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EXHIBIT 1
ORDINANCE NO. 2025-

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AUTHORIZING CREATION OF ARTICLE VI, IN CHAPTER 28 – TRAFFIC, MOTOR VEHICLES, AND BOATS, OF THE CODE OF ORDINANCES OF THE CITY OF HALLANDALE BEACH, TO CODIFY A CITYWIDE MAINTENANCE OF TRAFFIC (MOT) PERMIT PROGRAM; AND PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article V, Division I, Section 5.01 of the City of Hallandale Beach Charter, any rule or regulation that imposes a penalty must be established by ordinance; and

WHEREAS, the City of Hallandale Beach recognizes that unregulated street and sidewalk closures or obstructions present safety risks, increase congestion, and disrupt access to public and private properties; and

WHEREAS, the Transportation and Mobility Department proposes implementing a comprehensive Maintenance of Traffic (MOT) permit process enhancing safety for all users, ensuring uniform procedures for lane and sidewalk closures, holding contractors and utilities accountable for appropriate traffic management, and minimizing disruptions to residents, businesses, schools, and emergency services; and

WHEREAS, a MOT permit process aligns with regional best practices and will improve coordination with county, state, and utility agencies that conduct work in the public Right-of-Way; and

WHEREAS, Staff recommends that the Mayor and City Commission find it to be in the public interest to authorize amendment of the Code of Ordinances of the City of Hallandale Beach, Chapter 28 – Traffic, Motor Vehicles, and Boats, Section 28-230, as outlined in the attached Exhibit 1, to adopt a citywide Maintenance of Traffic (MOT) permit program.

38 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION**
39 **OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

40
41 **SECTION 1.** The foregoing “Whereas” clauses are confirmed as true and
42 incorporated herein.

43
44 **SECTION 2.** The Code of Ordinances of the City of Hallandale Beach, Chapter 28 –
45 Traffic, Motor Vehicles, and Boats, Section 28-230, is hereby amended to create Article VI as
46 follows:
47

48 **Chapter 28 TRAFFIC, MOTOR VEHICLES AND BOATS**

49 **ARTICLE VI. MAINTENANCE OF TRAFFIC (MOT)**

50 **Section 28. 230.- Definitions.**

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

53 *Governmental applicant* means the City of Hallandale Beach or its agents or agencies or
54 Instrumentality thereof, or as identified by the City Manager or designee.

55 *Law* means all duly enacted and applicable federal, state, county and City laws, ordinances,
56 codes, rules, regulations and orders.

57 *Maintenance* means the upkeep or preservation and acts of repair and other acts to
58 prevent decline, lapse or cessation from an existing state or condition; to keep from falling,
59 declining or ceasing; to keep in good order; keep in proper condition; keep in repair, as it
60 pertains to the public right-of-way, and City approved permitted work areas under this Article,
61 and does not apply to private property except where authorized by a City permit or easement.

62 *Non-governmental applicant* means any applicant who is not a governmental applicant as
63 defined by this section.

64 *Person* means any individual, corporation, partnership, limited liability company,
65 association, joint venture, for-profit organization, contractor, subcontractor, affiliate, agent,
66 representative, governmental institution, not-for-profit organization, or other legal entity of
67 any kind, any lawful trustee, successor, assignee, transferee, heir or personal representative
68 thereof, but shall not mean the City.

Public right-of-way as used in this article shall mean any dedicated or undedicated public street, highway, sidewalk, parkway or alley, public ways, public space(s) and other public places within the City.

Street or streets means the surface, the air space above the surface and the area below the surface of any public streets, highways, roads, boulevards, concourses, driveways, freeways, thoroughfares, parkways, sidewalks, bridges, tunnels, parks, waterways, docks, bulkheads, wharfs, piers, courts, lanes, paths, alleys, ways, drives, circles, and easements, or any other public right-of-way or public place, including public utility easements dedicated for compatible uses, as may be ordinarily necessary and pertinent to a permit for construction in, excavation of, or use of the public right-of-way, but shall not include airspace, City-owned buildings, or private property.

Section 28. 231.- Intent and purpose.

The City recognizes that the unregulated obstruction or closure of streets and sidewalks adversely impacts the residents, businesses and visitors of the City. Therefore, it is the intent of the City to ensure the efficient and safe flow of traffic, and to promote the public health, safety and general welfare by: requiring a Maintenance of Traffic (MOT) permit, inspections and providing enforcement for all work being performed or conducted within the public right-of-way which impedes the general movement of vehicular or pedestrian traffic within the City; establishing, adopting and administering reasonable rules and regulations necessary to manage public right-of-way work and vehicular lane and pedestrian sidewalk closures; and minimizing the disruption to the public right-of-way.

