



# COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY PERMIT APPLICATION

Rev 3 Revision Date: 08/16/2019 | Print Date:

I.D. Number: CFPROWPA

Application Number (filled in by City): \_\_\_\_\_

Application Date (filled in by City): \_\_\_\_\_

**Registrant/Address:**

Project Name: \_\_\_\_\_

Project Location(s): \_\_\_\_\_

Architect/Engineer's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Contracting Company: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Qualifier's Name: \_\_\_\_\_

License Number: \_\_\_\_\_

Start Date:

End Date:

Point of Contact: \_\_\_\_\_

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction.

\_\_\_\_\_  
Registrant/Applicant (Print Name)

\_\_\_\_\_  
(Registrant Signature)

\_\_\_\_\_  
Approved By City DSD-ENG Reviewer (Print Name)

\_\_\_\_\_  
(City Reviewer Signature)      Date

**Attachments:**

**Exhibit 1** - Permit Application Checklist (Short)

**Exhibit 2** - Permit Application Checklist (Detailed)

**Exhibit 3** - Public Notice Guide

**Exhibit 4** - Agreement to Indemnification

**Exhibit 5** - Insurance Requirements



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## EXHIBIT 1 - PERMIT APPLICATION CHECKLIST (SHORT)

### Section 1 - For Your Information

### Comments

- Project Permits Involving Multiple Co-Locations or Attachments
- Project Permit
- No Permit Fees For Work under This Article

### Section 2 - Site Plan & Design

### Comments

- Sight Plan
- Full Color Photo-Simulation
- Description of Installation or Construction
- Temporary Sidewalk Closure Plan
- Temporary Modification of Traffic (MOT) Plan
- Capacity of Abutting City Public Right-of-Way to Accommodate the Cumulative Impact of the Proposed Facility and Other Facilities within the City's Public Right-of-Way
- Restoration Plan and Cost of Restoration of the City's Public Right-of-Way
- Timetable for Construction or Installation and Intended Areas of Service
- Information Regarding Distance Separation
- Identification of All Above-Grade and Below-Grade Structures within the City's Public Right-of-Way within a 350 Foot Radius
- Affidavits
- Restoration Of City Public Right-of-Way
- Stealth Design
- No Signage
- Exterior Finish
- Lighting
- Maximum Height Restrictions
- Equipment and Antenna Volume
- Minimum Distance Separation from Edge of Pavement
- Minimum Distance Separation from Existing Sidewalk
- Installation at Outermost Boundary of City Public Right-of-Way
- Distance Separation between Communications Facility Poles and Wireless Support Structures In City Public Rights-of-Way



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<input type="checkbox"/> Sight Triangles	
<input type="checkbox"/> Emphasis on Arterial or Collector Roadways	
<input type="checkbox"/> Prohibition against Placement in a Front Yard within Residential Blocks	
<input type="checkbox"/> Limitation on Placement in Corner Yards within Residential Blocks	
<input type="checkbox"/> Not Significantly Impair View from Principal Structures within Residential Blocks	

### Section 3 - Other

### Comments

<input type="checkbox"/> Certification as to Removal of Abandoned Facilities or Equipment	
<input type="checkbox"/> Public Notice of New Communications Facility Poles or New Wireless Support Structures	
<input type="checkbox"/> Right of Way Inspection (Restoration of City ROW)	
<input type="checkbox"/> Registrant Agrees to Indemnification	
<input type="checkbox"/> Insurance	
<input type="checkbox"/> Performance Bond	



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## EXHIBIT 2 - PERMIT APPLICATION CHECKLIST (DETAILED)

