



Our Goal
To create an exceptional City that celebrates diversity; offers safe, attractive neighborhoods; economic opportunity; quality public spaces; cultural enrichment; and visual beauty.

**PUBLIC WORKS
ENGINEERING DIVISION**

To: All City of Lakeland Right of Way Use Permit Applicants
From: David Stroud, Engineering Tech I
Date: January 22, 2024
Subject: **Instructions and Basic Requirements for Obtaining a Right of Way Use Permit**

Let me begin by saying “Welcome to the City of Lakeland.” Some of you have been living in, or have been doing business in the City for many years, and some of you may be newcomers to the area. If you have never done business with the City before, let me assure you that we will make every effort to help you through the permitting process.

First, let’s start with the possible reasons why you might need this permit. This permit is primarily for commercial activities. Meaning that when a business is constructed next to a City maintained street, the improvements that are to be built within the right of way of that street require this permit. Driveways, sidewalks, and utilities, are just some of the items this permit covers. Repair of an existing feature, or utility, in the right of way would also require this permit. Work within a City dedicated easement, or work on City property would also require this permit.

In general, this permit would not be used for residential issues. One exception would be if you were renovating an existing home and you needed to set a dumpster in the street or next to the roadway. Your dumpster contractor, or yourself could apply for the permit.

If you are going to be doing non-utility work, there will be fees involved. Please refer to the chart contained in this package for a schedule of those fees. Permits that require the payment of fees must be submitted through the IMS system.
<https://ims.lakelandgov.net/ims/Account/Login>

Any work taking place in the right of way requires “**Maintenance of Traffic**”. Simply put, you need to make sure the motoring public has enough warning that they are approaching your work zone, and that you provide a safe passage through it. If this is not

practical, then you will need to detour them to another street, so they can get to where they're going safely. If you are not properly trained to do this, then you need to hire someone who is.

The hold harmless is to be executed by the applicant.

Insurance is required with this permit for any activity in the Right of Way. Either the Applicant or the Contractor can provide the necessary proof of insurance for the project. **Minimum insurance limits are as follows: \$1,000,000.00 of Commercial General Liability (per occurrence), \$500,000.00 of Business Automobile Liability (per occurrence), and proof of Worker's Compensation coverage, or a copy of your exemption.** The City of Lakeland is also to be named "as Additional Insured to the extent of the City's interests arising from this Right of Way Permit", for both **General Liability and Auto Liability, but not for Worker's Compensation.** If you have an **Umbrella Liability policy, it must state that it follows form.** Be sure to tell your agent that you are getting a Right of Way Permit, and that is why the changes are needed. Your insurance agent will be familiar with these requirements and can make the changes to your policies. If it is determined that a higher than usual risk is associated with your proposed activity, higher insurance limits than the aforementioned, may be required. **If you are a contractor, and have insurance on file with the Building Inspection Division, be advised that the requirements are not the same for a Right of Way Use Permit as a Building Permit.** Your insurance information needs to be submitted with the permit application. It can be faxed to me at (863) 834-6188, or e-mailed. Please provide this information to your insurance agent and they will handle it from there.

A sketch of your proposed work is required. It needs to show what you're doing, how you're going to do it, and the other features around it. If your submittal is for a commercial site that has already been reviewed and approved by city staff, you do not need to submit any drawings. I will use the approved plans for the permit. You will also need to have the utilities located prior to submittal. Call Sunshine One-Call of Florida at 1-800-432-4770. They will contact the area member utilities, so they can come out and locate their facilities for you. This is very important and valuable to you. Damaged utilities are very dangerous and expensive, and the phone call is free.

Be sure to read the entire form carefully before submitting. The permit is a legal instrument and both the Application and Hold Harmless need to be signed by the Applicant. If you have questions about anything on the form, please call me at (863) 834-8437.

The City of Lakeland will work with you in a spirit of cooperation to help you achieve the completion of your project within the rules of the permit.

We'll help you every step of the way!



CITY OF LAKELAND

RIGHT OF WAY USE PERMIT

PERMIT NUMBER _____

PERMIT ISSUE DATE _____

PERMIT EXPIRATION DATE _____

TYPES OF ACTIVITIES WHICH NORMALLY REQUIRE THE APPLICATION FOR THIS PERMIT WOULD INCLUDE THE PLACEMENT, OR REPAIR OF ANY OBJECT, STRUCTURE, OR FACILITY WITHIN A PUBLIC DEDICATED RIGHT-OF-WAY OR EASEMENT, OR CITY OWNED PROPERTY, WHETHER ABOVE GROUND, OR UNDERGROUND.