Section 28-232.- Maintenance of traffic (MOT) permit required for work that obstructs or closes a street, or sidewalk or impedes traffic; fees; waiver of fees.

(a) Scope. No person shall perform or conduct work in the public right-of-way, such as, without limitation, digging, drilling, excavating, paving, and/or repaving, which obstructs, closes, or causes to be obstructed or closed, any street, sidewalk, or any other part of the public right-of-way in the City of Hallandale Beach, or which impedes the general movement of vehicular or pedestrian traffic, without first having obtained a permit approved by the City of Hallandale Beach's Transportation and Mobility Department. A physical copy of the approved MOT permit shall be posted in a visible location at the job site at all times while work is being performed, and shall be available for inspection by any City of Hallandale Beach Official. No person shall apply for a permit to perform or conduct work in the public right-of-way without disclosing in writing on the permit application form the person(s) on whose behalf such work in the public right-of-way is being performed or conducted. If such

work is being performed by one or more person(s) on behalf of any other person(s) for using, constructing in, excavation of, maintenance of, owning and/or operating any type or manner of system, equipment, or device within the public right-of-way, then all persons must comply with all application and permitting requirements of the City. As a condition of the permit, the applicant must submit a statement to the Transportation and Mobility Department identifying the property owner, the prime contractor, all subcontractors, traffic control vendors, and any utility owner for whom the work is being performed. The applicant shall update this information within twenty-four (24) hours of any change and maintain a current contact list at the job site with the MOT permit. This requirement ensures accurate identification of all responsible parties, supports timely communication, and prevents unauthorized work in the public right-of-way, while also reducing enforcement issues, minimizing safety risks, and clarifying accountability for compliance with the approved MOT plan and permit requirements. Failure of any person(s) to fully disclose his/her/their interest/participation/representation in the permit application and/or to fulfill all City requirements for issuance of the permit shall result in:

(1) Suspension of the MOT permit if the City finds that the applicant failed to disclose required parties or provided incomplete or inaccurate information; or

(2) Issuance by the City of a written notice that such permit will not be granted, as the case may be, due to violation of this provision by the person(s) who applied for such permit.

The City shall have the right to take all legal measures and seek all available remedies to enforce this disclosure provision.

(b) Conditions. Such permit shall set forth minimal reasonable conditions, as permitted by law, necessary for the protection of property and personal safety, the restoration of the public right-of-way to a condition satisfactory to the City, and any on-going maintenance or reparations for un-repaired conditions or damages that may be required of the person(s) under the circumstances and extent of the work to be performed or conducted by such person(s) under such permit. Any violation of the conditions set forth and/or any violations under applicable law shall render such permit null and void, without the necessity of any further action, hearing, or proceeding. Such permit shall cover the length of time necessary and reasonable according to the type of activity involved. Such permit shall also be present on the job site at all times while work is being performed or conducted within the public right-of-way, which impedes the general movement of vehicular or pedestrian traffic within the City.

(c) Indemnity, hold harmless and insurance. It shall be a condition precedent to the issuance of any such permit that the applicant shall assume all civil liability for applicant's acts of

omission or commission from all claims, suits or actions of any kind whatsoever arising out of or resulting from the obstruction or closure, the issuance of the permit, or the operations or activities of the permittee and shall, further, hold the City, its officials, and employees harmless for any injuries, losses, or damages arising or resulting from the permitted work including any injuries, losses, or damages resulting from alleged negligent acts or omissions on the part of the City. The permittee shall be solely responsible for all activities and the installation and maintenance of traffic-control devices. The applicant shall ensure that adequate safety precautions are in effect at all times during the term of the permit. It shall be a further condition precedent to the issuance of any such permit for work to be performed in the public right-of-way that the permit holder(s) is/are jointly and severally responsible, at each permit holder's expense, for any damages regarding restoring the public right-of-way to its original condition before installation of facilities.

(1) *Non-governmental applicant(s).* Prior to the issuance of any such permit, the non-governmental applicant(s) shall submit to the City a certificate of insurance for each non-governmental applicant in an amount not less than \$1,000,000.00 per occurrence, \$2,000,000.00 aggregate, and any endorsements thereto, including, but not limited to, premises and operations liability, contingent and contractual exposures, personal and advertising injury, products and completed operations, and host liquor liability, if applicable. In addition, the applicant hereby agrees to provide additional insurance requirements, including but not limited to umbrella liability, or any additional requirements or endorsements as may be applicable, in connection with the scope of services contemplated by the permit. The certificate must reflect primary and noncontributory language and list the City as an additional insured. The certificate must also include coverage for all owned, hired, and non-owned vehicles with a combined single limit of \$1,000,000.00, also listing the City as an additional insured, and must further afford coverage for worker's compensation as required by Florida statute. The insurance herein required shall remain in full force and effect during the entire term of the permit. Additionally, all such insurance for non-governmental applicant(s) shall be subject to annual review by the City's risk management department and the applicant shall be required to update as necessary to protect the City as set forth in this section.

