

RESOLUTION NO. _____

PASSED _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; AUTHORIZING THE MAYOR AND CLERK OF THE COMMISSION TO ALLOW THE CITY MANAGER OR DESIGNEE TO AUTHORIZE APPLICATIONS OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSING OF STATE ROADS WITHIN THE CITY OF GAINESVILLE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation requires a municipal government to submit a "Request for Temporary Closing of a State Road" for the temporary closing of a state road within municipal corporate limits, providing that local law enforcement officials will manage all details involved in the administration of the event, and indemnifying the Florida Department of Transportation from liability for the event; and

WHEREAS, the governmental authority may, by resolution, designate a position to authorize and sign state road closing requests in lieu of a certified copy of an excerpt from the minutes of a duly scheduled meeting or duly executed resolution of the governmental authority authorizing the special event; and

WHEREAS, the City Commission of the City of Gainesville finds that authorizing the City Manager or designee to approve state road closing applications would be beneficial given the number of applications requested and the length of time required for the preparation of agenda items,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The Mayor and the Clerk of the Commission authorize the City Manager or designee to execute applications of the Florida Department of Transportation which request the temporary closing of state roads within the municipal corporate limits.

Section 2. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 1999.

PAULA DELANEY
MAYOR

ATTEST:

CLERK OF THE COMMISSION
KURT M. LANNON

**CHAPTER 14-65
TEMPORARY CLOSING AND SPECIAL USE OF
STATE ROADS**

- 14-65.001 Scope. (Repealed)
 14-65.0011 Exceptions. (Repealed)
 14-65.002 State Roads in Municipal Corporate Limits. (Repealed)
 14-65.0025 Scope, Exceptions, and Definitions.
 14-65.003 State Roads Outside Municipal Corporate Limits. (Repealed)
 14-65.0035 Temporary Closing of State Roads Other Than Limited Access Facilities.
 14-65.004 Procedures Subsequent to Approval of Request for Temporary Closing of State Roads Other Than Limited Access Facilities. (Repealed)
 14-65.005 Forms to Request Temporary Closing or Special Use of State Road. (Repealed)
 14-65.006 Temporary Closing and Special Use of Interstate and Other Limited Access Facilities.
 14-65.0065 Procedures for Special Use of State Roads Including Limited Access Facilities.
 14-65.0068 Procedures Subsequent to Approval of Request for Special Use of State Roads Including Limited Access Facilities. (Repealed)
 14-65.007 Notification of Temporary Closing of State Road for Repair, Reconstruction, or Alteration. (Repealed)

14-65.0025 **Scope, Exceptions, and Definitions.** This rule chapter 14-65 specifies procedures for obtaining a prior written permit for temporary closure of a state road from the Department when necessary for the conduct of a special event. The rule chapter outlines the requirements for special temporary use of limited access facilities, state roads other than limited access facilities; and for notice to the appropriate local law enforcement agencies of repair, reconstruction, or alteration which necessitates the closing of lanes for vehicular traffic.

(1) **Exceptions.** For purposes of this rule chapter, the following examples are uses of state roads for special events which do not require a prior written permit:

(a) A motorcade when no traffic lanes are closed and law enforcement personnel control traffic at each intersection;

(b) A run, walk-a-thon or bicycle event with a police escort and no detour of traffic; and

(c) A parade on a street which only intersects a state road where law enforcement personnel control the traffic at such intersections.

(2) The following words and phrases when used in this rule chapter, shall have the meaning ascribed in this rule:

(a) "Charitable Purpose" has the meaning specified in Section 496.404(2), Florida Statutes.

(b) "Commercial Activities" include sale or display for sale of merchandise; servicing or repairing of any vehicle, except rendering of emergency service; storage of vehicles being serviced or repaired on abutting property or elsewhere; solicitation for sale of goods, property, or services or for charitable purposes; and the display of advertising of any sort.

(c) "Emergency" is defined in Section 252.34(2), Florida Statutes, as any occurrence, or threat thereof, whether

accidental, natural, or caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(d) "Limited Access Facility" is as defined in Section 316.003(19), Florida Statutes.

(e) "Local Governmental Authority" means a municipality, county, or expressway or transportation authority serving one or more jurisdictions.

(f) "Special Event" means an art festival, parade, annual charity drive, fair, fund drive, race, run, motorcade, or similar activities of local interest.

(g) "Special Use" means any activities other than those defined as special events and as detailed in Rule 14-65.0065.

(h) "State Highway System" is as defined in Section 334.03(25), Florida Statutes.

(i) "State Road" is as defined in Section 334.03(27), Florida Statutes.

