

# MEMORANDUM

Agenda Item No. 7(C)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

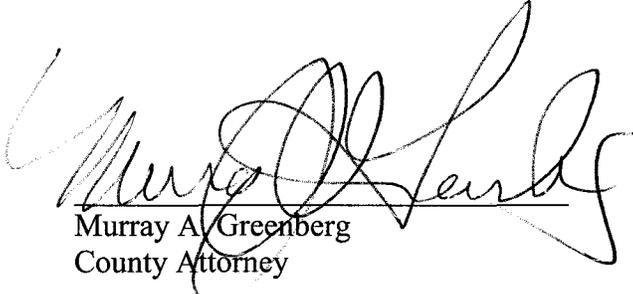
(Second Reading 02-21-06)  
**DATE:** November 15, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance repealing  
Section 21-44 of the Code  
relating to manholes

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro and Commissioner Jose "Pepe" Diaz.



Murray A. Greenberg  
County Attorney

MAG/bw

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** February 21, 2006

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager 

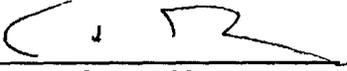
**Subject:** Ordinance repealing Section 21-44 of the Code relating to manholes

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This ordinance repealing Section 21-44 of the Code of Miami-Dade County relating to manholes will not have a fiscal impact on Miami-Dade County.

Currently the ordinance requires that public and private entities ensure that there are no less than two-persons assigned to a work crew when entering/working in a manhole. The passage of this ordinance would eliminate that requirement.

To ensure employee safety, Miami-Dade County departments can continue to operate using two-person crews.

  
Assistant County Manager

Fiscal00806



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** February 21, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(C)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(C)

Veto \_\_\_\_\_

02-21-06

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE REPEALING SECTION 21-44 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO MANHOLES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 21-44 of the Code of Miami-Dade County, Florida is hereby repealed in its entirety<sup>1</sup> :

**Sec. 21-44. ~~[[Manholes; safety requirements; penalty.]]~~  
>>Reserved.<<**

~~[[a) No person, firm or corporation shall cause any person to enter a manhole being used for repairs, maintenance, installation or inspection of underground utilities unless the following requirements are fulfilled:~~

- ~~(1) A second person shall remain abovegrade at all times to provide surveillance of the manhole and the person(s) belowgrade until the manhole cover is in place and no person(s) remains belowgrade at or near the location of the manhole.~~
- ~~(2) The person required herein to remain abovegrade shall be trained and shall be capable of providing first aid and emergency rescue procedures and shall be furnished with communication equipment to summon additional aid in the event of an emergency.~~
- ~~(3) The person providing aboveground surveillance shall keep animals and unauthorized persons away~~

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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from the open manhole.

(4) ~~The person required herein to remain abovegrade may be assigned other duties provided such other duties do not interfere with the requirements of this section.~~

(b) ~~Every violation of any provision of this section shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the County Jail for a period not to exceed sixty (60) days or both such fine and imprisonment, in the discretion of the court. Each day of continued violation shall be considered as a separate offense.]]~~

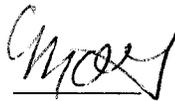
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Eric A. Rodriguez

Sponsored by Commissioner Bruno A. Barreiro and  
Commissioner Jose "Pepe" Diaz

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