



# WILTON MANORS, *Island City*

2020 WILTON DRIVE, WILTON MANORS, FLORIDA 33305

## COMMUNITY DEVELOPMENT SERVICES

(954) 390-2180 FAX: (954) 567-6069

*Life's Just Better Here*

PERMIT NUMBER

BONDED PERMIT FOR WORK IN  
PUBLIC RIGHT-OF-WAY  
(EXCLUDING DRIVEWAYS)

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

### Description of Work (ATTACHED SKETCH OF PROJECT WITH LOCATION)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- State Road \_\_\_\_\_ Attach State Permit if Applicable
- County Road \_\_\_\_\_ Attach County Permit if Applicable
- City Road \_\_\_\_\_

Start Date: \_\_\_\_\_

Completion Date: \_\_\_\_\_

Construction Cost \$ \_\_\_\_\_

Amount of Bond \$ \_\_\_\_\_

Contractor Name: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

State of Florida Certificate of Competency Number \_\_\_\_\_  
Copy Attached

Broward County Engineer Contractor Certificate \_\_\_\_\_  
Copy Attached

APPLICANT'S SIGNATURE\*

DATE

\*APPLICANT ACKNOWLEDGES THAT HE HAS READ AND WILL COMPLY WITH CITY OF WILTON MANORS UNIFIED LAND DEVELOPMENT REGULATIONS, "ULDRS" SECTION 165-010 IMPROVEMENTS WITHIN PUBLIC RIGHTS-OF-WAY AND SECTION 165-020 ENFORCEMENT AND PENALTY REQUIREMENTS OF THIS PERMIT AND AGREES TO ABIDE BY ALL SECTIONS ON THIS CODE. NOTE. NO ROADS SHALL BE COMPLETELY CLOSED DURING CONSTRUCTION WITH OUT AUTHORIZATION OF THE UTILITIES DIRECTOR OR HIS DESIGNEE.

## ARTICLE 165. - PUBLIC RIGHTS-OF-WAY<sup>[7]</sup>

Footnotes:

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**Editor's note**— Ord. No. 970, § 2, enacted provisions intended for codification as Art. 165, §§ 165.10—165.110. At the direction of the city, in order to preserve the style of this appendix and to facilitate indexing, said provisions have been redesignated as Art. 170, §§ 170-010—170-110.

Sec. 165-010. - Improvements within public rights-of-way.

- (a) *Purpose.* The purpose of this section is to establish procedures and requirements for granting a permit to persons who seek to perform any work or place any improvement in the public rights-of-way or on the boundary line of public rights-of-way and once permitted, to put the owner on notice of Wilton Manor's duty to inspect, maintain and repair anything so placed. Failure to strictly comply with the requirements of this Ordinance will result in denial of the application or revocation of the permit, if issued. This Ordinance shall not apply to a Communications Services Provider which shall be governed by Section 5.5-131 et. seq., of the City Code.
- (b) *Issuance of permit:*
1. *Application for permit.* All persons, natural or corporate, desiring to perform any work within the public rights-of-way or on the boundary line of public rights-of-way shall make written application to the Community Development Services Department, on forms provided by the city, requiring such information as the city deems necessary and property to carry out the intent of this section. The City of Wilton Manors is exempt from the requirements of this Ordinance.
    - a. Each application for a permit must include a provision whereby the applicant agrees to indemnify and hold harmless the City of Wilton Manors, all if its officers, elected or otherwise, and its employees from any and all losses, claims or damages, (including attorney's fees and costs in any matter arising out of the negligence of the applicant, his agents or employees) to persons or property, presented in any manner, as a result of the applicant's work within the public rights-of-way or on the boundary line of public rights-of-way. Said agreement shall be part of the consideration required for the permitting of the entry onto and use of public lands.
    - b. Each applicant for a permit, guarantees all work and materials for a period of one (1) year.
  2. *Insurance requirement:* Each applicant not holding a franchise agreement with the city shall further be required to furnish a certificate of insurance which names the city as an additional insured and which certificate shall also reflect the following coverages and minimum limits of liability:
    - a. Comprehensive general liability policy:
      1. Limits of liability for bodily injury one million dollars (\$1,000,000.00) on an occurrence basis.
      2. Limits of liability for property damage one million dollars (\$1,000,000.00) on an occurrence basis.
      3. Limits for contractual liability (on a blanket basis or, minimally, specifically insuring the hold harmless required by subsection b(1) (supra) one million dollars (\$1,000,000.00) on an occurrence basis.
    - b. Whenever an applicant seeks to excavate in the public rights-of-way or on the boundary line of public rights-of-way, other than for a driveway approach or apron, the standard UXC