(j) "Temporary Closing" means the closing, detouring or otherwise restricting traffic flow of one or more vehicle traffic lanes of a street or highway for a cumulative period of fifteen minutes or more.

(k) "Written Permit" is Form 850-040-65, Request for Temporary Closing/Special Use of State Road, 02/92, requesting stated specific permission to close a stated specific section or part of a state road for a stated specific time period, signed by the District Secretary or designee and the applicant or applicant's authorized representative.

Specific Authority 334.044(2), 337.406(1) F.S. Law Implemented 252.34(2), 316.003, 316.006(1), 316.008, 334.03, 337.406, 496.425 F.S. History—New 1-19-89, Amended 4-15-92, 12-31-96.

14-65.0035 Temporary Closing of State Roads Other Than Limited Access Facilities.

(1) Procedures for Temporary Closing of State Roads Other Than Limited Access Facilities. The temporary use and closing of state roads for the purpose of special events, not related to construction, reconstruction, maintenance or emergency purposes, may be accomplished as follows:

(a) A special event may be permitted by the appropriate local governmental authority.

(b) Prior to temporary closure of a state road for a special event, the local governmental authority which permits the special event must determine whether a temporary closing of the road is necessary for the event and obtain prior written approval from the Department unless excepted as defined in Section 14-65.0025(1).

(c) A Request for Temporary Closing/Special Use of State Road, Form 850-040-65, 02/92, shall be submitted by the responsible official of the local governmental authority to the District Secretary, or designee, naming the sponsoring officials; stating that local law enforcement officials will manage all the details involved in administration of the event; and stating that as between the Department and the local governmental authority, to the extent permitted by Florida law, the local governmental authority will assume full responsibility for any liability claims arising from, or based on, the activities of the event.

(d) The local governmental authority shall include with this request:

1. A certified copy of an excerpt from the minutes of a duly scheduled meeting, or duly executed resolution, of the governmental authority authorizing the special event. The governmental authority may, by resolution, designate a position within that body (Mayor, City Manager, etc.) to

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authorize and sign for the body;

2. A marked map, indicating the temporary detours to be utilized by the public; and showing the placement of appropriate signs; stationing of any officers or flagmen; and locations of barricades and cones necessary to detour the traffic in a safe and efficient manner;

3. A description of the provisions made for the temporary rerouting of traffic; and

4. Approval from the United States Coast Guard District Commander authorizing the opening or closing of any movable bridge within the geographical limits of the event during the time period of the road closure.

(e) Prior to authorizing the temporary road closing, the Department shall review the proposed detour route to ensure that traffic volume will be handled, and routed safely and efficiently.

(f) Such closing of the state road shall not be for commercial use, except that any portion of a state-maintained roadway may be used for special events and special use as defined in sections 14-65.0025(2)(f) and (2)(g) of this rule chapter, together with such commercial activities necessarily related to such events. Nothing in this rule chapter shall be construed to authorize such special events on the interstate highway system, toll roads, or other limited access facilities.

(2) Procedures Subsequent to Approval of Request for Temporary Closing of State Roads Other Than Limited Access Facilities. The Department will return a copy of Form 850-040-65 indicating approval or disapproval to the submitting applicant. Upon receipt of a copy of Form 850-040-65, Request for Temporary Closing/Special Use of State Road, 02/92, signed by a District Secretary of the Department, or designee, the responsible official of the local governmental authority shall notify the applicant for the special event whether preparation for and execution of the special event may or may not proceed.

(3) Form to Request Temporary Closing or Special Use of State Road. Copies of Form Number 850-040-65, Request for Temporary Closing/Special Use of State Road, 02/92, is hereby incorporated by reference and made a part of this rule chapter. Copies of this form may be obtained by contacting any Department District Maintenance Office.

Specific Authority 334.044(2), 337.406(1) FS. Law Implemented 316.003, 316.006(1), 316.008, 337.406(2) FS. History—New 1-19-89, Amended 4-15-92, 7-1-92, 12-31-96.

14-65.006 Temporary Closing and Special Use of Interstate and Other Limited Access Facilities. Temporary closures for special uses will not be allowed on interstate highways, toll roads, and other limited access facilities on the state highway system with the exception of the following situations:

(1) Emergency Conditions. When emergency or extremely dangerous conditions are judged to exist, the Department will assume responsibility for determining whether closure of state roads is warranted.

(2) Request for special use of interstate and other limited access facilities will be made to the Department. Special use is approved by the Department, in accordance with the provisions of Rule 14-65.0065.