NAME OF APPLICANT: _____

TELEPHONE NUMBERS: _____

ADDRESS OF APPLICANT: _____

PROPOSED WORK TO BE CONSTRUCTED BY: _____

NAME OF STREET RIGHT-OF-WAY: _____

LOCATION OF ITEM TO BE PERMITTED: _____

TYPE OF ITEM TO BE PERMITTED: _____

NATURE OF UTILITY WORK TO BE PERFORMED: _____

SUBMIT ONE (1) APPLICATION PACKAGE WITH ORIGINAL SIGNATURE TO PUBLIC WORKS DEPT.

1. THE ACCOMPANYING CONSTRUCTION DRAWINGS SHALL PROVIDE BOTH PLAN AND PROFILE VIEWS OF THE IMMEDIATE VICINITY OF THE PROPOSED INSTALLATION IN SUFFICIENT DETAIL TO ACCURATELY DEPICT THE SPATIAL RELATIONSHIP OF THE PROPOSED INSTALLATION TO ALL EXISTING UNDERGROUND AND ABOVE GROUND UTILITIES AND ANY OTHER SIGNIFICANT TOPOGRAPHIC FEATURES OF THE LAND, SUCH AS PAVEMENT, DITCHES, STORM SEWER FACILITIES, ANY OTHER STRUCTURES, AND THE LOCATION OF RIGHT-OF-WAY LIMITS.
2. ALL OVERHEAD INSTALLATIONS SHALL CONFORM TO CLEARANCE STANDARDS OF THE NATIONAL ELECTRIC SAFETY CODE OR FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY ACCOMMODATION MANUAL, WHICHEVER IS APPLICABLE. ALL UNDERGROUND CROSSING INSTALLATIONS SHALL BE LAID AT A MINIMUM DEPTH OF THIRTY (30) INCHES BELOW THE PAVEMENT AND AT A MINIMUM OF TWELVE (12) INCHES BELOW DITCH GRADE. EXCEPTION MAY BE MADE IN SPECIAL CASES BY AUTHORITY FROM THE DIRECTOR OF PUBLIC WORKS.
3. THE CONSTRUCTION AND MAINTENANCE OF THE PROPOSED INSTALLATION SHALL NOT INTERFERE WITH THE PROPERTY AND RIGHTS OF PRIOR APPLICANTS OR OTHER UTILITY OWNERS HAVING EXISTING FACILITIES LOCATED WITHIN THE REFERENCED PUBLIC RIGHT-OF-WAY. IN CASES WHERE CONFLICTS WILL RESULT DUE TO THE PROPOSED INSTALLATION, THE APPLICANT AGREES TO ARRANGE WITH THE OTHER AFFECTED PARTIES THE ADJUSTMENT OR RELOCATION OF THEIR FACILITIES, AT NO EXPENSE TO THE CITY.

APPLICANT(S) ACKNOWLEDGES AND ACCEPTS ALL APPLICABLE CONDITIONS AND PROVISIONS OF THIS PERMIT AS STIPULATED IN THIS APPLICATION. BY SIGNING THIS APPLICATION, APPLICANT AGREES TO INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY OF LAKELAND FROM ANY AND ALL ACTIONS, CAUSES OF ACTION, CLAIMS, SUITS, OR JUDGEMENTS WHATSOEVER, IN CONJUNCTION WITH ANY LOSS, COSTS OF EXPENSES, INCLUDING ATTORNEY'S FEES, RESULTING FROM INJURY OR DEATH OF ANY PERSON OR PERSONS AND LOSS OF OR DAMAGE TO PROPERTY CAUSED BY, RESULTING FROM, OR IN ANY WAY ASSOCIATED WITH THE PROPOSED WORK WITHIN THE RIGHT-OF-WAY REFERENCED ABOVE, AND THE CLOSURE OF THAT STREET, IF APPLICABLE.

SIGNATURE _____ DATE _____
(APPLICANT)**FOR DEPARTMENT USE ONLY**
 APPROVED
 DISAPPROVED _____
AUTHORIZED REPRESENTATIVE TITLE DATE
CONSTRUCTION PLANS REQUIRED YES NO MAINTENANCE OF TRAFFIC PLAN REQUIRED YES NO APPROVED (TRAFFIC ENGINEER) _____ DATE _____

IN THE EVENT OF ANY REQUIRED TRAFFIC DETOUR OR LANE CLOSURE NOTIFY THE TRAFFIC OPERATIONS DIV., 834 E. ROSE ST. (48) FORTY-EIGHT HOURS IN ADVANCE. TELEPHONE NUMBER (863) 834-3490

BOND:	REQUIRED	NOT REQUIRED	CASH SURETY	INSURANCE ON FILE	RISK MANAGEMENT APPROVAL
AMOUNT OF	DATE EXPIRED _____			YES	_____
CASH/SURETY _____	DATE RELEASED _____			NO	DATE _____

NOTE:
ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF LAKELAND STANDARDS AND UNDER THE DIRECTION OF THE PUBLIC WORKS-ENGINEERING DIVISION. YOU MUST CONTACT ENGINEERING INSPECTION LOCATED AT 228 S. MASSACHUSETTS AV. AT THE TELEPHONE NUMBER SHOWN IN THE REMARKS SECTION OF THIS PAGE. THEY ARE TO BE NOTIFIED 48 HOURS PRIOR TO THE START OF ACTUAL CONSTRUCTION AND IMMEDIATELY UPON COMPLETION OF CONSTRUCTION. WORK THAT IS AUTHORIZED UNDER THIS PERMIT THAT IS TO BE PERFORMED AFTER NORMAL WORKING HOURS, ON WEEKENDS, OR HOLIDAYS MUST RECEIVE PRIOR APPROVAL FROM THE ABOVE NOTED CITY REPRESENTATIVE.