(2) *Government applicant(s).* Prior to the issuance of any such permit, the governmental applicant(s) shall submit to the City a certificate of insurance or letter of self-insurance for each governmental applicant in accordance with and subject to the limitations set forth in F.S. § 768.28.

(d) *Temporary obstruction of streets and sidewalks.*

175 (1) Any permit issued pursuant to this chapter under this section may be revoked at any
176 time for violation of the terms of the permit. The City Manager or their designee may
177 revoke this permit with justification.

178 (2) The permit holder shall not locate a temporary office, trailer, portable toilets,
179 equipment or storage of materials and supplies within the temporary obstructed
180 right-of-way. Such temporary office, trailer, portable toilets, equipment or storage of
181 materials and supplies may be allowed by the City subject to a separate fee listed in
182 the City's Fee Booklet as amended.

183 (3) If the dimensions of the obstruction exceeds the dimensions allowed by the permit,
184 such obstruction shall be deemed a violation of this article.

185 (4) The permittee must provide a construction staging plan showing the location of lifting
186 equipment, if applicable, ingress and exit points, and a signed and sealed statement
187 from a registered professional engineer in the state that no suitable onsite alternative
188 exists.

189 (5) *Emergency Hazard Removal.* If a condition within the public right-of-way presents an
190 immediate risk to public health and safety, the City Manager or their designee has
191 authority to immediately remove or mitigate the hazard. The permittee and/or
192 responsible party shall be liable for all reasonable costs incurred by the City. The City
193 shall provide written notice of the action and an invoice for costs.

194 (e) Fees.

195 (1) Fees as indicated by this article shall be set and amended by resolution of the City
196 Commission and included in the City's Fee Booklet as amended.

197 (2) All required fees shall accompany each permit application and are non-refundable,
198 unless otherwise provided by this article. Fees for the following are hereby
199 established:

200 a. a one-lane closure application.

201 b. a sidewalk closure application.

202 c. a parking lane closure application.

203 d. a two-lane or more closure application.

204 e. An initial up-front inspection fee shall accompany each permit application to the
205 Transportation and Mobility Department. Up-front fees are aggregated and will apply
206 if multiple closure types are within one permit application.

(3) A non-refundable fee for a permit issued under this article for the partial or full obstruction by construction-related activities exceeding three days in duration shall be calculated as follows:

a. per linear foot per day of sidewalk/curb usage.

b. per linear foot per day of parking lane usage.

c. per linear foot per day of lane closure or partial lane closure of traffic and auxiliary lane usage.

(4) A non-refundable fee for placement of a temporary office, trailer, portable toilets, equipment or storage of materials or supplies within the partial or full obstruction area shall be calculated as follows:

a. per linear foot per day of sidewalk/curb/swale usage.

b. per linear foot per day of parking lane usage.

c. per linear foot per day of lane closure or partial lane closure usage.

Temporary office trailers, portable toilets and construction fencing may require a separate permit from Department of Sustainable Development.

(5) Waiver of Fees.

a. Fees shall not apply to the City or its contractors, or to other Federal, State, County, or school district entities, for construction within the public right-of-way or private easements requiring any maintenance of traffic.

b. The City Manager may waive or reduce fees when necessary to facilitate essential public services or in response to unique or unforeseen circumstances.

(6) After-the-fact permit fee. For any public street or alley closure described in section 28-223, performed without the required permits and inspection, double the application fees plus an inspection fee shall be assessed.

(7) Permits required under this article shall apply to any partial or full obstruction of a public street, sidewalk, or other right-of-way caused by construction-related activities or events that impede vehicle or pedestrian traffic.

a. Closures may occur on consecutive or non-consecutive days; each occurrence requires compliance with this section.

b. Any obstruction or closure that impacts on the normal flow of traffic shall require a permit, regardless of whether the work is continuous or intermittent.