### Section 1 - For Your Information:

- Project Permits Involving Multiple Co-Locations or Attachments - Sec. [25-307 \(b\) \(9\)](#)**
  - For project permits that involve multiple co-locations or attachments to existing structures, repurposed structures or installation of multiple new wireless support structures, the applicant **shall** only be required to provide a structural certification by a Florida licensed professional engineer as to each type of facility, not for each facility proposed as part of the overall project. No such certification is required with respect to wireline pole attachment installations made in the communications space of utility poles.
- Project Permit - Sec. [25-307 \(s\)](#)**
  - General: The City may issue a single project permit that would otherwise require individual permits for two or more co-locations, existing structures, re-purposed structures or pole attachments that form a cluster or multiple clusters to serve a specified service area. New communication facility poles or wireless support structures may not be included in any project permit. The process will start with a preliminary review meeting. After completion of this meeting a project plan will be submitted with project permit application.
  - Preliminary Review Meeting: A meeting with City Engineer to discuss code concerns prior to submitting project plans. For purposes of the master project plan, this meeting is the forum in which the design team describes their intentions for the completion sequence. This is a crucial step that designates how to permit the entire project in order to realize these intentions. From information gathered at the meeting, a project plan will be created and submitted with a permit application. At the City Engineer's sole discretion, upon a determination that a proposed project permit is too large to be processed and completed as such, said proposed project permit may be broken into multiple individual permits or smaller project permits, in any combination.
  - Project Plan: An organization chart which breaks down the phases of the project. The organization is arranged to reflect the dependency that exist between sub-projects. The purpose of the preliminary project plan is to show the sequence of completion for the project. The entire project contained in a project permit must be completely constructed within 90 days from permit issuance.
- No Permit Fees for Work under this Article - Sec. [25-307 \(w\)](#)**
  - Pursuant to Section 337.401(3) (c) (1) (b), Florida Statutes, as same may be amended from time to time, and other applicable provisions of law, and notwithstanding any other provisions of City Code, the City hereby elects not to charge permit fees to any registrant for permits to do work under Article XII in the City public right-of-way. Pass-through providers shall be subject to the fees set forth at City Code [25-321](#).

### Section 2 - Site Plan & Design:

- Sight Plan - Sec. [25-307 \(b\) \(1\)](#)**
  - A site plan, in the form of signed and sealed plans from a Florida licensed professional engineer of record that shows the location of the proposed facilities in the City's public rights-of-way, in a hard copy format. The site plan **shall** also include:
    - A description of the facilities to be installed, where the facilities are to be located, and the size, dimensions and height of the proposed facilities that will be located in the City's public right-of-way.



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- For new communications facility poles or wireless support structures, how many co- locations the new poles or structures can support in terms of capacity.
- Sufficient specificity as to demonstrate compliance with the Florida Building Code, specifically in terms of compliance with ASCE-7-10, or latest edition for requirements of wind load.
- For new communication facility poles, wireless support structures, or any excavation work, a geotechnical report for the existing soil conditions, or a soil statement by a Florida licensed professional engineer, attesting to the soil conditions.
- Full Color Photo-Simulation - Sec. [25-307 \(b\) \(2\)](#)**
  - A full color photo-simulation showing the proposed new communication facility poles and wireless support structures installed in accordance with the application from the point of view of properties adjacent to the proposed site.
- Description of Installation or Construction - Sec. [25-307 \(b\) \(3\)](#)**
  - A description of the type of facility and the manner in which the facility will be installed and/or modified (i.e. anticipated construction methods or techniques).
  - A description of stealth design to be utilized, see City Code Section [25-308 \(b\)](#) below. Additionally, each application for a permit to place a communications facility pole or a wireless support structure in the City's public right-of-way **shall** include photographs showing the location and condition of the surrounding neighborhood, and a description of the stealth design techniques proposed to minimize the visual impact of the communications facility pole or wireless support structure and graphic depictions accurately representing the visual impact of the communications facility pole or wireless support structure when viewed from the street and from adjacent properties.
  - Alternatively, a signed and sealed statement from a Florida state licensed professional engineer that stealth design cannot be utilized on any particular facility and providing documentation demonstrating to the satisfaction of the City Engineer that the proposed communications facility cannot employ stealth design and the proposed exterior location and configuration of equipment proposed are the minimum equipment necessary to achieve the needed function.
- Temporary Sidewalk Closure Plan - Sec. [25-307 \(b\) \(4\)](#)**
  - A temporary sidewalk closure plan, if appropriate given the facility proposed, to accommodate placement or maintenance of the communications facility.
- Temporary Modification of Traffic (MOT) Plan - Sec. [25-307 \(b\) \(5\)](#)**
  - A temporary traffic lane closure and management of traffic (MOT) plan, if appropriate given the facility proposed, to accommodate installation and/or modification of the communications facility.
- Capacity of Abutting City Public Right-of-Way to Accommodate the Cumulative Impact of the Proposed Facility and Other Facilities within the City's Public Right-of-Way - Sec. [25-307 \(b\) \(6\)](#)**
  - Information on the capacity of the City's public right-of-way to accommodate the cumulative impact of the proposed facility together with other existing and proposed facilities in the adjacent City public right-of-way, if available (such information **shall** be provided without certification as to correctness, to the extent obtained from other persons).
- Restoration Plan and Cost of Restoration of the City's Public Right-of-Way - Sec. [25-307 \(b\) \(7\)](#)**



