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Matthew's Shift West May Impose Requirements on South Florida Property Owners and Construction Sites

With the overnight change in course of Hurricane Matthew increasing the likelihood of a major wind event in South Florida, with the possibility of major hurricane (Category III or IV) conditions, contractors operating construction sites and property owners should be aware that Miami-Dade and Broward Counties impose an affirmative duty to secure loose objects when a severe weather advisory is issued. In Miami-Dade County, the requirement is triggered by a tropical storm watch, hurricane watch, or hurricane warning. In Broward County, the requirement takes effect upon the National Weather Service issuing a hurricane watch.

When a severe weather advisory is issued for Miami-Dade County, or any portion thereof, any loose object (on non-construction site properties) shall be secured by either: (a) storage of such loose object in a building or structure, or (b) bracing, bundling, or fastening such loose object to a fixed structure or otherwise in a manner sufficient to prevent such loose object from becoming windborne during a severe weather event. Loose objects are defined "as any object contained in any outdoor location of any residential, commercial, and industrial property in incorporated and unincorporated Miami-Dade County that may become windborne during a severe weather event including but not limited to outdoor furniture such as chairs and tables, display racks, bicycles, toys, loose debris, bulky waste, gardening supplies, household items, and business or industrial supplies or materials." **For construction sites**, best efforts must be used so that all furniture, display racks, material, and similar loose objects in exposed outdoor locations, including loose materials, are secured or otherwise appropriately braced to rigid construction or stored in buildings to the extent practicable given the conditions. Hoisting equipment and cranes have a detailed set of requirements which can be found in Section 8E-11 of the County Code.

In Broward County, all furniture, display racks, material, and similar loose objects in exposed outdoor locations, shall be lashed to rigid construction or stored in buildings. Orders (which may be oral or written) to secure all construction shall be issued by the Building Official with a time to comply specified in the order.

The failure to appropriately secure loose materials on construction sites and other properties can potentially subject the property owner and/or contractor to county-imposed fines. Of much consequence is the potential damage to property or injuries caused by loose materials that were not appropriately secured, and the associated legal liability for the costs of such damage or injuries.

Please remember to follow only official reports and directions when it comes to weather warnings and safety.

This *GT Alert* was prepared by **Robert S. Fine Esq., A.I.A.** Questions about this information can be directed to:

- > [Robert S. Fine Esq., A.I.A.](mailto:finer@gtlaw.com) | +1 305.579.0826 | finer@gtlaw.com
- > Or your [Greenberg Traurig](#) Attorney

Albany +1 518.689.1400	Delaware +1 302.661.7000	New York +1 212.801.9200	Silicon Valley +1 650.328.8500
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