THE APPLICANT SHALL COMMENCE ACTUAL CONSTRUCTION WITHIN SIXTY (60) DAYS FROM THE DATE OF SAID PERMIT APPROVAL AND SHALL COMPLETE WITHIN _____ DAYS. PERMIT FOR CONSTRUCTION SHALL EXPIRE ON _____ AND ANY CONSTRUCTION AFTER THAT DATE RELATED TO THIS PERMIT APPLICATION WILL REQUIRE WRITTEN NOTICE OF EXTENSION OF PERMIT BEFORE WORK IS AUTHORIZED TO CONTINUE WITHIN THE RIGHT-OF-WAY. THE PERMIT MAY BE REVOKED AT ANY TIME BY THE DIRECTOR OF PUBLIC WORKS

INSPECTION LOG	PERMIT REVOKED
INITIAL INSPECTION DATE _____ FINAL INSPECTION DATE _____	DATE _____ BY _____

REMARKS:



CITY OF LAKELAND

RIGHT OF WAY USE PERMIT

PERMIT NUMBER _____

PERMIT ISSUE DATE _____

PERMIT EXPIRATION DATE _____

PROVISIONS

1. IT IS EXPRESSLY STIPULATED THAT THIS PERMIT IS A LICENSE FOR PERMISSIVE USE ONLY AND THAT THE PLACING OR FACILITIES ON PUBLIC PROPERTY PURSUANT TO THIS PERMIT SHALL NOT OPERATE TO CREATE OR TO VEST ANY PROPERTY RIGHT IN SAID HOLDER. IT IS EXPRESSLY ACKNOWLEDGED BY THE APPLICANT THAT THIS PERMIT MAY BE REVOKED BY THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNATED REPRESENTATIVE FOR FAILURE OF THE APPLICANT TO COMPLY WITH THE CONDITIONS OF THIS PERMIT OR FOR THE ACTIONS OF THE APPLICANT, WHICH IN THE OPINION OF THE DIRECTOR OF PUBLIC WORKS, CREATES A SITUATION WHICH IS HAZARDOUS TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.
2. APPLICANT DECLARES THAT PRIOR TO FILING THIS APPLICATION HE HAS ASCERTAINED THE LOCATION OF ALL EXISTING UTILITIES, BOTH AERIAL AND UNDERGROUND. APPLICANT ALSO DECLARES THAT DUE NOTICE OF WORK UNDER APPLICATION WAS FURNISHED TO EACH UTILITY INVOLVED AND THAT COPIES OF LETTERS ADDRESSED TO SAID USERS ARE ATTACHED. APPLICANT AGREES TO CONTACT THE "SUNSHINE STATE ONE-CALL" UTILITY NOTIFICATION NETWORK ((800) 432-4770) A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY WORK AUTHORIZED UNDER THIS PERMIT AND PROVIDE A COPY OF THAT TICKET TO THIS OFFICE.
3. WHENEVER NECESSARY FOR THE CONSTRUCTION, REPAIR, IMPROVEMENT, ALTERATION OR RELOCATION OF ALL OR ANY PORTION OF SAID STREET AS DETERMINED BY THE DIRECTOR OF PUBLIC WORKS, ANY OR ALL OF SAID POLES, WIRES, PIPES, CABLES OR OTHER FACILITIES AND APPURTENANCES AUTHORIZED HEREUNDER, SHALL BE IMMEDIATELY REMOVED FROM SAID STREET, OR RESET OR RELOCATED THEREON AS REQUIRED BY THE DIRECTOR OF PUBLIC WORKS, AND AT THE EXPENSE OF THE APPLICANT. APPLICANT AGREES TO MAINTAIN THE PERMITTED ITEM IN A MANNER THAT IS ACCEPTABLE TO THE CITY.
4. APPLICANT HEREBY AGREES TO BE BOUND BY THE PROVISIONS OF THE ORDINANCES, SPECIFICATIONS, AND REGULATIONS OF THE CITY OF LAKELAND INCLUDING, BUT NOT LIMITED TO THE APPROPRIATE SECTION OF THE CITY OF LAKELAND CODE, OR OTHER GOVERNMENTAL AGENCIES GOVERNING OPENINGS IN OR UNDER MUNICIPAL STREETS AND TO SUCH SPECIAL CONDITIONS, RESTRICTIONS AND REGULATIONS AS MAY BE IMPOSED BY THE DIRECTOR OF PUBLIC WORKS.