exclusion, reference explosion, collapse and underground hazards, shall be specifically eliminated and such coverages shall be afforded by said applicant.

3. *State or county roadway jurisdiction:* When the proposed roadway excavation or construction located within the municipal boundaries also lies within a roadway under the jurisdiction of either the State of Florida or Broward County, Florida, the applicant for the permit shall submit to the city proof of excavation authorization from said public agency as a condition precedent to the issuance of a municipal permit.
4. *Permit issuance required:* Upon receipt of all necessary documents, the Community Development Services Department shall issue a permit to the applicant, after review and approval by the Utilities Director and the Community Development Services Department. However, no work shall be performed nor improvement placed in the public rights-of-way within the city of Wilton Manors unless or until the Community Development Services Department has issued said permit.
5. *Posting of permit:* The permit shall be prominently displayed at the construction site for which it was granted.
6. *Time:* Renewal; permit issuance; time constraints; removal:
  - a. *Time:* Each permit shall be issued for a maximum of four (4) calendar days unless an extended time is requested on the application for permit. Permits may be issued for a maximum of thirty (30) calendar days for good cause, which good cause must be demonstrated by the applicant.
  - b. *Renewal:* Renewal permits shall be issued by the Community Development Services Department based upon the same terms and conditions as the original permit. Renewal shall not be a matter of right but shall be issued by the Community Development Services Department based upon the criteria of the public interest in the safe development and use of public rights-of-way:
  - c. Required fees and bond:
    1. *Fees:* Fees to reimburse the city for the expense of administering this program shall be:
      - a. Permit fees:
        - i. One hundred fifty-five dollars (\$155.00) per lane cut for pavement excavation.
        - ii. Sixty dollars (\$60.00) for each one hundred (100) linear feet of off-pavement excavation.
        - iii. One hundred dollars (\$100.00) for each driveway permit.
        - iv. Sixty-three dollars (\$63.00) for any improvement not specified above.
      - b. *Inspection fees:* This fee shall be based on the hourly rate of the inspector plus a thirty (30) percent employee benefit surcharge to cover fringe benefits. Such charge shall be paid directly to the city as a condition precedent to each inspection.
      - c. The permit fee and inspection fee provided for herein may be amended by Resolution.
    2. *Bond.* Whenever an applicant seeks to excavate in the public rights-of-way or on the boundary line of the public rights-of-way, other than for a driveway approach or apron, a cash bond, letter of credit or construction bond, approved by the City Attorney's Office, in the amount of one hundred ten (110) percent of the construction costs as determined by the Utilities Director, shall be deposited with the city prior to the issuance of a permit. The bond shall be held to insure the maintenance of safety devices during construction, completion of the permitted work and any restoration of

the area. The city shall retain the bond for a maximum of six (6) months from the date of completion of the work. After all charges and costs, as provided herein, have been paid, the balance shall be returned to the permittee.

- d. *Design specifications:* The design of any improvement, including but not limited to any driveway cut, approach or apron, water or sewer installation, paving, drainage related work, or any construction, excavation, or activity related thereto, shall conform to standards established or approved by the city engineer.
- e. *Requirements to protect the public during construction:* As the city cannot inspect each permitted site daily, it shall be the duty of each permittee to protect his construction site or excavation by means of barricades, lights, steel plating or other appropriate materials all to ensure the safety of the public during construction. All such notice provisions or signage shall be installed pursuant to the Manual of Uniform Traffic Control Devices for Streets and Highways, as well as all relevant state statutes, county and municipal ordinances.