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- Given the facility proposed, a restoration plan and an estimate of the cost of restoration of the City's public rights-of-way.
- Timetable for Construction or Installation and Intended Areas of Service - Sec. [25-307 \(b\) \(8\)](#)**
  - The timetable for placement or maintenance of the proposed facility or each phase of the placement or maintenance thereof, and the intended areas of the City to be served by the communications facility.
- Information Regarding Distance Separation - Sec. [25-307 \(b\) \(11\)](#)**
  - In order to assess the impacts on the City's public right-of-way resources and the potential for co-locations or use of repurposed structures, identification of all communications facility poles and wireless support structures in the City's public right-of-way within a 350 foot radius of the proposed new communications facility (such information may be produced without certification as to correctness to the extent obtained from other registrants with facilities in the City's public right-of-way). No such identification is required with respect to wireline pole attachment installations made in the communications space of utility poles.
- Identification of All Above-Grade and Below-Grade Structures within the City's Public Right-of- Way within a 350 Foot Radius - Sec. [25-307 \(b\) \(12\)](#)**
  - In order to assess the impacts on the City's public right-of-way resources, the impact on surrounding neighborhoods and other properties within the permit area, and the potential for co-locations or use of existing structures, identification of all above-grade structures as regulated under City Code Section [25-100.1](#) in the City's public right-of-way within a 350 foot radius of the proposed new communications facility (including utility poles, equipment boxes, below-grade and above-grade communications service facilities and antennae) **shall** be provided (such information may be produced without certification as to correctness to the extent obtained from other registrants with facilities in the City's public right-of-way). For below-grade structures, the City's maps and atlases shall be relied upon for provision of this information. No such identification is required with respect to wireline pole attachment installations made in the communications space of utility poles.
- Affidavits - Sec. [25-307 \(b\) \(13\)](#)**
  - An application for a permit to install new communications facility pole(s) or new wireless support structures (as opposed to co-locations, applications to use an existing structure, or wireline pole attachment installations made in the communication space of utility poles) **shall** include an affidavit from Florida licensed professional engineer setting forth all the facts relied upon in the applicant's attempt to both co-locate or attach the proposed new communications facilities on existing structures within the City's public right-of-way, as well as on property outside the City's public rights-of-way, within a 350 foot radius of the proposed new communications facility.
  - An application for co-location **shall** include an affidavit from the owner of the facility or existing structure being co-located upon, that the applicant has been granted permission, to attach to the facility or existing structure being co-located upon or attached to.
- Restoration of City Public Right-of-Way - Sec. [25-307 \(h\)](#)**
  - After the completion of any placement or maintenance work involving a communications facility in a City public right-of-way or each phase thereof, a registrant **shall**, at its own expense, restore the City public right-of-way to its existing condition prior to such work. If the registrant fails to make such restoration within 30 days, or such longer period of time as may be reasonably required under the circumstances, following the completion of such placement or maintenance work, the City may perform restoration and charge the costs





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of the restoration against the registrant in accordance with Section 337.402, Florida Statutes, as same may be amended from time to time. For 12 months following the original completion of the work, the registrant **shall** guarantee its restoration work and **shall** correct any restoration work that does not satisfy the requirements of Article XII at its own expense.