(3) Use of facilities on interstate highways, toll roads, or other limited access facilities for solicitation is otherwise prohibited except under the provisions of Rule Chapter

14-28, Florida Administrative Code.

Specific Authority 334.044(2), 337.406(1) FS. Law Implemented 316.006(1), 337.406, 338.01 FS. History—New 1-19-89, Amended 4-15-92.

14-65.0065 Procedures for Special Use of State Roads Including Limited Access Facilities. The temporary use of state roads for special use activities, not related to construction, reconstruction, maintenance, emergency purposes, or special events, may be accomplished in accordance with this rule chapter. The following information must be supplied to the Department when requesting a permit for filming:

(1) A copy of pertinent portions of the script with a concise but detailed written description of the action to occur on the state right of way.

(2) A detailed map showing the proposed filming location and an estimate of the number of event personnel.

(3) No stunts, staged accidents, explosives, or pyrotechnics that may cause damage to state property shall be allowed without prior approval of the Department. Use of pyrotechnics requires approval from the District Secretary, or where applicable, the Director of Florida Turnpike and a separate approval from the local fire department having jurisdiction over the filming site. Both must be attached to the special use permit. Additionally, a licensed "Pyrotechnic Operator — Special Effects" shall be on location and in charge of all use, storage, and handling of special effects items.

(4) The permittee shall provide the Department with proof of liability insurance in the amount of \$1,000,000 for routine filming. If the filming request involves specialized stunts, pyrotechnics, special effects, the use of some form of air transportation over the state highway right of way, or stunts of any kind under or adjacent to a structure (bridge) then a minimum of \$5,000,000 of liability insurance is required.

(5) All maintenance of traffic on Department rights of way shall conform to the Federal Manual on Uniform Traffic Control Devices (MUTCD), incorporated by reference under rule 14-15.010, Florida Administrative Code; the Department's current Roadway and Traffic Design Standards; and the current Standard Specifications for Road and Bridge Construction. The Department shall regulate, limit, or restrict hours of filming to minimize disruption of traffic on the state highway system. When filming causes undue disruption of traffic, or creates safety hazards on a state highway, the Department shall require immediate corrective action within a specified time frame, or cause filming to cease if deemed necessary. The Department shall require the submittal of a maintenance of traffic plan with the request for permit to ensure compliance with this provision. The Department may require the presence of an off-duty law enforcement officer in areas of congestion, critical traffic flow, or situations that may cause hazardous conditions.

(6) Filming of activities on state road rights of way from low flying aircraft must be in compliance with Federal Aviation Administration regulations, and will not be permitted if the public safety or welfare is jeopardized. Any activities involving aircraft shall require written notification of overhead utility companies.

Specific Authority 334.044(2), (27), 335.10(3), 337.406(1) FS. Law Implemented 316.003, 316.006(1), 316.008, 337.406(1), 496.425 FS. History—New 4-15-92.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
REQUEST FOR TEMPORARY CLOSING/SPECIAL USE OF STATE ROAD

FORM 850-040-65
 MAINT - 02/92
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INSTRUCTIONS: OBTAIN SIGNATURES OF LOCAL LAW ENFORCEMENT AND CITY/COUNTY OFFICIALS PRIOR TO SUBMITTING TO DEPARTMENT OF TRANSPORTATION. ATTACH ANY NECESSARY MAPS OR SUPPORTING DOCUMENTS.

NAME OF ORGANIZATION		PERSON IN CHARGE		DATE
ADDRESS OF ORGANIZATION			TELEPHONE NUMBER	
TITLE OF EVENT				
DATE OF EVENT	STARTING TIME OF EVENT	DURATION OF EVENT (APPROX.)	ACTUAL CLOSING TIME (INCLUDING SETTING UP BARRIERS, ETC.)	
PROPOSED ROUTE (INCLUDE STATE ROAD NUMBER, SPECIFIC LOCATION, ETC. - INCLUDE MAPS)				
DETOUR ROUTE (INCLUDE ALTERNATE ROUTES - INCLUDE MAPS)				
NAME OF DEPT. RESPONSIBLE FOR TRAFFIC CONTROL, ETC. (CITY POLICE, SHERIFF'S DEPT., FLORIDA HWY. PATROL, ETC.) (INCLUDE PRECINCT NO.)				
SPECIAL CONDITIONS:				
THIS SECTION IS TO BE COMPLETED WHEN PERMITTING SPECIAL USE OF A STATE ROAD FOR FILMING.				
LICENSED PYROTECHNICS OPERATOR _____ LICENSE NO. _____				
APPROVAL OF LOCAL FIRE DEPARTMENT _____				
LIABILITY INSURANCE CARRIER _____ POLICY EFFECTIVE DATE _____				
COVERAGE AMOUNT _____ (\$1,000,000 MINIMUM)				
LENGTH OF COVERAGE _____ DAYS				
FEDERAL AVIATION ADMINISTRATION APPROVAL FOR LOW FLYING FILMING _____				
ADDITIONAL LIABILITY INSURANCE AMOUNT _____ (\$5,000,000 MINIMUM)				
TYPED NAME AND TITLE (INCLUDE BADGE NO. IF APPROPRIATE)		SIGNATURE OF CHIEF OF LAW ENFORCEMENT AGENCY		DATE SIGNED
TYPED NAME AND TITLE OF CITY/COUNTY OFFICIAL		SIGNATURE OF CITY/COUNTY OFFICIAL		DATE SIGNED