ALL INSTALLATIONS, CONSTRUCTION AND RESTORATION WORK SHALL CONFORM TO CITY REQUIREMENTS AND STANDARDS, AND SHALL CONFORM TO THE FLORIDA DEPARTMENT OF TRANSPORTATION CURRENT "UTILITY ACCOMMODATION GUIDE" AND SPECIFICATIONS FOR MATERIAL AND CONSTRUCTION.
5. THE HOLDER OF THIS PERMIT SHALL PROVIDE SAFETY CONTROL, INCLUDING THE DISPLAY OF CAUTION SIGNS AND SIGNALS AS ARE REQUIRED BY THE STATE OF FLORIDA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS AND SHALL PREVENT ANY CONSTRUCTION OR CONDITIONS WHICH ARE OR MAY BECOME DANGEROUS TO THE TRAVELLING PUBLIC.
6. THE PERIOD OF TIME BETWEEN THE RESTORATION OF A BASE MATERIAL AND THE APPLICATION OF A FINISH SURFACE COURSE WHERE APPLICABLE SHALL NOT EXCEED TWO WEEKS AND LESS TIME MAY BE REQUIRED IN HEAVY TRAFFIC AREAS, UNLESS SPECIFICALLY AUTHORIZED BY THIS PERMIT.
7. RESTORATION OF PRIVATE PROPERTY SHALL BE ACCOMPLISHED AS SOON AS REASONABLY POSSIBLE.
8. ALL DESIGNATED DEPARTMENTS OF THE CITY AND OTHER AFFECTED PUBLIC UTILITIES SHALL BE NOTIFIED 48 HOURS PRIOR TO STARTING WORK AND AGAIN IMMEDIATELY AFTER COMPLETION. COPIES OF SAID NOTICES ARE TO BE FORWARDED TO THE DIRECTOR OF PUBLIC WORKS. THE UTILITY NOTIFICATION SYSTEM DOES NOT RELIEVE THE APPLICANT FROM MAKING OTHER UTILITY CONTACT WITH THOSE MEMBERS OF THAT SYSTEM.
9. ALL MATERIALS, EQUIPMENT, CONSTRUCTION, AND RESTORATION WORK SHALL BE SUBJECT TO THE INSPECTION AND APPROVAL OF THE DIRECTOR OF PUBLIC WORKS OR HIS AUTHORIZED REPRESENTATIVE.
10. IN CASE OF NON-COMPLIANCE WITH THE REQUIREMENTS, THIS PERMIT IS VOID AND THE UTILITY MUST BE BROUGHT INTO COMPLIANCE OR REMOVED FROM THE RIGHT-OF-WAY AT NO COST TO THE CITY.
11. JACKING AND BORING, OR DIRECTIONAL BORING OF CONDUIT SHALL BE DONE IN ALL CASES INVOLVING PAVED STREETS UNLESS SPECIFICALLY EXEMPTED BY HIS PERMIT. NO JETTING (AIR OR WATER), OR PNEUMATIC MISSILE BORE WILL BE AUTHORIZED.
12. WHERE UTILITIES ARE INSTALLED IN A PARKWAY, THE AREA SHALL BE RESTORED TO INCLUDE SOD, SHRUBBERY, DRIVEWAYS, WALKS, DRAINS, RETAINING WALLS, CURBS, SPRINKLER SYSTEM, ETC. ALL RESTORATION SHALL BE TO ITS ORIGINAL CONDITION, IN KEEPING WITH CITY AND D.O.T. SPECIFICATIONS AND TO THE OWNER'S SATISFACTION.
13. IT IS THE RESPONSIBILITY OF THE APPLICANT TO REPAIR OR REPLACE ANY FACILITIES THAT MAY BE DAMAGED DURING THE COURSE OF CONSTRUCTION. THE APPLICANT SHALL COORDINATE WITH THE OWNER OF DAMAGED FACILITIES TO INSURE QUALITY OF REPAIR OR REPLACEMENT OF DAMAGED PROPERTY.
14. A COPY OF THIS PERMIT SHALL BE MAINTAINED AND AVAILABLE AT THE JOB SITE DURING ALL CONSTRUCTION.
15. THE UTILITY OWNER/CONTRACTOR SHALL IMPLEMENT AND MAINTAIN EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES DURING ALL CONSTRUCTION ACTIVITIES. EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES. ALL CONTROLS SHALL BE SECURED AND PROPERLY MAINTAINED DURING CONSTRUCTION AND UNTIL THE SITE HAS BEEN PERMANENTLY STABILIZED. EROSION AND SEDIMENT CONTROL SHALL BE IN ACCORDANCE WITH ARTICLE 6 OF THE CITY'S LAND DEVELOPMENT REGULATIONS, NATURAL RESOURCES PROTECTION REGULATIONS, AND SECTION 1-25 OF THE CITY'S ENGINEERING STANDARDS MANUAL. FAILURE TO MAINTAIN EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES COULD RESULT IN ENFORCEMENT AND PENALTY ACTION(S) BEING TAKEN BY THE CITY OF LAKELAND IN ACCORDANCE WITH SECTION 6.8 OF THE CITY'S LAND DEVELOPMENT REGULATIONS.
16. THE CITY OF LAKELAND RESERVES THE RIGHT TO REQUIRE THE REMOVAL OF PERMITTED SOLID WASTE ROLL-OFF CONTAINERS FROM ON-STREET PARKING SPACE LOCATIONS, PROVIDED 24 HOURS NOTICE IS GIVEN. IN THE EVENT SUCH CONTAINERS ARE NOT REMOVED WITHIN 24 HOURS OF NOTIFICATION, THE CITY RESERVES THE RIGHT TO HAVE SUCH CONTAINERS REMOVED AND DELIVERED TO THE PERMITTEE'S FACILITY AT THE PERMITTEE'S EXPENSE AND TO WITHHOLD SUBSEQUENT PERMIT REQUESTS OF A SIMILAR NATURE.

