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Clerk
of Board

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AN ORDINANCE PROHIBITING THE CONVERSION OF SWALES TO
CULVERTS IN THE PUBLIC RIGHTS-OF-WAY WITHIN AN AREA OF
NAPLES PARK, A PLATTED SUBDIVISION LOCATED IN COLLIER
COUNTY, FLORIDA UNLESS A COLLIER COUNTY PERMIT IS
OBTAINED; PROVIDING FINDINGS AND PURPOSE; PROVIDING
TITLE AND CITATION; PROVIDING APPLICABILITY; PROVIDING
FOR TYPE OF PERMIT AND PROCEDURE; PROVIDING FOR
RESPONSIBILITIES ASSUMED BY THE PERMITTEE; PROVIDING
FOR THE TYPE OF MATERIALS ACCEPTABLE FOR USE;
PROVIDING FOR SIZE OF PIPE REQUIRED; PROVIDING FOR
INSPECTION OF PERMITTED INSTALLATIONS; PROVIDING FOR
TECHNICAL SPECIFICATIONS FOR INSTALLATION; PROVIDING
PENALTIES; PROVIDING CONFLICT AND SEVERABILITY;
PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES
AND EFFECTIVE DATE.

JAN 9 2 34 PM '98

FILED

WHEREAS, it has been a common practice within the Naples Park Subdivision area, Collier County, Florida, for individual homeowners to enclose roadside swales in front of their homes with small diameter pipes and earthen cover material, and;

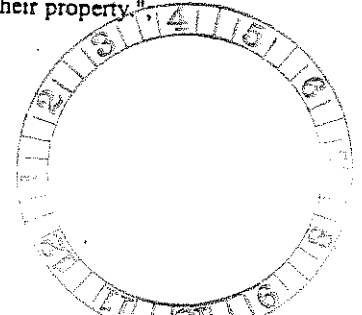
WHEREAS, this practice reduces the area available for utilization of grass-lined swales for stormwater quality treatment and water table aquifer recharge, and;

WHEREAS, replacing the relatively large grassy roadside swales with small diameter pipes greatly reduces the volume of stormwater runoff retention/detention storage that was available in the swales and thus increases the peak rate of discharge into the drainage systems outlets which increases the potential for flooding in the area, and;

WHEREAS, Collier County has in the past issued permits under the Public Rights-of-Way Ordinance, Collier County Ordinance No. 82-91, as amended, to individual homeowners to enclose roadside swales in front of their homes with small diameter pipes, and;

WHEREAS, in response to the County's application to the Florida Department of Environmental Protection (FDEP) for approval for construction of major capital improvements to the Naples Park primary drainage outfalls, FDEP has modified the Special Conditions on the proposed project to the following: "The Permittee shall allow the construction of a shallow swale underlain by a slotted or perforated pipe within a crushed stone envelope, by property owners requesting this swale enclosure modification of swales on or adjacent to their property."

and



WHEREAS, the Board of County Commissioners of Collier County, Florida has determined that it is in the public interest and the health, safety and welfare of the citizens of Collier County to allow the conversion of swales to culverts in the public rights-of-way within the Naples Park Subdivision located in Collier County, Florida, upon certain conditions as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that

SECTION ONE: FINDINGS AND PURPOSE

The Board of County Commissioners of Collier County, Florida, (hereinafter the "Board") does hereby find and determine that it is in the public interest and the health, safety and welfare of its citizens to allow the conversion of swales to culverts in the public rights-of-way within an area of Naples Park, a platted subdivision located in Collier County, Florida, provided a permit is obtained pursuant to this Ordinance.

SECTION TWO: TITLE AND CITATION

This Ordinance shall be known and may be cited as the "Collier County Swale/Culvert Ordinance - Naples Park."

SECTION THREE: APPLICABILITY

This Ordinance shall apply to and be enforced in that area of Collier County, Florida known generally as "Naples Park", the specific area thereof for the purposes of this Ordinance is bounded by the centerlines of the following public roadways:

- A. 111th Avenue on the North;
- B. U.S. 41 on the East;
- C. 91st Avenue on the South;
- D. Vanderbilt Drive on the West.