**Stealth Design - Sec. [25-308 \(b\)](#)**

- Stealth design for above-ground communications facilities, and in particular, communications facility poles and wireless support structures, **shall** be utilized wherever possible in order to minimize the visual impact of communications facilities on, and preserve compatibility with, surrounding neighborhoods, and in order to eliminate the need to locate any ground or elevated equipment on the exterior of a communications facility or existing structure. Stealth design is not required with respect to wireline pole attachment installations made in the communication space of utility poles. Stealth design features may include, but are not limited to, the following:
  - For new communications facility poles and new wireless support structures, as well as existing structures in the City's public rights-of-way, top mounted antennas within enclosures that do not extend the diameter of the supporting communications facility pole, wireless support structure, existing structure or other support structure at the level of antenna attachment, or side mounted antennas within enclosures that extend no more than two feet beyond the exterior dimensions of the supporting structure at the level of antenna attachment **shall** be utilized. For purposes of calculating the above, the dimensions of the supporting communications facility pole, wireless support structure, existing structure or other support structure do not include any platform, rack, mount or other hardware used to attach an antenna or antenna enclosure to the supporting structure. Nothing contained in this subparagraph (1) **shall** be construed to limit stealth design as specified in other subparagraphs below.
  - The use of foliage and vegetation based on conditions of the specific area where the facility is to be located; Trees **shall** be determined and approved by the City's Landscape Plans Examiner under separate permit. See [Landscaping-Forms-and-Info](#)
  - Equipment wraps
  - Flag poles
  - Street light fixtures
  - Other stealth design proposed by an applicant and approved by the City based on unique circumstances applicable to the facility or the location or both
  - Replication of trees or other natural objects is prohibited.
  - All stealth designed communications facilities components, including associated hardware, **shall** be designed and constructed in accordance with the High Velocity Zone Criteria specified in the Florida Building Code, Chapter 16 and considered as structures under Building Risk. Category II design and wind load calculations **shall** be provided per [ASCE 7 – 10 \(170 MPH\)](#). Calculations should be accompanied by Miami-Dade County Notice of Acceptance (NOA) / [Product Approvals](#).

**No Signage - Sec. [25-308 \(c\)](#)**

- Registrants **shall** not place or maintain signage on communications facilities in City public right-of-way, unless otherwise required by federal or State law, provided; however, that existing structures that lawfully supported signage before being repurposed may continue to support signage as otherwise permitted by law



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or City Code, as same may be amended from time to time.

**Exterior Finish - Sec. [25-308 \(d\)](#)**

- Communications facilities not requiring FAA painting or marking **shall** have an exterior hard durable finish which enhances compatibility with adjacent uses, as approved by the City Engineer.

**Lighting - Sec. [25-308 \(e\)](#)**

- A communications facility **shall** not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, State, or local rule, regulation, the FAA or law; provided, however, the City may require the installation of an LED street light on a new communications facility pole or wireless support structure or an existing structure functioning as a light pole.

**Maximum Height Restrictions - Sec. [25-308 \(f\)](#)**

- Subject to the equipment volume and antenna volume limitations, a communications facility, including any attached antennas, **shall** not exceed the following height:
  - Arterial roadways, collector roadways and local roadways. The top of the uppermost antenna array co-located or attached equipment on a new communications facility pole, or a new wireless support structure, **shall** not exceed the height of the closest light pole on that same roadway.
  - Top mounted Antennas may extend an additional four feet in height in excess of the height limitations set forth above.
  - For each co-location or repurposed structure, top mounted antennas may extend an additional six feet in height in excess of the height limitations set forth above.
  - All antennas **shall** be no less than eight feet above grade.

**Equipment and Antenna Volume - Sec. [25-308 \(g\)](#)**

- Subject to height limits and antenna volume limits, equipment that may be associated with communications facilities attached to an existing structure or a new communications facility pole or a new wireless support structure or located in the City's public right-of-way at grade, not including associated antenna(s), electric meter, telecom demarcation box, battery-back up power systems, grounding equipment, or power transfer switch, **shall** not exceed 17 cubic feet.
- Antenna volume. Subject to height limits and equipment volume limits, each antenna that may be associated with the installation of a communications facility **shall** not exceed more than three cubic feet in volume. Each antenna that is exposed and not concealed within a concealment enclosure **shall** fit within an imaginary enclosure that does not exceed three cubic feet.

