement cutting, the County Mayor shall maintain the following information, and shall keep such information up-to-date on the County website:

(i) a list of County-owned roadways that are planned for pavement resurfacing, reconstruction, or improvement at least six months prior to the anticipated construction start date;

(ii) a list of the date of completion of such pavement reconstruction, resurfacing and improvement on County-owned roadways; and

(iii) a summary of the restrictions on cutting of pavement set forth herein, including a reference to this Code provision.<<²

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

² Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Debra Herman

Prime Sponsor: Commissioner Joe A. Martinez