SECTION FOUR: PERMIT REQUIRED AND PROCEDURE

No owner of a parcel of property may install a drainage culvert including pipes or other appurtenances in the swales in the public rights-of-way within the Naples Park Subdivision unless a permit is obtained. The owner of a parcel of property, or duly authorized agent, (hereinafter referred to as "Owner" or "Permittee") shall apply for a right-of-way permit pursuant to the procedures set for in Ordinance No. 93-64, as it may be amended from time to time, or its successor ordinance.

SECTION FIVE: RECORD KEEPING OF COUNTY

The County Transportation Department will keep a record of all right-of-way use permits in the Naples Park subdivision for the enclosure of swales and will prepare an annual report which will be sent each January to the Florida Department of Environmental Protection (FDEP), or its successor, if requested.

SECTION SIX: RESPONSIBILITIES ASSUMED BY PERMITTEE

Permittee will utilize the services of a contractor properly licensed to perform this type of work in Collier County. The Permittee is responsible for payment of all construction for the swale enclosure. Permittee will also pay for all costs required to replace missing, damaged or deteriorated piping and related materials in the future. If the County is required to replace missing, damage or deteriorated piping because of health, safety and welfare considerations, the Permittee or his/her successor will pay the County all costs incurred by the County after written notice of the costs is provided by County to the Permittee.

SECTION SEVEN: TYPE OF MATERIALS ACCEPTABLE FOR USE

The Permittee shall provide a copy of the drawing of the swale enclosure to the County, which shall comply with the approved design of swale enclosures prepared by the consulting firm of Agnoli, Barber, and Brundage, Inc., a copy of which is attached as Exhibit "A" (dated Rev. 4/11/97) and incorporated herein by reference.

- A. The Permittee shall design the enclosure using this design unless otherwise approved by the County.
- B. The materials used by Permittee or its agent shall meet Florida Department of Transportation quality standards.
- C. The use of galvanized corrugated metal pipe will not be permitted. Approved pipe materials shall include slotted reinforced concrete pipe (Class III), perforated smooth interior-walled high density polyethylene pipe, or perforated aluminized steel Type 2 spiral rib pipe (14 gage minimum).

SECTION EIGHT: SIZE OF PIPE REQUIRED

The size of pipe shall vary between locations, depending upon the street address. The following list provides pipe sizes for the various street and blocks:

<u>Street Name</u>	<u>Block Number(s)</u>	<u>Minimum Pipe Size*</u>
91 st Ave. N.	500, 600, 700, & 800	18" diameter
92 nd Ave. N.	500, 600, 700, & 800	18" diameter
93 rd Ave. N.	500, 600 & 800	18" diameter
	700	24" diameter
94 th Ave. N.	500, 600 & 800	18" diameter
	700	24" diameter
95 th Ave. N.	500	24" diameter
	600, 700, & 800	18" diameter
96 th Ave. N.	500	24" diameter
	600, 700 & 800	18" diameter
97 th Ave. N.	500	24" diameter
	600, 700, & 800	18" diameter
98 th Ave. N.	500	24" diameter
	600, 700, & 800	18" diameter
99 th Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
100 th Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
101 st Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
102 nd Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
103 rd Ave. N.	500 & 600	24" diameter
	700 & 800	18" diameter
104 th Ave. N.	500 & 600	24" diameter
	700 & 800	18" diameter
105 th Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
106 th Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
107 th Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
108 th Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
109 th Ave. N.	500 & 700	24" diameter
	600 & 800	18" diameter
110 th Ave. N.	500 & 800	18" diameter
	600 & 700	24" diameter
111 th Ave. N.	No new swale enclosures allowed.	
Vanderbilt Drive (East side)	91 st Ave. N. to 110 th Ave. N.	24" diameter
	110 th Ave. N. to 111 th Ave. N.	18" diameter
6 th Street N.	All Blocks	18" diameter
7 th Street N.	All Blocks	18" diameter
8 th Street N.	No new swale enclosures allowed.	

* Note 19" x 30" slotted pipe can be used in place of 24" diameter pipe when needed.