**Minimum Distance Separation from Edge of Pavement - Sec. [25-308 \(i\)](#)**

- No communications facility **shall** be placed or maintained in the City's public right-of-way in violation of minimum distance separation from edge of pavement in accordance the State of Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, Table 3-13, Minimum Width of Clear Zones. In accordance with Table 3-13, the City Engineer **shall** have the authority to reduce the four (4) foot minimum offset identified in Table 3-13 where that offset cannot be reasonably obtained and other alternatives are deemed impractical, the City Engineer **shall** have the authority to decide reductions in the clear zone in accordance with the above referenced Table 3-13. Communications facilities otherwise prohibited by this section **shall** be permitted if installed on





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an existing structure or repurposed structure located in these areas.

**Minimum Distance Separation from Existing Sidewalk - Sec. 25-308 (j)**

- No communications facility pole or wireless support structure **shall** be placed or maintained in the City's public right-of-way within one foot of an existing sidewalk. Co-location and use of repurposed structures are exempt from this requirement.

**Installation at Outermost Boundary of City Public Right-of-Way - Sec. 25-308 (k)**

- Where a superior site design results from placement of a communications facility at or near the outermost boundary of the City's public right-of-way, the farthest distance practicable from the centerline of the public right-of-way and edge of pavement is encouraged. To the extent that the location of the sidewalk within the City's public right-of-way precludes achievement of a superior site design or otherwise precludes compliance with all other requirements of Article XII, then the City Engineer or registrant may propose and the registrant may include in the permit application a proposed re-routing of the sidewalk at its own expense, in order to achieve such superior site design or otherwise meet other requirements of Article XII. Communications facilities otherwise prohibited by this section **shall** be permitted if installed on an existing structure or repurposed structure located in these restricted areas, subject to any future relocation of the existing structure or repurposed structure to accommodate the sidewalk.

**Distance Separation between Communications Facility Poles and Wireless Support Structures in City Public Rights-of-Way - Sec. 25-308 (l)**

- Communications facility poles and wireless support structures in the City's public right-of-way must be spaced a minimum of 350 linear feet apart from each other, along the line of general vehicular travel, except that no distance requirement **shall** apply to co-locations or existing structures.

**Sight Triangles - Sec. 25-308 (m)**

- Except on existing structures, no new communications facility **shall** be constructed or installed within a triangular shaped area of land, known as a "sight triangle" as defined in the U.L.D.R, City Code Section 47-35, Definitions, and measured as follows:
  - Ten feet from the intersection point of the edge of a driveway and curb, or in the event that there is no curb, the edge of the alley or street pavement; or
  - 15 feet from the intersection point of the extended property lines at an alley and a street; or
  - 25 feet from the intersection point of the extended property lines at a street and a street.
- The foregoing sight triangles may be reduced to no less than ten feet, if the City Engineer, on a case-by-case basis, finds that the proposed reduction complies with all City engineering standards and the City Engineer **shall** take into consideration neighborhood characteristics such as the location of schools, parks and other community facilities, pedestrian facilities such as adequate sidewalks, street characteristics such as pavement with, width of swale (right-of-way line to curb or edge of pavement for vehicular travel-ways) the curvature of the street, speed limits and other similar elements.
- Sight triangles located at the intersection of a local street or driveway within a right-of-way under county, state or federal jurisdictions may be subject to the sight triangle requirements of those jurisdictions.