Hold Harmless/Indemnification

To the fullest extent permitted by laws and regulations, the Applicant shall defend, indemnify, and hold harmless the City, its officers, directors, agents, guests, invitees, and employees from and against all liabilities, damages, losses, and costs, direct, indirect, or consequential (including, but not limited to, reasonable fees and charges of engineers, architects, attorneys, and other professionals, and court and arbitration costs) arising out of or resulting from any acts of negligence, recklessness or intentional wrongful misconduct in the performance of the work by the Applicant, the Applicant's Contractor, any Subcontractors, or any person or organization directly or indirectly employed by any of them to perform or furnish any of the work or anyone for whose acts any of them may be liable.

In any and all claims against the City or any of its officers, directors, agents, or employees by any employee of the Applicant, the Applicant's Contractor, any Subcontractors, any person or organization directly or indirectly employed by any of them to perform or furnish any of the work or anyone for whose acts any of them may be liable, this indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the Applicant, the Applicant's Contractor or any such Subcontractor or other person or organization under workers' or workmen's compensation acts, disability benefit acts, or other employee benefit acts, nor shall this indemnification obligation be limited in any way by any limitation on the amount or type of insurance coverage provided by the City, the Applicant, the Applicant's Contractor, any of his Subcontractors or other third parties. To the extent this Indemnification conflicts with any provision of Florida Law or Statute, this indemnification shall be deemed to be amended in such a manner as to be consistent with such Law or Statute.

Applicability: It is the express intent of the Applicant that this Hold Harmless/Indemnification ("Indemnification") shall apply for the project(s) or time period indicated below. (Check and complete one):

_____ Indemnification is applicable to all work performed by or on behalf of the Applicant for the time period of not more than five (5) years as follows:

_____ to _____
(Date) (Date)

(OR)

_____ Indemnification is limited to Right-of-Way Use Permit # _____.

Subrogation: The Applicant agrees by entering into this Indemnification to a Waiver of Subrogation for each required policy herein.

Savings Clause: The parties agree that to the extent the written terms of this Indemnification conflict with any provisions of Florida laws or statutes, in particular Sections 725.06 and 725.08 of the Florida Statutes, the written terms of this Indemnification shall be deemed by any court of competent jurisdiction to be modified in such a manner as to be in full

and complete compliance with all such laws or statutes and to contain such limiting conditions, or limitations of liability, or to not contain any unenforceable or prohibited term or terms, such that this Indemnification shall be enforceable in accordance with and to the greatest extent permitted by Florida Law.

Name of Organization
BY: _____
Signature of Owner or Officer

STATE OF : _____
COUNTY OF: _____

Organization Phone Number

The foregoing instrument was acknowledged before me this ____ day of _____, 2024
by _____, of _____,
Printed Name of Owner / Officer Corporate or Company Name

He/She is personally known to me or has produced _____ as
State Drivers License Number
identification, and did _____ / did not _____ take an oath.

Signature of Person Taking Acknowledgment

Printed Name of Person Taking Acknowledgment

Notary Seal



CITY OF LAKELAND

RIGHT OF WAY USE PERMIT

PERMIT NUMBER _____

PERMIT ISSUE DATE _____

PERMIT EXPIRATION DATE _____

INSURANCE REQUIREMENTS

GENERAL: APPLICANT SHALL EFFECT AND MAINTAIN DURING THE PERIOD OF THIS PERMIT, PUBLIC LIABILITY INSURANCE PROTECTING THE CITY OF LAKELAND. THE POLICY SHALL HAVE MINIMUM LIMITS OF \$1,000,000 PER OCCURRENCE. COMBINED SINGLE UNITS FOR BODILY INJURY LIABILITY AND PROPERTY DAMAGE LIABILITY. THE MINIMUM LIMIT SHALL BE REPLACED WITH A MINIMUM LIMIT OF \$1,000,000 OR HIGHER IN INSTANCES DUE TO RECOGNIZED OR ASSUMED HIGH HAZARD.