SECTION NINE: INSPECTION OF PERMITTED INSTALLATIONS

County Community Development Services staff will provide periodic inspections of the swale enclosure installations to ensure compliance with the right-of-way permit and this Ordinance. Within thirty days of completion of the installation, a final inspection must be made and notice of compliance provided to the County Transportation Department.

SECTION TEN: TECHNICAL SPECIFICATIONS FOR INSTALLATION

The installations must be in compliance with the following specifications:

Location of Property Corners and Water/Wastewater Service Lines: Prior to issuance of a Right-of-Way Use Permit for swale enclosure, the property owner's contractor will locate the front lot property corner markers and the water and wastewater service lines. The County Water and Wastewater Departments shall be requested to mark the approximate line locations on the ground surface and the owner's contractor shall carefully uncover the lines to check for elevation conflicts with the proposed swale modifications. The Right-of-Way Use Permit application shall include this information. If a conflict occurs, the application shall contain adequate drawings and written statements to provide for a proper resolution of the conflict(s), including the possibilities of lowering/raising the utility service line(s) by the County Water and Wastewater Departments staff. All costs to raise or lower the County utility service lines will be borne by the Permittee.

Trenching: Excavation of the existing swale to accommodate the proposed underlain pipe and rock trench shall extend to provide a minimum of one foot (1') of rock on both sides of the pipe, six inches (6") on the top and bottom of the pipe, and six inches of soil backfill over top of the rock trench. During the course of the construction activities, excavated material shall be placed in such a manner as to not restrict traffic movements along the street or avenue.

Geotextile Installation: A nonwoven geotextile fabric with a minimum weight of 4 ounces per square yard (e.g. Mirafi NL140, Typar 3401, Synthetic Industries P0451, etc.) shall be placed in the excavated trench to separate the rock trench from the surrounding soil. Sufficient fabric shall be provided to allow for a one foot (1') overlap at all seams. A second layer of fabric shall be wrapped directly around the pipe with a minimum one foot (1') overlap at all seams.

Rock Trench Installation: The rock trench shall be constructed using a washed, Florida Department of Transportation certified No. 57 stone. The stone shall be wrapped by the outer

layer of geotextile fabric and shall extend a minimum of one foot (1') of rock on both sides of the pipe and six inches (6") on the top and bottom of the pipe.

Placement of Pipe: After the bottom six inch (6") thickness of rock trench is placed, the inner layer of fabric shall be placed in the trench and the pipe laid to proper grade. All pipe connections shall be secure and the inner layer of fabric wrapped completely around the pipe with a minimum one foot (1') overlap at all seams. Placement of the rock trench around the sides and over the top of the pipe shall be performed with due care to prevent the movement of the pipe. For pipe utilizing bell and spigot connections, the bell shall be laid in the upstream direction of flow.

Placement of Risers: Twelve inch (12") diameter minimum risers shall be installed to allow the shallow swale to discharge into the underlying pipe. The recommended configuration utilizes a manufactured "T" section but the use of Florida Department of Transportation Type "C" catch basins are also acceptable when a manufactured "T" section is not available or the owner prefers the catch basin installation. The top of the riser shall extend six inches (6") above the bottom of the swale. A cast iron slotted grate shall be installed at the top of the riser. Where reinforced concrete pipe is used, the grate shall be placed in the pipe bell. Where other pipe materials are used, the grate shall be placed in a reinforced precast concrete collar sized to fit the grate and pipe material. Minimum dimensions for the reinforced precast collar are six inch (6") thickness and twenty-four inch (24") outside diameter (or 24" square outside dimension). The precast collar will be mudded to the riser pipe and placed on compacted backfill material. Where neighbors enclose the swale, only one riser needs to be installed for each segment of regraded shallow swale.

Placement of End Berm: When the neighboring property utilizes an open swale system instead of an enclosed swale system, an end berm shall be constructed to separate the new regraded shallow swale from the adjoining open swale. The purpose is to force all of the water from the regraded shallow swale to drain into the riser inlet and into the underlying perforated pipe. The top elevation of the end berm will be six inches (6") higher than the riser inlet.

