



City of Wilton Manors  
 Community Development Services  
 2020 Wilton Drive  
 Wilton Manors, FL 33305  
 954-390-2180 Fax: 954-567-6069  
 www.wiltonmanors.com

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

PERMIT NUMBER

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.

ORDINANCE NO. 941

AN ORDINANCE OF THE CITY OF WILTON MANORS, FLORIDA, CREATING SECTION 165-010 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS "ULDRS" "IMPROVEMENTS WITHIN PUBLIC RIGHTS-OF-WAY", CREATING SECTION 165-020, ENFORCEMENT AND PENALTY"; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds it to be in the best interest of the citizens and residents of the City of Wilton Manors to create Article 165-010 ULDRS, entitled "Improvements Within Public Rights-of-Way" and Section 165-020, entitled "Enforcement & Penalty."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA:

**Section 1:** The foregoing "WHEREAS" clause is hereby ratified as true and correct and is incorporated herein by this reference.

**Section 2:** Section 165 of the Unified Land Development Regulations "ULDRS" is created as follows:

**Section 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

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1 apply to a Communications Services Provider which shall be governed by  
2 Section 5.5-131 et. seq., of the City Code.

3 (b) Issuance of permit:

4 1. Application for permit. All persons, natural or corporate, desiring to  
5 perform any work within the public rights-of-way or on the boundary  
6 line of public rights-of-way shall make written application to the  
7 Community Services Department, on forms provided by the city,  
8 requiring such information as the city deems necessary and property to  
9 carry out the intent of this section. The City of Wilton Manors is  
10 exempt from the requirements of this Ordinance.

11 a. Each application for a permit must include a provision whereby  
12 the applicant agrees to indemnify and hold harmless the City of  
13 Wilton Manors, all if its officers, elected or otherwise, and its  
14 employees from any and all losses, claims or damages,  
15 (including attorney's fees and costs in any matter arising out of  
16 the negligence of the applicant, his agents or employees) to  
17 persons or property, presented in any manner, as a result of the  
18 applicant's work within the public rights-of-way or on the  
19 boundary line of public rights-of-way. Said agreement shall be  
20 part of the consideration required for the permitting of the entry  
21 onto and use of public lands.

22 b. Each applicant for a permit, guarantees all work and materials  
23 for a period of one (1) year.

24 2. Insurance requirement: Each applicant not holding a franchise  
25 agreement with the city shall further be required to furnish a certificate  
26 of insurance which names the city as an additional insured and which  
27 certificate shall also reflect the following coverages and minimum limits  
28 of liability;

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- 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 Services Department shall issue a permit to the applicant, after review and approval by the Utilities Director and the Community 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 Services Department has issued said permit.

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- 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 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 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.

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b. Inspection fees: This fee shall be based on the hourly rate of the inspector plus a 30% 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 110% 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

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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.

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

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1 owner (or the party who generated the improvement) to insure  
2 safe travel as well as to maintain aesthetics.

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

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

14 **Sec. 165-020. Enforcement and penalty.**

15 a. Enforcement. It shall be a violation of the land development  
16 regulations for any person to fail to comply with the terms or  
17 conditions of any permit or authority required or granted  
18 pursuant to this chapter. Each day of violation shall constitute a  
19 separate and individual offense. The city manager or his  
20 designee shall assign the enforcement of the provisions of this  
21 section as provided by law or by other sections of the land  
22 development regulations.

23 b. Emergency. Situations where the public safety is affected are  
24 hereby defined as emergency in nature and authority is given to  
25 the city manager to take appropriate actions. At the discretion of  
26 the city manager, the city may remove or repair the construction  
27 site or improvement thereon and bill the abutting property  
28 owner, franchisee or other appropriate party for all reasonable  
29 costs associated with such emergency action. A diligent effort

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1 shall be made to contact the party in interest prior to such  
2 actions, however, if that person cannot be contacted or if the  
3 peril is imminent, actions reasonably necessary to protect the  
4 public shall be taken without delay.

- 5 c. Municipal lien. In the event that the city expends public funds  
6 as provided by paragraph (b) of this section as a result of the  
7 responsible parties' failure to maintain the construction site or  
8 improvement in a safe manner, the city shall notify the party in  
9 interest by certified mail, return receipt requested, at the last  
10 known address of the party. This notice shall include  
11 information sufficient to identify the problem, the total costs due  
12 the city, and the time period in which that amount must be paid  
13 before the city will take further action. If after a period of thirty  
14 (30) days from the mailing of said notice, payment has not been  
15 made, the same shall be and constitute a lien upon the property  
16 in question, and the city attorney is hereby authorized to take  
17 necessary and appropriate legal action to recover the amount  
18 then due (including costs and a reasonable attorney's fee) and  
19 owing to the city.

20 Section 3. It is the intention of the City Commission of the City of Wilton Manors,  
21 that the provisions of this Ordinance shall become and be made a part of the Unified Land  
22 Development Regulations "ULDRS" of the City of Wilton Manors, Florida, and that the  
23 Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may  
24 be changed to "Section," "Article," or such other word or phrase in order to accomplish  
25 such intention.

26 Section 4. All Ordinances or parts of Ordinances in conflict herewith are hereby  
27 repealed to the extent of such conflicts.

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