

AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE PORT ST. LUCIE CITY CODE REGARDING THE CONSOLIDATION OF THE ENGINEERING AND PUBLIC WORKS DEPARTMENTS; PROVIDING FOR THE REPEAL OF PORT ST. LUCIE CITY CODE SECTIONS 32.80, 32.81, AND 32.82 (ARTICLE IX PUBLIC WORKS / UTILITIES DEPARTMENT); AMENDING SECTION 51.02(c)(3), BY SUBSTITUTING "ENGINEERING DEPARTMENT" FOR "PUBLIC WORKS DEPARTMENT;" AMENDING SECTION 97.03(c) BY DELETING REFERENCE TO THE PUBLIC WORKS DEPARTMENT; AMENDING SECTION 97.33(a) BY SUBSTITUTING "ENGINEERING DEPARTMENT" FOR "PUBLIC WORKS DEPARTMENT;" AMENDING SECTION 99.05(e), BY SUBSTITUTING "ENGINEERING DEPARTMENT" FOR "PUBLIC WORKS DEPARTMENT;" AMENDING SECTION 99.09, BY SUBSTITUTING "ENGINEERING DEPARTMENT" FOR "PUBLIC WORKS DEPARTMENT;" AMENDING SECTION 114.05(g)(3) BY DELETING REFERENCE TO PUBLIC WORKS; AMENDING CHAPTER 156, APPENDIX C, BY SUBSTITUTING "ENGINEERING" FOR "PUBLIC WORKS;" AMENDING SECTION 155.08(C)(4), BY SUBSTITUTING "ENGINEERING DEPARTMENT" FOR "PUBLIC WORKS DEPARTMENT;" AMENDING SECTION 158.236(A), BY DELETING REFERENCE TO PUBLIC WORKS DEPARTMENT; AMENDING SECTION 160.84(B) BY DELETING REFERENCE TO THE PUBLIC WORKS DEPARTMENT; PROVIDING AN EFFECTIVE DATE

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WHEREAS, by City of Port St. Lucie Ordinance 11-90 the City consolidated the functions of the Public Works Department and the Engineering Department into what is now known as the Engineering Department; and

WHEREAS, throughout the Code there are references to the Public Works Department that should now refer to the Engineering Department.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That the City of Port St. Lucie City Code is hereby amended by repealing Section 32, Article IX, Public Works/Utilities Department (Sections 32.80, 32.81 and 32.82), in their entirety.

Section 2. That the City of Port St. Lucie City Code Section 52.02(c)(3) is hereby amended to read as follows:

Section 51.02. Findings and Authority.

(c) *Findings and determinations.* It is hereby found, determined, and declared as follows:

(1) Those elements of the system for the collection and disposal of storm and surface water are of benefit and provide services to all property within the city.

## ORDINANCE 12-28

(2) The cost of operating and maintaining the city stormwater management system and financing necessary repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in an equitable manner among those who are benefitted by the system.

(3) The resources needed to perpetuate the stormwater system for an undeveloped lot is not substantially different from the resources needed to perpetuate the stormwater system for a developed lot, as determined by empirical functions of the city's ~~public works~~ engineering department.

Section 3. That the City of Port St. Lucie City Code Section 97.03(A) is hereby amended to read as follows:

Section 97.03. Swales.

(c) Permitted activities. Owners, builders, contractors, specialty contractors and owner-builders may, in the course of construction or repairs of improvements to real property, cross, store supplies and materials and otherwise utilize the swale area adjacent to the property under improvement or repair, provided that such activities do not impede or interfere with the operation of the city's drainage system. Any such person or entity so utilizing the swale area, upon notification from the city manager, city engineer, ~~city public works director~~ or city building official, or their designee, shall immediately remove or repair any obstruction or damage to the swale and any failure to do so within 24 hours of such notification shall be deemed a violation of this section.