COMPREHENSIVE GENERAL LIABILITY: THIS INSURANCE SHALL BE AN "OCCURRENCE" TYPE POLICY WRITTEN IN COMPREHENSIVE FORM AND SHALL PROTECT THE CONTRACTOR AND THE ADDITIONAL INSURED AGAINST ALL CLAIMS ARISING FROM BODILY INJURY, SICKNESS, DISEASE, OR DEATH OF ANY PERSON OTHER THAN THE CONTRACTOR'S EMPLOYEES OR DAMAGE TO PROPERTY OF THE CITY OR OTHERS ARISING OUT OF ANY ACT OR OMISSION OF THE CONTRACTOR OR HIS AGENTS, EMPLOYEES, OR SUBCONTRACTORS. THIS POLICY SHALL ALSO INCLUDE PROTECTION AGAINST CLAIMS INSURED BY USUAL PERSONAL INJURY LIABILITY COVERAGE. A "PROTECTIVE LIABILITY" ENDORSEMENT TO INSURE THE CONTRACTUAL LIABILITY ASSUMED BY THE CONTRACTOR UNDER THE ARTICLE ENTITLED "INDEMNIFICATION", AND "COMPLETED OPERATIONS AND PRODUCTS LIABILITY" COVERAGE. ALSO, XCU COVERAGE IS REQUIRED.

THE LIABILITY LIMITS SHALL NOT BE LESS THAN:

PERSONAL INJURY AND PROPERTY DAMAGE \$ _____ COMBINED SINGLE LIMIT EACH OCCURRENCE

BUSINESS AUTO LIABILITY: THIS INSURANCE SHALL COVER ANY AUTO FOR BODILY INJURY AND PROPERTY DAMAGE. THE POLICY SHALL HAVE MINIMUM LIMITS OF \$500,000 PER OCCURRENCE. THIS SHALL INCLUDE OWNED VEHICLES, HIRED AND NON-OWNER VEHICLES, AND EMPLOYEE NON-OWNERSHIP.

THE LIABILITY LIMITS SHALL NOT BE LESS THAN:

BODILY INJURY AND PROPERTY DAMAGE \$ _____ COMBINED SINGLE LIMIT EACH OCCURRENCE

WORKERS' COMPENSATION: WORKERS' COMPENSATION COVERAGE TO APPLY FOR ALL EMPLOYEES FOR STATUTORY LIMITS AND SHALL INCLUDE EMPLOYER'S LIABILITY WITH A LIMIT OF \$100,000 EACH ACCIDENT, \$500,000 DISEASE POLICY LIMITS, \$100,000 DISEASE LIMIT EACH EMPLOYEE. ("ALL STATE" ENDORSEMENT IS REQUIRED WHERE APPLICABLE.)

SPECIAL INSURANCE PROVISIONS: ON THE COMPREHENSIVE GENERAL LIABILITY AND BUSINESS AUTO LIABILITY POLICIES, AND UMBRELLA POLICIES, THE CITY OF LAKELAND SHALL BE LISTED AS AN "ADDITIONAL NAMED INSURED" AS THEIR INTEREST MAY APPEAR. THE CITY SHALL NOT BE REASON OF THEIR INCLUSION UNDER THESE POLICIES INCUR LIABILITY TO THE INSURANCE CARRIER FOR PAYMENT OF PREMIUM FOR THESE POLICIES. A RENEWAL CERTIFICATE SHALL BE ISSUED 30 DAYS PRIOR TO EXPIRATION OF COVERAGE.

ALL POLICIES SHALL BE OF AN OCCURRENCE TYPE AND PROVIDE A 30-DAY NOTICE OF CANCELLATION OR MODIFICATION OF COVERAGE'S. PRIOR TO COMMENCEMENT OF WORK, THE PROPER INSURANCE CERTIFICATES SHALL BE PROVIDED TO, AND APPROVED BY THE CITY.

DEDUCTIBLES: GIVEN THAT THE INDEMNIFICATION AGREEMENT IS INTENDED TO BE SUPPORTED BY FIRST DOLLARS INSURANCE POLICIES WHICH LIST THE CITY AS ADDITIONAL NAMED INSURED, IT IS NECESSARY TO REQUIRE FULL DISCLOSURE OF ANY AND ALL DEDUCTIBLE FOR ALL COVERAGE'S REQUIRED BY THIS SPECIFICATION OR CONTRACT, THE ONLY EXCEPTION WILL BE THE AREA OF WORKERS' COMPENSATION. THE CITY RESERVES THE RIGHT TO DETERMINE ACCEPTABLE LIMITS OF SUCH DEDUCTIBLES.