*Pedestrian walkways shall remain clear at all times.* If a pedestrian walkway is to be obstructed, a temporary uncovered walkway shall be constructed in the right-of-way, the walkway must be not less than four (4) feet wide in the clear, built in a safe, substantial and workmanlike manner and maintained in that condition at all times. Where it is not possible or feasible to provide an alternate route of uncovered walkway, the applicant may propose a covering over and across the existing walkways, to be certified by a Florida Structural Engineer as a temporary safe means of cover for pedestrians. A barrier must be provided on the traffic side, and as deemed necessary is to be required on the inside. As determined by the Director of Community Development Services, a walkway of greater width may be required if the anticipated volume of pedestrian traffic warrants.

Any excavation found not to be properly barricaded, lighted, steel plated or otherwise protected as to insure safe travel, as prescribed, shall be in violation of this section and shall immediately be closed by the city with the cost thereof charged against the required bond (or other security) or against the applicant if no bond was required.

- f. *Restoration of construction area:* Upon completion of each and every excavation, the person or corporation responsible shall refill the excavation and shall repave or otherwise restore the area. All such restoration work shall be done in accordance with standards established or approved by the city engineer.
- g. *Exception to permitting procedure:* A permit shall not be required for the following specific improvements. However, said improvements must be constructed or installed pursuant to rules and regulations promulgated by the city engineer.
  - 1. Mailbox.
  - 2. Sod.
  - 3. Sprinkler system.
- h. *Maintenance of all improvements:* All improvements in the public rights-of-way must be periodically inspected and maintained in a state of good repair by the abutting property owner (or the party who generated the improvement) to insure safe travel as well as to maintain aesthetics.

All such improvements placed or maintained in the rights-of-way upon either actual or constructive knowledge that repairs to the rights-of-way or to utility lines which lie underneath the rights-of-way may require destruction of such improvements.

In such event, neither the city nor any contractor operating under a permit authorized by this section, shall incur any liability for replacement or repair of such improvements, other than for sod, sprinklers, normal driveway approached and/or anything required or permitted under the land development regulations to the city standard provided further that such items were permitted under this chapter.

(Ord. No. 941, § 2, 1-13-2009; Ord. No. 967, § 2, 10-12-10)

Sec. 165-020. - Enforcement and penalty.

- (a) *Enforcement.* It shall be a violation of the land development regulations for any person to fail to comply with the terms or conditions of any permit or authority required or granted pursuant to this chapter. Each day of violation shall constitute a separate and individual offense. The city manager or his designee shall assign the enforcement of the provisions of this section as provided by law or by other sections of the land development regulations.
- (b) *Emergency.* Situations where the public safety is affected are hereby defined as emergency in nature and authority is given to the city manager to take appropriate actions. At the discretion of the city manager, the city may remove or repair the construction site or improvement thereon and bill the abutting property owner, franchisee or other appropriate party for all reasonable costs associated with such emergency action. A diligent effort shall be made to contact the party in interest prior to such actions, however, if that person cannot be contacted or if the peril is imminent, actions reasonably necessary to protect the public shall be taken without delay.
- (c) *Municipal lien.* In the event that the city expends public funds as provided by paragraph (b) of this section as a result of the responsible parties' failure to maintain the construction site or improvement in a safe manner, the city shall notify the party in interest by certified mail, return receipt requested, at the last known address of the party. This notice shall include information sufficient to identify the problem, the total costs due the city, and the time period in which that amount must be paid before the city will take further action. If after a period of thirty (30) days from the mailing of said notice, payment has not been made, the same shall be and constitute a lien upon the property in question, and the city attorney is hereby authorized to take necessary and appropriate legal action to recover the amount then due (including costs and a reasonable attorney's fee) and owing to the city.

(Ord. No. 941, § 2, 1-13-2009; Ord. No. 967, § 2, 10-12-10)