End Treatment of Pipe: When the neighboring property utilizes an open swale system instead of an enclosed swale system, a mitered end section with concrete collar shall be required

at the end of the pipe (unless the County's Right-of-Way permit review determines the location is not appropriate and deletes this mitered end section requirement) and the neighbor's swale bottom shall be regraded (maximum bottom slope of 4 horizontal to 1 vertical) to connect to the installed perforated pipe invert (bottom inside elevation). When the neighboring property utilizes an enclosed swale system, and either the pipes are different materials or invert elevations do not match, a Florida Department of Transportation Type "C" catch basin shall be utilized to make the connection. This Type "C" catch basin will also function as the riser inlet. When the neighboring property utilizes an enclosed swale system, and the pipe materials and invert elevations match, the pipes shall be connected directly.

Backfilling and Regrading of Shallow Swale: Upon proper placement of the pipe within the rock trench, the nonwoven geotextile fabric shall be overlapped a minimum of one foot (1') across the top of the rock and backfill sandy soil material placed a minimum of six inches (6") beneath the bottom of the shallow swale and regraded to the proper longitudinal and side slopes. Maximum side slopes for the shallow (14" deep) regraded swale are 3 horizontal to 1 vertical. The longitudinal slope of the swale shall be directed toward the riser inlet(s). When a reinforced concrete collar is used to secure the grate to the riser, the backfill material shall be thoroughly compacted to prevent settlement and ensure that the collar can support any weight placed on the grate.

Sodding and Placement of Sprinklers: Upon completion of regrading, the disturbed areas shall be sodded with the same type sod as the remainder of the yard, with the exception that where Floratam sod is proposed, the owner must provide for adequate sprinklers to keep the sod alive. Finished elevations must not project above the edge of pavement and shall be in conformance with the detail drawing prepared by Agnoli, Barber and Brundage, Inc. attached as Exhibit "A". Sprinklers shall not be installed within the Right-of-Way. Any sprinkler installations shall be on the owners property and shall utilize spray heads that can cast water across the width of the swale.

SECTION ELEVEN: PENALTIES

If any person fails or refuses to obey or comply with or violates any of the provision of this Ordinance, such person upon conviction of such offense, shall be guilty of a misdemeanor

and shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed (60) days in the County jail, or both, in the discretion of the Court. Each violation or non-compliance shall be considered a separate offense.

Nothing herein contained shall prevent or restrict the County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

Further, nothing in this Section shall be construed to prohibit the County from prosecuting any violation of this Ordinance by means of Code Enforcement Board established pursuant to the authority of Chapter 162, Florida Statutes.

All remedies and penalties provided for in this Section shall be cumulative and independently available to the County and the County shall be authorized to pursue any and all remedies set forth in this Section to the full extent allowed by law.

SECTION TWELVE: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THIRTEEN: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION FOURTEEN: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier
County, Florida, this 6th day of January, 1998.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

[Signature]

By: [Signature]
CHAIRMAN

Approved as to form and
legal sufficiency:

[Signature]

Heidi F. Ashton
Assistant County Attorney

cw:\Ordinance\Naples Park Rights-of-Way

This ordinance filed with the
Secretary of State's Office the
8th day of Jan, 1998
and acknowledgement of that
filing received this 15th day
of January, 1998
By: [Signature]
Deputy Clerk

FILED

JAN 9 2 34 PM '98

SECRETARY OF STATE

1/2
JAN 1998
REC'D
CLERK
of Board

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 98-1

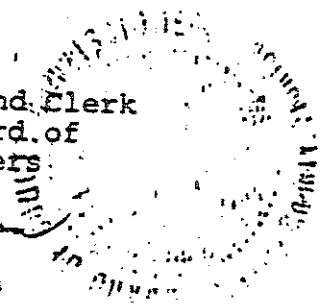
Which was adopted by the Board of County Commissioners on the 6th day of January, 1998, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 7th day of January, 1998.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