Section 4. That the City of Port St. Lucie City Code Section 97.33(a) is hereby amended to read as follows:

Section 97.33. Enforcement

(a) Upon determination by the ~~public works director~~ City Engineer that a newsrack has been installed, used or maintained in violation of the provisions of this subchapter, an order to correct the offending conditions shall be issued to the owner and publisher whose name, address and telephone number is affixed to the offending newsrack as required by this subchapter. Such order shall be mailed by regular mail and shall specifically describe the offending condition and suggest action necessary to correct the condition. The order shall contain the results and data collected from any pedestrian and vehicular traffic study that may have been performed to ascertain the

ORDINANCE 12-28

offending condition. In addition, a copy of the order shall be posted on the offending newsrack.

Section 5. That the City of Port St. Lucie City Code Section 99.05(e) is hereby amended to read as follows:

Section 99.05. Regulation of time, place and manner of parade.

(e) A review of the completed parade permit application shall proceed within ten days of submission to the chief of police and review board. The review board shall contain the following members, or their designees:

- (1) Chief of police;
- (2) ~~Director of public works~~ City Engineer/utilities and traffic safety division;
- (3) Parks and recreation director.

Section 6. That the City of Port St. Lucie City Code Section 99.09 is hereby amended to read as follows:

Section 99.09. Notice to city and other officials.

Immediately upon the issuance of a permit, the chief of police shall send a copy thereof to the city manager who shall provide distribution to:

- (a) The mayor and city council;
- (b) The assistant city manager;
- (c) City clerk;
- (d) Parks and recreation director;
- (e) ~~Director of public works~~ City Engineer/utilities and traffic safety division;
- (f) Director of community relations.

Section 7. That the City of Port St. Lucie City Code Section 114.05(g)(3) is hereby amended to read as follows:

Section 114.05. License.

(g) (3) Right of appeal. Any party denied a permit shall have the right to appeal the decision of the City Manager to a board which board shall be composed of the City Manager, the City Attorney, the City Engineer, the City Zoning Administrator, ~~the City Public Works Director~~ and a member of the public who is a resident of the City, and who shall be designated by the City Council to serve on said board. Such appeals

## ORDINANCE 12-28

must be filed within ten days following the date of the City Manager's final determination in the matter. After examining all relevant information presented, and providing to all concerned parties the opportunity to be heard and make presentations pertaining to the appealed matter, the board shall render a decision within 30 days following the filing of said appeal, and the decision of the board shall be final and binding upon all parties concerned, subject only to judicial review.

Section 8. That the City of Port St. Lucie City Code Section 155.08(C)(4) is hereby amended as follows:

Section 155.08. Regulations for Permanent Identification Signs Requiring Permits.

(C) (4) Memorial markers.

(a) As a public service and to increase awareness of highway safety, it is to become a city policy to fabricate and install highway safety memorial markers within the City rights of way to:

(1) Memorialize people who have died as a result of a vehicle related crash.

(2) Remind motorists to protect human life by driving safely.

(b) Requests for highway safety memorial markers within city rights-of-way are to be submitted in writing to the city engineer or their designee. Requests can be made by immediate family members or friends, with requests from friends requiring the approval of the deceased immediate family. A notation of how the name should appear on the marker, contact information for the immediate family and a copy of the accident report should be included with the written request.

(c) The markers will consist of a fifteen-inch diameter aluminum sign panel with a white background and black letters mounted to a five-foot steel sign post. All markers are uniformly inscribed with "Drive Safely, In Memory, followed by the deceased name. The markers will be fabricated by the city's ~~public works~~ engineering department and the department absorbs all the costs for the fabrication, installation, and maintenance of the markers in order to offer them to the public for free. The markers are allowed to remain in the right-of-way for twelve (12) months and the department

ORDINANCE 12-28

reserves the right to have them removed due to construction or other maintenance needs. No other objects are to be placed on or around memorial markers.

(d) The markers may not necessarily be placed at the exact location where the fatality occurred due to restricted space, safety concerns, property owner complaints, or other constraints. The ~~public-works~~ engineering department only installs markers on city roads and does not have the authority to install markers on county or state roadways. Memorial markers will not be erected where they are prohibited by other governmental entities.