- 239 c. Opening and closing a construction area while utilizing maintenance of traffic
240 measures shall constitute a closure for permit purposes for the duration of the
241 construction activities or events.
- 242 d. Length of closures are determined from beginning of transition to end of
243 transition or opening of segments closed.
- 244 e. Any closure that requires a permit under section 28-223 shall include the use of
245 off-duty officers for the direction and safety of traffic.
- 246 1. City of Hallandale Beach Police Officers shall be given first priority for use on
247 all projects within the City.
- 248 2. City of Hallandale Beach Capital Improvement Projects shall be excluded
249 from the permitting requirements.
- 250 (8) Communication service providers shall only be subject to the up-front administrative
251 fees per F.S. § 337.401, permit fees for the work may not be assessed for the closures
252 necessary for the work. However, a permit is still required for City records.
- 253 (9) Emergency repairs/work shall require an “after-the-fact” permit; otherwise, a work-
254 without-permit fee shall be assessed. For verified emergencies, the applicant shall pay
255 standard application and inspection fees only, and the double-fee provision in
256 subsection (e)(6) does not apply.
- 257 (f) *Public gatherings.* This section shall not prevent any person or persons from assembling
258 on the streets or sidewalks, or in any park, or on private property, for the purpose of making
259 any speech, engaging in spontaneous expression, or conveying any message to the public or
260 government without holding a permit pursuant to this section. In addition, this section shall not
261 apply either to a demonstration, to a parade, to outdoor city events, or any event that has
262 obtained a temporary use permit.

263 **Section 28.-233.- Enforcement.**

- 264 (a) Enforcement may be initiated if it determines that work has commenced in the public
265 right-of-way without a Maintenance of Traffic (MOT) permit, as described herein, which
266 obstructs or closes or impedes traffic.
- 267 (b) Any person who violates the provisions of this article shall be subject to Civil Citations
268 for a Class III offense in accordance with Chapter 9 of this Code and as provided for in
269 this article.
- 270 (c) If any violation of the provision of this article is associated with adjacent private
271 property, the owner of such property shall be responsible for any code violations or civil
272 citations issued.

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274 **Sec. 28-234.- Appeals.**

- 275 (a) Any person whose permit application has been denied, or whose MOT permit has been
276 revoked, as provided by this article, shall have the right to request a hearing at which
277 the denial can be appealed. Such a hearing shall be governed in accordance with the
278 following:
- 279 (1) Appeals from the decisions of the city manager or his designee, making
280 determinations under this article, shall be determined by the City Commission.
281 The appeal shall be requested in writing within ten calendar days of the
282 rendition of the decision being appealed. The written request for the appeal
283 shall state fully the reasons for the appeal. The appellant shall be given written
284 notice of the date, time, and place of the City Commission's consideration of the
285 appeal.

286 **Sec. 28-235.- Emergency Closures.**

287 Emergency closures require immediate actions in public right-of-way. This section outlines
288 the process of implementing such closures, including prompt notification, compliance with
289 Maintenance of Traffic (MOT) standards, and submission of an *after-the-fact* permit.

- 290 (a) Definition. An emergency closure is a partial or full obstruction required to address an
291 immediate threat to life, health, safety, property, or essential services.
- 292 (b) Notification. The responsible party must notify the Transportation and Mobility
293 Department, Department of Public Works and the Police Department as soon as
294 practicable, and City Manager's Office, but no later than two (2) hours after initiating
295 an emergency closure.

- (c) MOT requirements. The responsible party shall immediately implement minimum MOT consistent with the current applicable traffic control standards.
- (d) After-the-fact permit. An *after the fact* MOT permit must be submitted within one (1) business day of the emergency closure, consistent with Sec. 28-223(e)(4).
- (e) Fees. Fees applicable under Sec. 28-223(e) shall apply; however, the City Manager or designee may waive or reduce fees if the emergency closure was necessary to protect public safety and no reasonable alternative existed to prevent or mitigate the emergency.

SECTION 3. Sections 28-221-229 shall be indicated as “Reserved.”

SECTION 4. Authorization. The City Manager is authorized to promulgate and publish such fees and charges set forth in Exhibit 2 and shall ensure the proper collection and accounting of all monies arising therefrom. In the event of doubt or ambiguity, the City Manager is authorized to determine the appropriate fee.

SECTION 5. Conflict. All ordinances, parts of ordinances, resolutions, or parts of resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

SECTION 6. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

SECTION 7. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words “ordinance” or “section” may be changed to other appropriate words.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED on 1st reading, on _____, 20____.

PASSED AND ADOPTED on 2nd reading, on _____, 20____.

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JOY F. COOPER
MAYOR

ATTEST:

JENORGEN GUILLEN
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
FORM

JENNIFER MERINO
CITY ATTORNEY