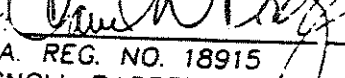
Ellie Hoffman

By: Ellie Hoffman
Deputy Clerk



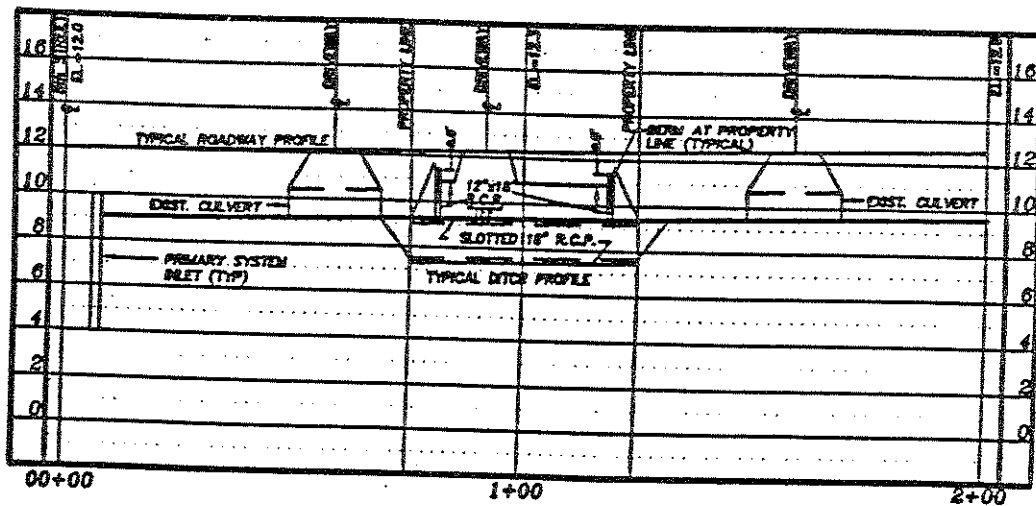
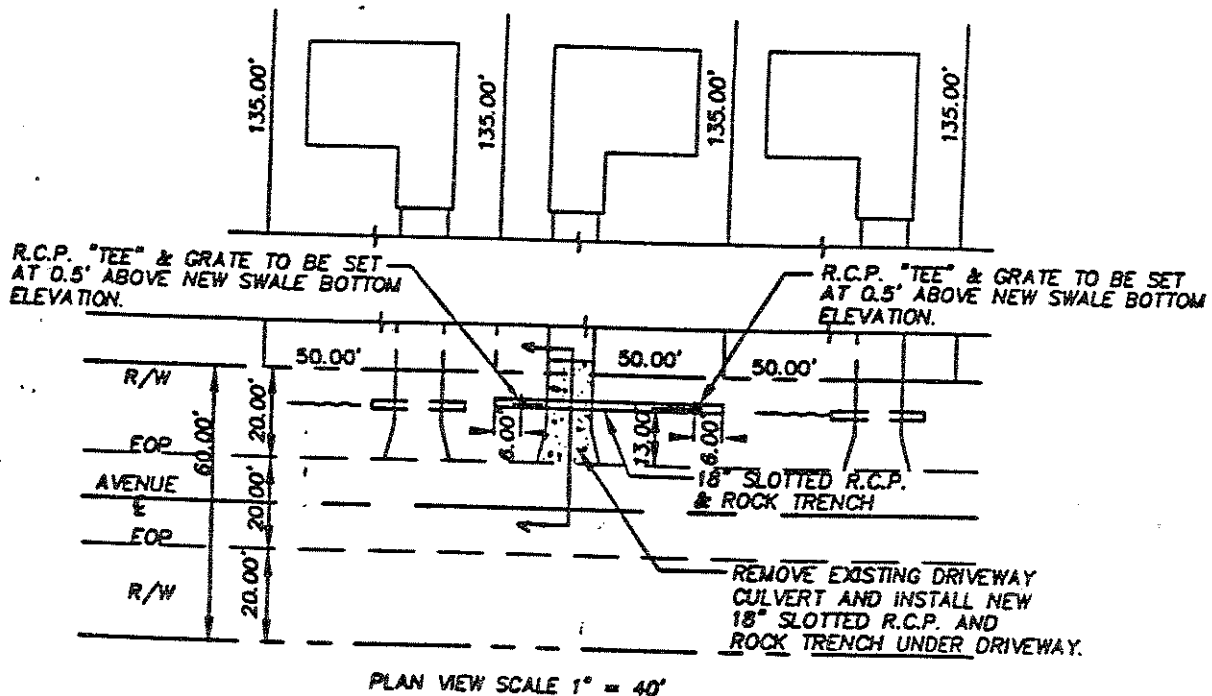
GENERAL NOTES:

1. THIS DETAIL TO BE USED IN CONJUNCTION WITH THE PROPOSED CONDITIONS DRAINAGE MAPS FOR NAPLES PARK AS PREPARED BY AGNOLI, BARBER & BRUNDAGE, INC. FILE NO. 1736 FOR ISSUANCE OF COLLIER COUNTY PERMIT. THIS DETAIL IS NOT APPLICABLE TO 111th AVE.
2. THE CONTRACTOR/COUNTY SHALL NOTIFY ALL APPROPRIATE UTILITY COMPANIES BEFORE BEGINNING CONSTRUCTION AND SHALL HAVE ALL SERVICE LINES LOCATED AND FLAGGED PRIOR TO EXCAVATION.
3. 18" SLOTTED RCP SHALL BE UTILIZED FOR UP TO 1 BLOCK FOR THE MOST UPSTREAM BLOCK BEGINNING AT THE HIGH POINT OF THE DRAINAGE DIVIDE, SUCH AS FROM 6TH TO 7TH STREET AS THE AVENUE DRAINS TOWARD 8TH STREET.
24" OR 19"x30" SLOTTED RCP SHALL BE UTILIZED DOWNSTREAM OF THE FIRST CONTRIBUTING FULL BLOCK LENGTH ONCE THE LENGTH OF THE DRAINAGE AREA EXCEEDS 1 FULL BLOCK.
WHEN USING 24" OR 19"x30" SLOTTED RCP, THE ROCK TRENCH DIMENSIONS SHALL BE MODIFIED TO PROVIDE 1' OF ROCK ON BOTH SIDES OF THE PIPE AND 6" OF ROCK ON THE TOP AND BOTTOM OF THE PIPE. THE TYPE C INLETS SHALL BE ROTATED AS NECESSARY TO ACCEPT THE LARGER PIPE SIZE.
4. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE SODDED WITH THE SAME TYPE SOD AS THE REMAINDER OF THE YARD. FINISHED ELEVATIONS MUST NOT PROJECT ABOVE THE EDGE OF PAVEMENT AND SHALL BE IN CONFORMANCE WITH THIS DETAIL AND THE COLLIER COUNTY PERMIT.
5. PERFORATED SMOOTH INTERIOR-WALLED HIGH DENSITY POLYETHYLENE OR PERFORATED ALUMINIZED STEEL TYPE 2 SPIRAL RIB (14 GAUGE MINIMUM) PIPE MAY BE USED AS AN ALTERNATIVE TO REINFORCED CONCRETE PIPE.

