



Bay Harbor Islands, Florida - Code of Ordinances

Chapter 18 - STREETS AND SIDEWALKS ^[1]

Footnotes:

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Cross reference— Creation of noise on, §§ 12-21 et seq., 14-7; signs projecting over public ways, § 17-4; traffic regulations, Ch. 19.

State Law reference— Supplemental and alternative method of making local municipal improvements, F.S. ch. 170.

ARTICLE I. - IN GENERAL

Sec. 18-1. Permit to perform work on—Required; bond.

No person shall perform any work upon street right-of-way or street parking area located within the town without having first obtained a permit for such work from the town clerk and having posted a bond in an amount to be determined by the town clerk approximately equal to one and one-half times the cost of the work and conditioned upon compliance with the applicable provisions of this chapter.

(Ord. No. 157, § 1, 12-11-61)

Sec. 18-2. Same—Fee to be collected.

The town clerk shall charge and collect fees for permits granted for such work according to the town's permit fee schedule.

(Ord. No. 157, § 2, 12-11-61)

Sec. 18-3. Same—Duration.

The time to complete the work for which a permit has been issued shall be limited to the period stipulated on the permit. Extensions of time may be granted by the town clerk, provided a request is received prior to expiration of the time limit.

(Ord. No. 157, § 3, 12-11-61)

Sec. 18-4. Same—Waiver of fee.

The town clerk shall waive a permit fee for all work performed by a governmental agency or utility company whether this work is performed by employees of the agency or company or by a private firm, partnership or corporation under contract to the governmental agency or utility company. The requirement for obtaining the permit will not be waived.

(Ord. No. 157, § 4, 12-11-61)

Sec. 18-5. Same—Repair of damaged property.

Street pavements, including, but not limited to curbs, gutters, manholes, catch basins, striping, or other town property damaged by any work, shall be promptly repaired by the holder of the permit. All repair shall be performed so as to equal condition of the subject matter in accordance with the town's specifications. The town shall supply to the permit holder the exact specifications of the subject matter and the permit holder shall comply with such specifications.

(Ord. No. 157, § 5, 12-11-61)

Sec. 18-6. Same—Replacement of damaged utility installations.

All utilities, water mains, air lines, pressure and gravity and sanitary sewers, storm sewers or other subject matter removed or damaged as a result of the work shall be replaced in new condition by the holder of the permit.

(Ord. No. 157, § 6, 12-11-61)

Sec. 18-7. Prohibition of use of town's property or markings placed thereupon, including streets, sidewalks, curbs, and right-of-way for private purposes; temporary use of town's property and right-of-way.

Except as specifically permitted by the town, there shall be no use of the town's property or markings (including, but not limited to, painting, stenciling, numbering and lettering) placed thereupon including, but not limited to, the town's streets, sidewalks, curbs, and rights-of-way for any private purposes. Unauthorized markings placed upon town property shall constitute graffiti under section 14-19(a) of the Code and punishable by fine as set forth in section 14-19(e) of the Code.

- (1) Notwithstanding the foregoing, a contractor temporarily may use the town's property and right-of-way during construction provided that the contractor first obtains a permit from the town for such temporary use. The temporary use shall not exceed three months, after which any extension(s) must be obtained by application to the town council or such department(s) as designated by the town council. During the temporary use of the town's property and right-of-way by a contractor, at the sole expense of the contractor, and subject to the town's prior approval, an off duty police officer or other individual possessing a warning flag, shall be present at the construction location during daylight hours (from 8:00 a.m. to 6:00 p.m.). The contractor shall be responsible to pay for any and all damages to the town's property and right-of-way damaged in such temporary use. A penalty of \$100.00 shall be levied against the contractor for failure to obtain a permit in advance of using the town's property and right-of-way. This penalty shall be in addition to all other penalties as provided in the Code.