AUTHORITIES: CHAPTER 14-65, FLORIDA ADMINISTRATIVE CODE: RULES OF THE DEPARTMENT OF TRANSPORTATION - TEMPORARY CLOSING AND SPECIAL USE OF STATE ROADS. SECTIONS 337.406(1), 496.06 AND 316.008, FLORIDA STATUTES.

The Permittee, shall indemnify, defend, and hold harmless the Department and all of its officers, agents and employees from any claim, loss, damage, cost, charge or expense arising out of any acts, actions, neglect or omission by the Permittee, its agents, employees, or subcontractors during the performance of the Contract, whether direct or indirect, and whether to any person or property to which the Department or said parties may be subject, except that neither the Permittee nor any of its subcontractors will be liable under this Article for damages arising out of the injury or damage to persons or property directly caused or resulting from the SOLE negligence of the Department or any of its officers, agents or employees.

Contractor's obligation to indemnify, defend, and pay for the defense or at the Department's option, to participate and associate with the Department in the defense and trial of any damage claim or suit and any related settlement negotiations, shall be triggered by the Department's notice of claim for indemnification to Contractor. Contractor's inability to evaluate liability or its evaluation of liability shall not excuse Contractor's duty to defend and indemnify within seven days after such notice by the Department is given by registered mail. Only an adjudication or judgment after highest appeal is exhausted specifically finding the Department SOLELY negligent shall excuse performance of this provision by Contractor. Contractor shall pay all costs and fees related to this obligation and its enforcement by the Department. Department's failure to notify Contractor of a claim shall not release Contractor of the above duty to defend.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the State's right, title and interest in the land to be entered upon and used by the Permittee, and the Permittee will, at all times, assume all risk of and indemnify, defend, and save harmless the State of Florida and the Department from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said Permittee of the aforesaid rights and privileges.

During the event, all safety regulations of the Department shall be observed and the holder must take measures, including placing and display of safety devices, that may be necessary in order to safely conduct the public through the project area in accordance with the Federal Manual on Uniform Traffic Control Devices (MUTCD), as amended, and the Department's latest Roadway and Traffic Design standards.

In case of non-compliance with the Department's requirements in effect as of the approved date of this permit, this permit is void and the facility will have to be brought into compliance or removed from the R/W at no cost to the Department.

Submitted by: _____
Permittee

Place Corporate Seal

Signature and Title

Attested

Department of Transportation Approval: This Request is Hereby Approved

Recommended for approval _____ Title _____ Date _____

Approved by: _____ Date _____
District Secretary or Designee

DISTRIBUTION: Original - Permittee
1st copy - District Maintenance Office
2nd copy - Local Maintenance Engineer



walks of the city, or within 50 feet of the main entrance to any public building in the city during normal operating hours for that building, without first obtaining a permit from the city manager. This section does not apply to a vending booth properly permitted under chapter 19 of this Code. (Code 1960, § 23-17; Ord. No. 3956, § 2, 2-14-94; Ord. No. 970631, § 2, 6-8-98)

Sec. 23-42. Congregating on streets and sidewalks.

(a) *Permit required.* It shall be unlawful for persons to assemble or congregate in crowds in such numbers as to block the use of any sidewalk or street of the city without a permit from the city manager or designee, issued pursuant to this section.

(b) *Permit application.* At least ten days prior to the date for which a permit is requested, an application shall be filed with the city manager. This time limit may be shortened to as little as two business days by the city manager or his/her designee, based upon proof that, through no fault of the applicant, the timing of the event is based on an unexpected occurrence related to the purpose of the event, the application was submitted as soon as practicable and the event or activity for which the permit is filed will be rendered impossible or substantially ineffective if the event is delayed. The application shall include or be accompanied by the following:

- (1) Complete information as to the type of event or activity planned, the date and time, the expected number of participants, the expected duration, and the desired location or route, along with any factors particularly affecting the choice of location or route; and
- (2) A fee to cover the cost of processing the application in accordance with the schedule set out in Appendix A.

