



City of Miami Application for Full / Partial Closure Of Street or Sidewalk



Manuel Orosa
Interim Chief of Police

Organization / Person requesting for Permit: _____

Address: _____ City, State, Zip: _____

Name of Applicant: _____ Contact Number: _____

Address: _____ City, State, Zip: _____

Relationship to person / organization requesting permit: _____

Duration of Permit: (Dates) _____ to _____

Time of Operation: Start Time _____ End Time _____

Type of Closure:

Full Street:

Partial Street:

Sidewalk:

Closure Date Range: From: _____ To: _____

Purpose of Closure:

Utility

Construction

Film

Party

Crane

Other

Specify Exact Purpose for Street Closure: _____

Street / Avenue where closure will be: _____

Between: _____ and _____

Alternate streets for traffic flow: _____

It is the responsibility of the applicant to ensure compliance with the provisions that are listed below, along with all City, State & Federal laws.

- I. The participants will abide and obey all laws, rules and regulations.
- II. The applicant will assume any and all liabilities that may arise by such closures.
- III. The applicant must provide and adequate supply of barricades, cones and warning signs to indicate that such street or avenue is temporarily closed.
- IV. Emergency vehicles must have access to area at all times.
- V. In the case of full street closures, the organization / person requesting permit must hire at least 1 certified off-duty police officer for traffic control. However, in all cases, a Special Events Unit supervisor will make the final decision as to the amount of officers needed.

Applicant Signature: _____ Date: _____

FOR OFFICIAL USE

Supervisors Comments: _____

Approved:

Disapproved:

Police Staffing Required: _____

Approving Supervisors Signature / IBM: _____ Date: _____

Sec. 54-3. - 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 digging, drilling, repaving, etc., which obstructs, closes, or causes to be obstructed or closed, any street, sidewalk, or any other part of the public right-of-way in this city, or which impedes the general movement of vehicular or pedestrian traffic, without first having obtained a permit approved by the police department, the public works department, off-street parking department, the risk management department, the neighborhood enhancement team department, and the transportation office. After approval by the departments of police, public works, off-street parking, risk management, neighborhood enhancement team and the transportation office, the city manager, or designee, shall issue a permit. 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 or operating any type or manner of system, equipment, or device within the public rights-of-way, then all persons must comply with all application and permitting requirements of the city. Failure of any person(s) to fully disclose his/her their interest/participation/representation in the permit application or to fulfill all city requirements for issuance of the permit shall result in (a) immediate administrative revocation by the city, without the necessity of any further action, hearing or proceeding, of any permit previously granted resulting in such permit becoming null and void, or (b) 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 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.

(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 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 or damages arising or resulting from the permitted work including any injuries or damages resulting from alleged negligent acts or omissions on the part of the city. The applicant shall insure that adequate safety precautions are in effect at all times during the term of the permit.

(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 binder or policy of liability 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, which shall include 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 naming the city as an additional insured and must also contain coverage for worker's compensation and employer's liability coverage as required by statute and which shall provide that said insurance shall remain in full force and effect during the entire term of the permit. Additionally, all such permits 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 with any and all types and amounts of such insurance coverage(s).

(2) *Governmental 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 accordance with and subject to the limitations as set forth in F.S. § 768.28.

It shall be a further condition precedent, for both non-governmental and governmental permit holders, 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 resulting from work performed or conducted under the permit and for any damages regarding restoring the public right-of-way to its original condition before installation of facilities.

(d) *Fees.*

(1) A fee of \$120.00 shall accompany each permit application to the police department, to be retained by the city regardless of action taken in the grant or denial of the permit.

(2) An initial inspection fee of \$25.00 shall accompany each permit application to the public works department.

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

a. \$0.20 per linear foot per day of sidewalk/curb usage.

b. \$0.30 per linear foot per day of parking lane usage.*

*This fee is in addition to fees payable under chapter 35 of this Code, as amended.

c. \$0.35 per linear foot per day of lane closure or partial lane closure of traffic and auxiliary lane usage.

The fees shall accompany each permit application to the department of public works for the use of the public right-of-way.

(e) *Public gatherings.* This section shall not prevent any person or persons from assembling on the streets or sidewalks, or in any park, or on private property, for the purpose of making any speech, engaging in spontaneous expression, or conveying any message to the public or government without holding a permit pursuant to this section. In addition, this section shall not apply either to an "assembly", to a "parade" or to a "special event", as they are defined in section 54-1.

(Code 1967, § 54-3; Ord. No. 8995, 1, 10-17-79; Ord. No. 9532, § 1, 12-9-82; Ord. No. 10658, § 3, 10-12-89; Ord. No. 11045, § 4, 3-11-93; Code 1980, § 54-3; Ord. No. 11276, § 3, 7-13-95; Ord. No. 12505, § 3, 3-25-04; Ord. No. 12545, § 2, 6-10-04; Ord. No. 12584, § 2, 9-9-04; Ord. No. 12639, § 2, 1-13-05; Ord. No. 13087, § 2, 9-10-09; Ord. No. 13142, § 14, 2-11-10; Ord. No. 13195, § 5, 9-27-10)

Editor's note—

Ord. No. 12584, § 2, adopted September 9, 2004, changed the title of § 54-3 from "Permit required for work or special events that obstruct or close street or sidewalk or impede traffic; fees; waiver of fees" to "Permit required for work that obstructs or closes a street, or sidewalk or impedes traffic; fees; waiver of fees."