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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.

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

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

80 **Section 28. 231.- Intent and purpose.**

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

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

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

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

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

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

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

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

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

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

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

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

174 (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.

207

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

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

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

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

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

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

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

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

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

223 (5) Waiver of Fees.

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

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

229 (6) After-the-fact permit fee. For any public street or alley closure described in section 28-  
230 232, performed without the required permits and inspection, double the application  
231 fees plus an inspection fee shall be assessed.

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

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

237 b. Any obstruction or closure that impacts on the normal flow of traffic shall require  
238 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 28-232 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.

273

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.

- 296 (c) MOT requirements. The responsible party shall immediately implement minimum  
297 MOT consistent with the current applicable traffic control standards.
- 298 (d) After-the-fact permit. An *after the fact* MOT permit must be submitted within one (1)  
299 business day of the emergency closure, consistent with Sec. 28-232(e)(6).
- 300 (e) Fees. Fees applicable under Sec. 28-232(e) shall apply; however, the City Manager or  
301 designee may waive or reduce fees if the emergency closure was necessary to protect  
302 public safety and no reasonable alternative existed to prevent or mitigate the  
303 emergency.

304

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

306

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

311

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

314

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

318

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

322

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

325

326 PASSED on 1st reading, on \_\_\_\_\_, 20\_\_\_\_.

327

328 PASSED AND ADOPTED on 2nd reading, on \_\_\_\_\_, 20\_\_\_\_.

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JOY F. COOPER  
MAYOR

ATTEST:

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JENORGEN GUILLEN  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
FORM

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JENNIFER MERINO  
CITY ATTORNEY