


Department of Public Works

BULLETIN NO. 45

Subject: NON-STANDARD IMPROVEMENTS WITHIN THE PUBLIC RIGHT OF WAY

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Approved: 
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The purpose of this bulletin is to identify the rules and regulations for the installation of non-standard improvements within the public right of way.

Whenever an owner of property within the City wishes to install non-standard improvements, i.e. materials, methods, and additional items not a part of the Public Works “Engineering Standards for Design and Construction” and “Standard Contract Documents and Specifications for Public Works Projects”, within the dedicated public right of way, the owner shall, before beginning any installation, construction or planting, make a formal request for such installation, in writing, to the Director of Public Works. The owner, or owner’s representative, shall submit with the request a current signed and sealed survey of the location of the proposed improvements and the private lot adjacent to the improvements, an application form along with all required supplemental documents and a signed and sealed drawing showing sufficient detail to accurately portray the nature and extent of the non-standard improvements. The proposed non-standard improvements shall not hinder or prohibit the use of any portion of the dedicated public right of way by the general public.

The Director of Public Works or his designee shall evaluate the request for non-standard improvements in the dedicated public right of way and the information supplied with regard to its effect on the health, welfare and safety of the community and its effects on the regulation, operation and maintenance of the public right of way by the jurisdictional government agency and on permitted utility facilities. In evaluating the request, the Director shall research City records to determine if there have been any complaints or reports of problems of impediment to travel by vehicles or pedestrians attributed to the non-standard improvements. The Director may also confer with representatives of other departments or agencies as may be necessary.

If there is no negative effect on the health, welfare or safety of the community or on the regulation, operation and maintenance of the public right of way by the jurisdictional government agency or on permitted utility facilities, the Director of Public Works may approve the request for non-standard improvements within the dedicated public right of way. Said approval shall be subject to the recording of a covenant to run with the land executed by the owner, with the payment by the owner of the requisite fees for preparation and recording of said covenant. The provisions of the covenant shall include but not be limited to:

- 1) Maintenance of the non-standard improvements by the property owner in accordance with applicable standards and specifications.
- 2) Removal of the non-standard improvements by the property owner within 30 days of notification by the Director of the Department of Public Works that said removal is required, and at no cost to the city.
- 3) In the event of failure of the property owner to remove the non-standard improvements when notified, the city may cause the removal of the non-standard improvements, and place a lien against the property for the cost of the removal.
- 4) Provision of an insurance policy, in an amount not less than \$1,000,000.00, naming the city as additional insured for public liability and property damage, or certificate of inclusion of the city as additional insured on an existing insurance policy for the property, subject to approval of the Department of Risk Management. This insurance shall be in effect as long as the non-standard improvements exist in the public right of way. Failure to continue to provide the insurance coverage will result in the revocation by the City of Miami of the approval and the non-standard improvements shall be removed in accordance with sections (2) and (3) above.
- 5) Provision of a signed statement that the property owner shall hold harmless and indemnify the city, its officers and employees for any claims for damage to property and injury to persons arising out of the grant of the permit or any activity carried on under the terms of the permit.

Upon recording of the above covenant and compliance with all other permit application review comments, the Director shall approve a permit for the construction or installation of the non-standard improvements, with the payment of the necessary permit fee by the property owner.