BY:  1-5-98 P.E.
FLA. REG. NO. 18915
AGNOLI, BARBER & BRUNDAGE, INC.
7400 TAMiami TRAIL NORTH
NAPLES, FLORIDA 34108

COLLIER COUNTY

3301 TAMiami TRAIL EAST
NAPLES, FLORIDA 34112
NAPLES PARK
SECONDARY DRAINAGE SYSTEM
DATE: FEB. 10, 1997
SHEET: 1 OF 3



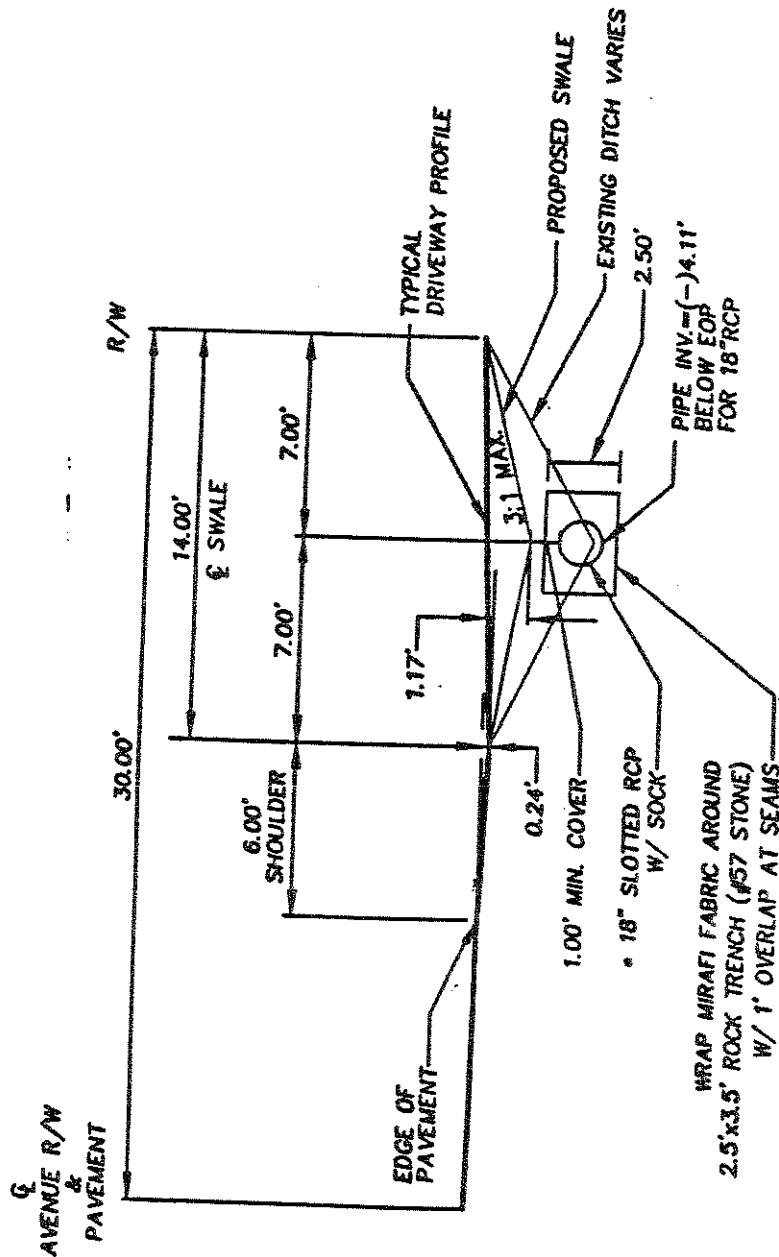
BY: *David W. Barber* 1-5-98 P.E.
 FLA. REG. NO. 18915
 AGNOLI, BARBER & BRUNDAGE, INC.
 7400 TAMiami TRAIL NORTH
 NAPLES, FLORIDA 34108

COLLIER COUNTY

3301 TAMiami TRAIL EAST
 NAPLES, FLORIDA 34112
 NAPLES PARK
 SECONDARY DRAINAGE SYSTEM
 DATE: FEB. 10, 1997
 SHEET: 2 OF 3

REV. APRIL 11, 1997 ACAD: 5900DEP
 REV. DECEMBER 22, 1997
 REV. JANUARY 5, 1998

EXHIBIT "A"



SECTION A-A FOR AVENUES
 SCALE: 1"=5'

BY *W. B. Barber* 1-5-98 P.E.
 FLA. REG. NO. 18915
 AGNOLI, BARBER & BRUNDAGE, INC.
 7400 TAMiami TRAIL NORTH
 NAPLES, FLORIDA 34108

COLLIER COUNTY

3301 TAMiami TRAIL EAST
 NAPLES, FLORIDA 34112
 NAPLES PARK
 SECONDARY DRAINAGE SYSTEM
 DATE: FEB. 10, 1997
 SHEET: 3 OF 3

EXHIBIT "A"

REV. APRIL 11, 1997 ACAD: 5900DEP
 REV. DECEMBER 22, 1997
 REV. JANUARY 5, 1998