HOLD HARMLESS/INDEMNIFICATION: TO THE FULLEST EXTENT PERMITTED BY LAWS AND REGULATIONS AND IN CONSIDERATION OF THE AMOUNT OF \$ _____, STATED BY THE CONTRACTOR ON THE BID FORM FOR INDEMNIFICATION, WHICH AMOUNT IS INCLUDED IN THE CONTRACT PRICE, THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS OFFICERS, DIRECTORS, AGENTS, GUESTS, INVITEES, AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, DIRECT, INDIRECT, OR CONSEQUENTIAL (INCLUDING BUT NOT LIMITED TO FEES AND CHARGES OF ENGINEERS, ARCHITECTS, ATTORNEYS, AND OTHER PROFESSIONALS AND COURT AND ARBITRATION COSTS) ARISING OUT OF OR RESULTING FROM ANY ACTS OF COMMISSION, OMISSION, OR NEGLIGENCE IN THE PERFORMANCE OF THE WORK BY THE CONTRACTOR, ANY SUBCONTRACTOR, OR ANY PERSON OR ORGANIZATION DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM TO PERFORM, OR FURNISH ANY OF THE WORK, OR ANYONE FOR WHOSE ACTS ANY OF THEM TO LIABLE, REGARDLESS OF WHETHER OR NOT IT IS CAUSED INPART BY A PARTY INDEMNIFIED HEREUNDER, OR ARISES BY, OR IS IMPOSED BY LAW AND REGULATIONS REGARDLESS OF THE NEGLIGENCE OF ANY SUCH PARTY.

IN ANY AND ALL CLAIMS AGAINST THE CITY, OR ANY OF ITS OFFICERS, DIRECTORS, AGENTS, OR EMPLOYEES BY ANY EMPLOYEE OF THE CONTRACTOR, ANY SUBCONTRACTOR, ANY PERSON, OR ORGANIZATION DIRECTLY, OR INDIRECTLY EMPLOYED BY ANY OF THEM TO PERFORM, OR FURNISH ANY OF THE WORK, OR ANYONE FOR WHOSE ACTS ANY OF THEM MAY BE LIABLE. THIS INDEMNIFICATION OBLIGATION SHALL NOT BE LIMITED IN ANY WAY BY ANY LIMITATION ON THE AMOUNT, OR TYPE OF DAMAGES, COMPENSATION, OR BENEFITS PAYABLE BY, OR FOR THE CONTRACTOR, OR ANY SUCH SUBCONTRACTOR, OR OTHER PERSON, OR ORGANIZATION UNDER WORKERS', OR WORKMEN'S COMPENSATION ACTS, DISABILITY BENEFIT ACTS, OR OTHER EMPLOYEE BENEFIT ACTS, NOR SHALL THIS INDEMNIFICATION OBLIGATION BE LIMITED IN ANY WAY BY ANY LIMITATION ON THE AMOUNT, OR TYPE OF INSURANCE COVERAGE PROVIDED BY THE CITY, THE CONTRACTOR, OR ANY OF HIS SUBCONTRACTORS.

SUBROGATION: THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL REQUIRE THEIR INSURANCE CARRIERS, WITH RESPECT TO ALL INSURANCE POLICIES, TO WAIVE ALL RIGHTS OF SUBROGATION AGAINST THE CITY.

APPLICANT(S) ACKNOWLEDGES AND ACCEPTS ALL THE CONDITIONS FOR INSURANCE REQUIREMENTS AS STIPULATED HEREIN.

SIGNED, SEALED & DELIVERED IN THE PRESENCE OF:

"APPLICANT"