Section 9. That the City of Port St. Lucie City Code Chapter 156, Appendix C(a) is hereby amended to read as follows:

Chapter 156, Appendix C. Additional Documents and Agencies to be Consulted

A. The documents or maps listed below complement the subdivision regulations requirements and can be obtained from the following Port St. Lucie (PSL) or St. Lucie County (SLC) departments.

| DOCUMENT/MAP   | DEPARTMENT                                      |
|--|---|
| o The Port St. Lucie Comprehensive Plan                      | PSL-Planning & Zoning                           |
| o The Port St. Lucie Zoning Ordinance                        | PSL-Planning & Zoning                           |
| oThe Port St. Lucie Land Development Regulations             | PSL-Planning & Zoning                           |
| o The Port St. Lucie Landscaping and Land Clearing Ordinance | PSL-Planning & Zoning                           |
| o The Port St. Lucie Sign Ordinance                          | PSL-Planning & Zoning                           |
| o The Port St. Lucie Concurrency Management System           | PSL-Planning & Zoning                           |
| o Engineering Standards for Land Development Construction    | PSL-Engineering                                 |
| o The Port St. Lucie Future Land Use Map                     | PSL-Planning & Zoning                           |
| o The Port St. Lucie Zoning Map                              | PSL-Planning & Zoning                           |
| o The Port St. Lucie Stormwater Drainage Master Plan         | PSL- <del>Public-Works</del> <u>Engineering</u> |
| o Aerial Photographs   | SLC-Engineering                                 |

Section 10. That the City of Port St. Lucie City Code Section 158.236(A) is hereby amended to read as follows:

Section 158.236. Site Plan Review Committee Established; Procedures.

ORDINANCE 12-28

(A) A Site Plan Review Committee shall be established by the City Council to review all land use proposals requiring specific site plan approval by this chapter. The voting members of the committee shall consist of the zoning administrator or designee, or designated project planner (staff member or urban forester), the City Engineer, the Building Official, a member of the Planning and Zoning Board, and the Director of Utilities Systems Department, ~~and the Director of Public Works~~. Members of the committee may be represented by their chairperson. The Zoning Administrator shall be the chairperson. Nonvoting members shall consist of representatives of the police department and the St. Lucie County Fire District.

Section 11. That the City of Port St. Lucie City Code Section 160.84 is hereby amended to read as follows:

Section 160.84

(B) Yearly Information Report (YIR) and Data Base. As a component of the preparation of its Yearly Information Report (YIR), by March 1 of the current budget year, the Director of Planning and Zoning shall each year provide a list of current drainage improvements activity and identify future improvement areas, and any area where drainage improvements are needed to meet adopted level of service. These shall be provided by the City Engineer ~~or Public Works Director~~.

Section 12. This ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2012.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

ATTEST:

\_\_\_\_\_  
Karen A. Phillips, City Clerk

By: \_\_\_\_\_  
JoAnn M. Faiella, Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
Roger G. Orr, City Attorney

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# MEMORANDUM

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TO: GREGORY J. ORAVEC, CITY MANAGER

FROM: ROGER G. ORR, CITY ATTORNEY

DATE: MAY 22, 2012

SUBJECT: CONSOLIDATION OF ENGINEERING AND PUBLIC WORKS DEPARTMENTS

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Attached is an ordinance presented for Council consideration as a follow up to Ordinance 11-90 which provided for the consolidation of the Engineering and Public Works departments.

In the process of reviewing Ordinance 11-90 for purposes of codification the code company raised several questions as to how to handle references to the Public Works Department and Public Works Director found in various places in the City Code. Ordinance 11-90 addressed the issue generally in Section 1, where it stated that all functions of the Public Works Department shall henceforth be the responsibility and duty of the Engineering Department.

Notwithstanding that provision, it was considered prudent to specifically identify in the City Code those sections that could be further clarified consistent with Ordinance 11-90. This attached Ordinance is intended to accomplish that purpose and make the appropriate changes to the City Code.

This Ordinance is recommended for Council consideration.