**Emphasis on Arterial or Collector Roadways - Sec. 25-308 (n)**



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- Registrants seeking to place or maintain a communications facility pole or a wireless support structure in the City's public right-of-way **shall** locate their facilities in arterial or collector roadways, whenever possible. An application for a permit to place a communications facility pole or a wireless support structure in a City public right-of-way other than arterial or collector roadways **shall** explain why the applicant is unable to locate the facilities in an arterial or collector roadway and **shall** demonstrate to the satisfaction of the City Engineer the need to locate the Facilities in the areas proposed in the application. Upon delegation to the City of the regulatory authorities in XII by the County, State or U.S. Department of Transportation or all of the foregoing entities, then the City may enforce such regulations in Article XII within the corporate boundaries of the City to the extent such authority has been delegated to the City.
- Prohibition against Placement in a Front Yard within Residential Blocks - Sec. [25-308 \(o\)](#)**
  - No communications facility pole or a wireless support structure **shall** be placed within a City public right-of-way that abuts any front yard in residential blocks.
- Limitation on Placement in Corner Yards within Residential Blocks - Sec. [25-308 \(p\)](#)**
  - A communications facility pole or a wireless support structure within the City public right-of-way abutting a corner yard of a corner lot within a residential block **shall** not be placed any closer than ten feet from the side property line of the lot abutting and adjacent to the corner lot.
- Not Significantly Impair View from Principal Structures within Residential Blocks - Sec. [25-308 \(q\)](#)**
  - All communications facility poles or a wireless support structure **shall** be located such that views from principal structures within residential blocks are not significantly impaired. Where possible, newly installed communications facility poles or wireless support structures should be located in areas with existing foliage or other aesthetic features in order to obscure the view of the communications facility pole or wireless support structure within residential blocks. The requirements of this subparagraph **shall** not apply to existing structures, when there is a one-to-one use or repurposing of an existing structure.

## Section 3 - Other:

- Certification as to Removal of Abandoned Facilities or Equipment - Sec. [25-307 \(b\) \(10\)](#)**
  - The applicant **shall** certify that any and all of its abandoned facilities within the City's public right-of-way has or have been removed, indicating the prior location of such abandoned facilities.
- Public Notice of New Communications Facility Poles or New Wireless Support Structures - Sec. [25-307 \(b\)\(14\)](#)**
  - See and complete Exhibit 3.
- Right of Inspection - Sec. [25-307 \(p\)](#)**
  - The City **shall** have the right to make such inspections of communications facilities placed or maintained in its public right-of-way as it finds necessary and upon reasonable notice, to ensure compliance with Article XII.
  - Upon completion of work authorized by any permit, in the event that field work resulted in changes from the permit plans, the applicant **shall** furnish to the City, at no cost to the City, one complete set of sealed "as-built" plans, or in the case of any underground utility facilities, a sealed survey showing the exact location of such facilities, including their depth; or in either case, such other documentation describing the location (including height or depth, as the case may be) of facilities as the City Engineer may approve.



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**Registrant Agrees to Indemnification - Sec. [25-307 \(b\) \(15\)](#)**

See and complete Exhibit 4.

**Insurance - Sec. [25-311](#)**

See and complete Exhibit 5.

**Performance Bond - Sec. [25-313](#)**

- Prior to issuing a permit under Article XII where the work under the permit will require restoration of the City's public right-of-way, the City Engineer **shall** require a performance bond by a surety duly authorized to do business in the State of Florida and having an A.M. Best A-VII rating or better. The bond **shall** be in the amount of 125% of the restoration cost estimate of the City's public right-of-way, as certified by a professional engineer licensed in the State of Florida, to secure proper performance under the requirements of any permits and the restoration of the City's public right-of-way. 12 months after the completion of the restoration of the City's public rights-of-way in accordance with the bond, the registrant may eliminate the bond. However, the City Engineer may subsequently require a new bond for any subsequent work by the same registrant in the City's public right-of-way. The performance bond **shall** provide that: "For twenty-four (24) months after issuance of this bond, this bond may not be canceled, or allowed to lapse, until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

- I certify that the permit application submitted includes the information outlined in this checklist as required by the Code of Ordinances of the City of Fort Lauderdale.**

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Registrant/Applicant (Print Name)

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(Registrant Signature)



# COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY PERMIT APPLICATION

## EXHIBIT 3 - PUBLIC NOTICE GUIDE

### Public Notice of New Communications Facility Poles or New Wireless Support Structures - Sec. [25-307](#) (b) (14)

- Simultaneous with the filing of an application for a permit for the installation of a new communications facility pole or a new wireless support structure, the registrant **shall** submit an affidavit of mailing, attesting that Notice of Pending Application has been mailed to all interested persons within the surrounding neighborhood of the permit area, as certified by the Broward County Property Appraiser's Office.
- As to owners of condominium or cooperative units within the surrounding neighborhood, the registrant **shall** satisfy the requirements of this subsection by providing written notice to the respective condominium association or Cooperative Corporation in lieu of written notice to the individual property owners within such condominium or cooperative.
- Notice of pending application **shall** notify the interested persons that an application for a new communications facility pole or wireless support structure has been filed with the City Engineer.
- The Notice of Pending Application **shall** invite the interested persons to provide comments, inquiries or objections to the City Engineer and Registrant within 15 days of the date the notice was posted to the U.S. Mail.
- The Notice of Pending Application **shall** provide the name, mailing address, e-mail address and phone number of the City Engineer (below) to whom the interested persons should direct their comments, inquiries or objections. The contact information for the City Engineer **shall** be in 14 point bold faced print.

**Land Development Manager  
700 NW 19<sup>th</sup> Ave Fort Lauderdale, FL 33311**

- The Notice of Pending Application **shall** contain the following:
  - A hard copy of the site plan submitted with the permit application; and
  - A description of the location of the proposed new communications facility poles or new wireless support structures by reference to the property street addresses abutting the proposed site of the new communications facility poles.
  - A description of the new communications facility pole(s) or new wireless support structures to be installed, including the size, dimensions and height of the proposed new communications facility pole(s) or new wireless support structures; and
  - A full color photo-simulation showing the proposed new communications facility pole(s) or new wireless support structures installed in accordance with the application from the point of view the properties adjacent to the proposed site, together with depictions of any stealth design features to be utilized; and
  - The location where the interested persons may go to examine any other materials relative to the pending application.
- Attached is a copy of the affidavit of mailing as certified by the Broward County Property Appraiser's Office.**

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Registrant/Applicant (Print Name)

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(Registrant Signature)



# COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY PERMIT APPLICATION

## EXHIBIT 4 - AGREEMENT TO INDEMNIFICATION

### Indemnification - Sec. [25-312](#)

- By reason of the acceptance of a registration under Article XII or the grant of a permit under Article XII, the City does not assume any liability:
  - For injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the City;
  - For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by registrants or activities of registrants.
- By registering with the City Engineer a registrant agrees, or by applying for and accepting a permit under Article XII, a registrant is required, to defend, indemnify, and hold the City whole and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its communications facilities, whether any act or omission complained of is authorized, allowed, or prohibited by a permit, inspection of plans or work by the City. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant or to the City; and the registrant, in defending any action on behalf of the City, **shall** be entitled to assert in any action every defense or immunity that the City could assert in its own behalf. Nothing herein **shall** be construed as a waiver of the protections, limitations and immunities provided in Section 768.28, *Florida Statutes* (2016), as same may be amended from time to time. The provisions of Section [25-312](#) include, but are not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim, suit or proceeding(s).
- The City agrees to notify the registrant, in writing, within a reasonable time of the City receiving notice, of any issue it determines may require indemnification. Nothing in Article XII **shall** prohibit the City from participating in the defense of any litigation by its own counsel and at its own cost, if in the City's reasonable belief, there exists or may exist a conflict, potential conflict or appearance of a conflict. City **shall** not settle or compromise any matter for which a registrant is obligated to indemnify without the prior written consent of the registrant; such consent **shall** not be unreasonably withheld.
- This indemnification obligation is not limited in any way by a limitation of the amount or type of damages or compensation payable by or for the registrant under workers' compensation, disability or other employee benefit acts, or the acceptance of insurance certificates required under Article XII, or the terms, applicability or limitations of any insurance held by the registrant.
- The registrant **shall** investigate, handle, respond to, provide defense for, and defend any such claims at its sole expense and **shall** bear all other costs and expenses related thereto even if the claim is groundless, false or fraudulent and if called upon by the City, the registrant **shall** assume and defend not only itself but also the City in connection with any such claims and any such defenses **shall** be at no cost or expense whatsoever to the City provided that the City (exercisable by the City Attorney), **shall** retain the right to select counsel of its own choosing.
- The City does not and **shall** not waive any rights against the registrant which it may have by reason of this indemnification, or because of the acceptance by, or the registrant's deposit with the City of any of the insurance policies required by Article XII for registration.
- This indemnification by the registrant **shall** apply to all damages and claims for damages of any kind suffered regardless of whether such insurance policies **shall** have been determined to be applicable to any such damages or claims for damages.



# COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY PERMIT APPLICATION

Rev 3 Revision Date: 08/16/2019 | Print Date:

I.D. Number: CFPROWPA

- Nothing contained in Article XII **shall** be construed or interpreted:
  - As denying to either party any remedy or defense available to such party under the laws of the State of Florida; or
  - As a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes as same may be amended from time to time.
- The indemnification requirements under this Section [25-312](#) and Article XII **shall** survive and be in full force and effect for a period of five years after the termination or cancellation of a registration.
- By execution of the application and by applying for the permit, I agree to be bound to the City with respect to the indemnification provisions set forth in the Code of Ordinances of the City of Fort Lauderdale, specifically Section [25-312](#), as though such indemnification provisions are set forth verbatim in the permit application.**

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Registrant/Applicant (Print Name)

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(Registrant Signature)





# COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY PERMIT APPLICATION

## EXHIBIT 5 - INSURANCE REQUIREMENTS

### Insurance - Sec. [25-311](#)

- A registrant **shall** provide, pay for and maintain satisfactory to the City the types of insurance described herein. All insurance **shall** be from responsible companies duly authorized to do business in the State of Florida and having an A.M. Best A-VII or better rating. All liability policies **shall** provide that the City is an additional insured as to the activities under Article XII. The required coverages must be evidenced by properly executed certificates of insurance forms. The certificates must be signed by the authorized representative of the insurance company and **shall** be filed and maintained with the City annually. 30 days advance written notice by registered, certified or regular mail or facsimile as determined by the City must be given to the City's Risk Manager of any cancellation, intent not to renew or reduction in the policy coverages. The insurance requirements may be satisfied by evidence of self-insurance or other types of insurance acceptable to the City.
- The insurance coverage and limits of coverage of insurance required **shall** be not less than the following:
  - Worker's compensation and employer's liability insurance. Florida statutory requirements.
  - Comprehensive general liability. Commercial general liability occurrence form, including premises/operations, independent contractor's contractual liability, product/completed operations; X, C, U coverage; and personal injury coverage for limits of no less than one million dollars (\$1,000,000) per occurrence, combined single limit and two million dollars (\$2,000,000) in the aggregate.
  - Commercial automobile liability. Commercial automobile liability coverage for all owned, non-owned and hired vehicles involved in operations under Article XII for limits of no less than one million dollars (\$1,000,000) per occurrence combined single limit each accident.
  - Commercial excess or umbrella liability. Commercial excess or umbrella liability coverage may be used in combination with primary coverage to achieve the required limits of liability.
- Upon the effective date of the registration, the registrant **shall** submit to the City proof that it has obtained the insurance required under Section [25-311](#) of the Code of Ordinances of the City of Fort Lauderdale, including a certificate of insurance signed by the insurance agent.
- The City **shall** have the authority to increase or decrease the policy limits set forth above and **shall** provide each registrant with at least 30 days advance written notice of such change. Within 30 days from receipt of a notice to increase its policy limits, the registrant **shall** submit to the City proof of such increased coverage.
- The coverage provided **shall** be for a period not less than the period for which the indemnification obligations under City Code Section [25-312](#) hereof are imposed.
- Failure to maintain all the required insurance coverage **shall** be deemed an abandonment of all of the communications facilities of the registrant.
- A copy of the types of insurance described herein, and as required by the Code of Ordinances of the City of Fort Lauderdale, has been included with the application for permit.**

\_\_\_\_\_  
Registrant/Applicant (Print Name)

\_\_\_\_\_  
(Registrant Signature)

Note: Pre-fill Form. Sign all pages with signature blocks. All red boxes are required. Use Attach button to include required documents, then SUBMIT. The SUBMIT Action is not Final. This will Open a pre-filled message in your Email Window where you will be able to edit before sending to the City. Questions: Call 954-828-5232