(c) *Granting or denial of permit.*

- (1) *Granting of permit; time; considerations.* The city manager or designee shall grant the requested permit within five business days of receipt of the application, or within one business day of receipt of an applica-

tion asking for waiver of the ten-day prior notice requirement, if the event or activity for which it is requested:

- a. Will not unreasonably interfere with the flow of vehicular or pedestrian traffic, such as when alternative routes for such traffic are unavailable or impractical;
- b. Will not unreasonably deny access to any properties or areas of the city by either vehicular or pedestrian traffic;
- c. Will not cause imminent danger or health hazard to any person and will not damage any public or private property; and
- d. Will not create an unreasonable demand upon the city's emergency services personnel and equipment, so as to cause potential deficiencies in such services.

(2) *Use of state or federal road.* If the permit includes the closure of one or more state or federal roads, the city manager or designee shall send the necessary paperwork to the state department of transportation within five days of receipt of the application, or within one business day of receipt of an application requesting a waiver of the ten-day requirement.

(3) *Denial of permit.* If the city manager or designee finds the planned event or activity violates any of the above conditions, he or she shall inform the applicant that the permit will not be granted and request the city attorney apply to the circuit court for Alachua County for an order enjoining the applicant and other interested persons from conducting the planned event or activity.

(d) *Permit conditions.* In granting a permit, the city manager or his/her designee shall specifically limit same as to date and time, location, and duration. In addition, the city manager or his/her designee may attach conditions to the validity of the permit if such conditions are, in his/her opinion, reasonably necessary for the event or activity

to meet the criteria specified in the preceding subsection (c). Such conditions may include, but are not limited to:

- (1) The conduct of all or any part of the event or activity at a location or on a route, either public or private, other than the location or route requested;
- (2) A change in the date, time, or duration from that requested;
- (3) The barricading of street intersections and the provision of identified monitors at such barricades;
- (4) The posting of bond, cash deposit, or other security, not to exceed \$500.00, to cover any damage to public property and the cost of extraordinary cleaning or maintenance expenses caused by the conduct of the event or activity on public property; and
- (5) Prepayment and damage deposits for any city equipment rented or used in connection with the event or activity and city services required therefor.

The applicant may petition the circuit court of Alachua County for review of the conditions placed on the permit. The court shall hear the appeal de novo without a jury, receive evidence and based upon the evidence presented shall make findings and order that the permit be granted either upon the terms requested or conditions stated by the court, or enjoin the holding of the event or activity if there is a reasonable likelihood that it will substantially harm the public health or safety and this cannot be avoided by the imposition of conditions on the permit.

(e) *City services and equipment; cost.* If any city services are reasonably necessary for the conduct of the event or activity, such as police officers to redirect traffic (over the number of officers who would normally be on duty and available in the area) or utilities service, the city manager shall require payment by the applicant for such services. The city manager may allow the use of any city equipment for any such event or activity, at a reasonable rental therefor. For any such activity or event in which the city officially

participates, and for others when directed by the city commission, such costs and rents for services and equipment shall be waived.

(f) *Revocation of permit.* Once a permit has been issued, it may be revoked by the city manager or designee for any violation of the terms and conditions thereof. Any permit may also be revoked by the city manager or designee, or by any police officer on the scene, at any time that the event or activity permitted becomes, or creates a condition, dangerous to the health or safety of any person or otherwise fails to meet the criteria specified in subsection (c) above. At any time that a permit is revoked during the event or activity for which the permit was issued, a police officer shall announce the fact of the revocation to persons assembled for the event or activity.

(g) *Dispersal of persons.* Persons assembling or congregating in violation of this section, either without a permit or after a permit has been revoked, shall disperse after being ordered to do so by any police officer. Failure to so disperse shall also be a violation of this section.

(Code 1960, § 23-18; Ord. No. 970130, § 1, 9-22-97)

Sec. 23-43. Abatement and removal required.

All encroachments or obstructions on any public street of the city are hereby declared to be nuisances and shall be abated and removed in accordance with law.

(Code 1960, § 23-19)

Secs. 23-44—23-55. Reserved.

ARTICLE IV. CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS*

Sec. 23-56. Compliance with article required.

It shall be unlawful for any person to lay, construct or contract for the construction of laying of any sidewalks, curb and gutter or valley gutter in the city where such work is to be done by or through the authority of the owner or occupant of the property fronting or abutting thereon, unless

*Cross reference—Access management, § 30-336 et seq.