

AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, MAKING IT UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION TO DIG UP, DISTURB OR EXCAVATE ANY STREET OR SIDEWALK IN THE CITY OF MIAMI BEACH, FLORIDA FOR ANY PURPOSE WITHOUT FIRST OBTAINING A PERMIT, PROVIDING FOR THE ISSUANCE OF A PERMIT AND THE DEPOSIT OF MONEY WITH WHICH TO MAKE REPAIRS OF SUCH EXCAVATION AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI BEACH, FLA:

1. It shall be unlawful for any person, firm or corporation to dig up, disturb or make any excavation in any street or sidewalk within the City of Miami Beach, Florida, whether the same is paved or not, for the purpose of making any connection with sewer, water or gas mains or pipe, the laying of street car tracks, the placing of cables, wires or any other thing underground, for the placing of poles or posts in the street or sidewalk, or for any other purpose whatever, unless a permit shall first be obtained from the City Clerk of the City, permitting such digging up, disturbance or excavation to be done.

2. During the time while any such operations are being carried on as is provided in the aforesaid section the person to whom a permit shall have been granted shall place red lights on each side or so as ^{to} apprise users of the street of the location of such excavation which lights shall be kept lighted at night time.

3. The City Clerk of the City of Miami Beach is hereby authorized to grant a permit to any person, firm or corporation to dig up, disturb or make excavation in any street or sidewalk within the City of Miami Beach, Florida, upon application made in writing stating accurately when and where such digging up, disturbance or excavation is to be made, the depth, width and length, of such proposed excavation, the purpose for which the same is to be made and for what period of time such excavation is necessarily to be kept open and at the same time depositing with such City Clerk Five Dollars for each hole for a pole or post and Fifty Dollars for each fifty feet of length of any excavation, or fractional part thereof, provided that if excavation is to be made in any street paved with sheet asphalt or concrete such deposit shall be made as is determined ~~by the C~~

and required by the City Council of said city, and at the same time agreeing that said City of Miami Beach may use all or such part of such deposit as may be necessary in repairing and replacing said street or sidewalk in as good condition as it was before the making of such excavation or disturbance, provided such person obtaining said permit shall not have within 10 days after the period during which such excavation is to remain open replaced and repaired said street or sidewalk and put the same in as good condition as the same was before being disturbed and satisfactory to the City Council of said City. No permit shall be granted to keep open any excavation longer than 10 days except the same be granted by said City Council by resolution.

4. The agreement hereinbefore provided to be made by the grantee of such permit shall be substantially the following form:

Miami Beach, Fla., _____

To the City ~~####~~ Council of Miami Beach, Fla.:

Having made application for a permit to make excavation in conformity with ordinances regulating the same, and having deposited the sum of \$ _____ as security for the proper completion of the work set forth in said application and herein, you are hereby granted permission and authorized to use said deposit for putting the street or sidewalk in which I propose to make excavation in as good condition as it was found by me and satisfactory to the City Council of Miami Beach, in the event I do not do so within 10 days from the time of the expiration of such permit.

Applicant

5. It shall be unlawful for any person to keep open any excavation herein referred to longer than the time granted in accordance herewith. After any such disturbance or excavation has been repaired or replaced, so that the street or sidewalk is in as good condition as it was before such excavation was made, by the person to ^{whom} such permit was granted

or by said City, the deposit shall be returned if such repair is made by the grantee of the permit, or if made by the City then only such sum shall be returned as shall remain after all expenses of such repair shall have been paid.

6. Any person, firm or corporation who shall violate any of the terms of this ordinance shall, upon conviction, be fined not ~~less~~ exceeding \$200.00 more than _____, or be imprisoned in the City Jail not ~~less than five days nor~~ more than thirty days, or by both such fine and imprisonment.

7. All ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED this 18th day of May, A. D. 1921.

ATTEST:

J. W. Tomlinson
City Clerk

Attest W. E. Brown
President of City Council

APPROVED THIS 18th day of May, A. D. 1921.

J. E. James
Mayor



BOND

18/21/21

18/21/21

any receipt or other document
discharging or releasing
accepting the same

or by said City, the deposit shall be returned if such repair is made by the grantee of the permit, or if made by the City then only such sum shall be returned as shall remain after all expenses of such repair shall have been paid.

6. Any person, firm or corporation who shall violate any of the terms of this ordinance shall, upon conviction, be fined not exceeding \$200.00 or be imprisoned in the City Jail not less than thirty days, or by both such fine and imprisonment.

7. All ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED this 18th day of May, A. D. 1921.

W. W. [Signature]
Mayor
[Signature]
City Clerk

BOND

ORDINANCE #157

Prohibiting the digging, disturbing or excavating any street or alley.

5/18/21

Posted 5/24/21