RGO/dmf

c: Jesus Merejo, Director, Utility Systems Department  
Patricia Roebling, P.E., City Engineer

**RECEIVED**

MAY 22 2012

City Manager's Office

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## MEMORANDUM

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TO: PATRICIA ROEBLING, CITY ENGINEER  
FROM: ROGER G. ORR, CITY ATTORNEY   
DATE: APRIL 16, 2012  
SUBJECT: CONSOLIDATION OF PUBLIC WORKS AND ENGINEERING  
DEPARTMENTS

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When we prepared Ordinance 11-90, which provided for the consolidation of the Public Works and Engineering Departments, we indicated in the title of the ordinance that we were repealing the section of the code that established the Public Works Department. However, as an oversight, the actual repeal language was not included in the body of the ordinance. Subsequent to that, the company that codifies the City's codes inquired as to how to handle references to the Public Works Department and Public Works Director. As a result of that inquiry, we have prepared a housekeeping ordinance that addresses that issue specifically. I would appreciate your review of this ordinance and the City's code to see if there are other changes to the City's code with reference to the Public Works Department or Public Works Director that we need to include in this ordinance.

I would appreciate your attention to this matter.

RGO/dmf  
Attach.

c: Gregory J. Oravec, City Manager  
Jesus Merejo, Director, Utility Systems Director  
Karen A. Phillips, City Clerk

ORDINANCE 11-90

AN ORDINANCE PROVIDING FOR AMENDMENTS TO THE PORT ST. LUCIE CITY CODE REGARDING THE CONSOLIDATION OF THE ENGINEERING AND PUBLIC WORKS DEPARTMENTS; PROVIDING FOR THE REPEAL OF PORT ST. LUCIE CITY CODE SECTIONS 32.80, 32.81, AND 32.82 (ARTICLE IX PUBLIC WORKS / UTILITIES DEPARTMENT); AMENDING SECTION 51.02(c)(3), BY SUBSTITUTING "ENGINEERING DEPARTMENT" FOR "PUBLIC WORKS DEPARTMENT;" AMENDING SECTION 97.03(c) BY DELETING REFERENCE TO THE PUBLIC WORKS DEPARTMENT; AMENDING SECTION 97.33(a) BY SUBSTITUTING "ENGINEERING DEPARTMENT" FOR "PUBLIC WORKS DEPARTMENT;" AMENDING SECTION 114.05(g)(3) BY DELETING REFERENCE TO PUBLIC WORKS DEPARTMENT; AMENDING CHAPTER 156, APPENDIX C, BY SUBSTITUTING "ENGINEERING" FOR "PUBLIC WORKS;" AMENDING SECTION 160.84(B) BY DELETING REFERENCE TO THE PUBLIC WORKS DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

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Section 51.02. Findings and Authority.

(c) *Findings and determinations.* It is hereby found, determined, and declared as follows:

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### Section 97.03(c)

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Section 5. That the City of Port St. Lucie City Code Section 114.05(g)(3) is hereby amended to read as follows:

ORDINANCE 11-90

Section 114.05. License.

(g) (3) Right of appeal. Any party denied a permit shall have the right to appeal the decision of the City Manager to a board which board shall be composed of the City Manager, the City Attorney, the City Engineer, the City Zoning Administrator, ~~the City Public Works Director~~ and a member of the public who is a resident of the City, and who shall be designated by the City Council to serve on said board. Such appeals must be filed within ten days following the date of the City Manager's final determination in the matter. After examining all relevant information presented, and providing to all concerned parties the opportunity to be heard and make presentations pertaining to the appealed matter, the board shall render a decision within 30 days following the filing of said appeal, and the decision of the board shall be final and binding upon all parties concerned, subject only to judicial review.

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ORDINANCE 11-90

Section 7. That the City of Port St. Lucie City Code Section 160.84 is hereby amended to read as follows:

Section 160.84(B)

(B) Yearly Information Report (YIR) and Data Base. As a component of the preparation of its Yearly Information Report (YIR), by March 1 of the current budget year, the Director of Planning and Zoning shall each year provide a list of current drainage improvements activity and identify future improvement areas, and any area where drainage improvements are needed to meet adopted level of service. These shall be provided by the City Engineer or Public Works Director.

Section 8. This ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2012.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

ATTEST:

By: \_\_\_\_\_  
JoAnn M. Faiella, Mayor

\_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
Roger G. Orr, City Attorney