BY: _____

NAME: _____

TITLE: _____

DATE: _____



CITY OF LAKELAND

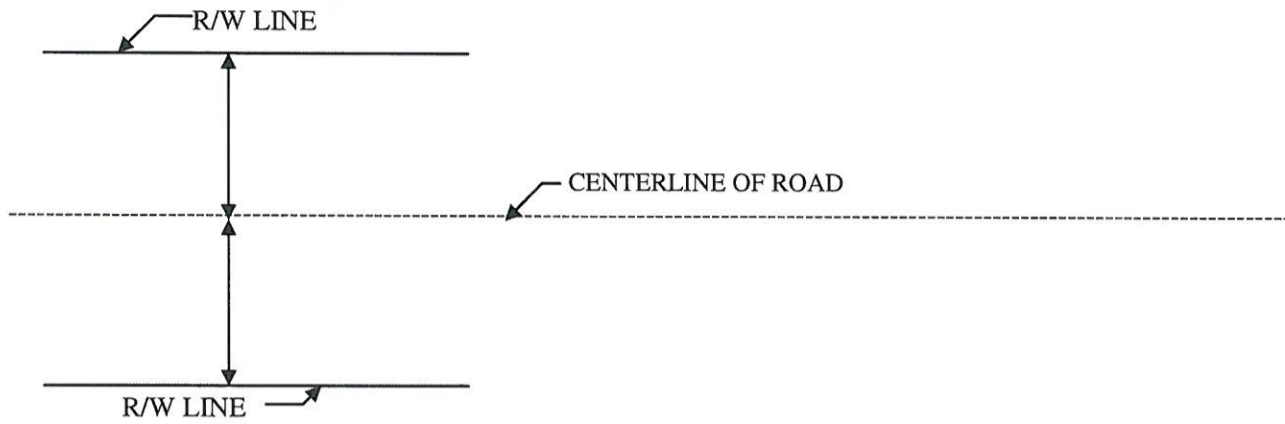
RIGHT OF WAY USE PERMIT

PERMIT NUMBER _____

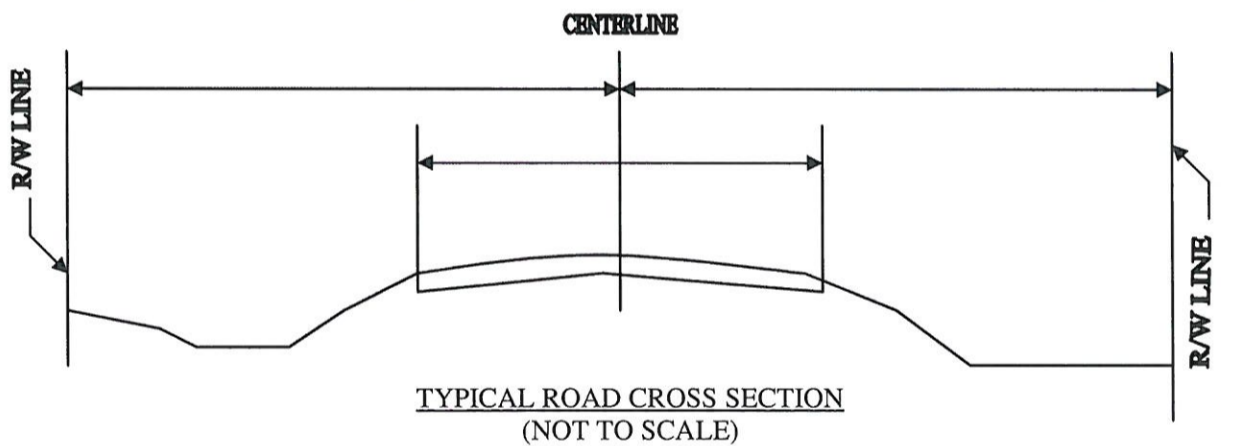
PERMIT ISSUE DATE _____

PERMIT EXPIRATION DATE _____

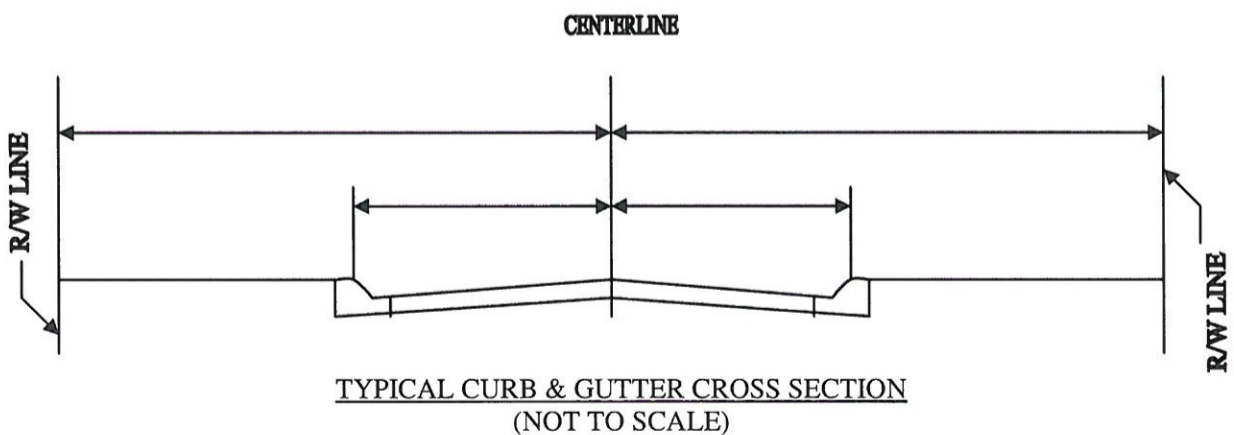
SKETCH SHOWING PROPOSED UTILITY CONSTRUCTION



SKETCH THE PLAN VIEW OF PROPOSED INSTALLATION
(NOT TO SCALE)



TYPICAL ROAD CROSS SECTION
(NOT TO SCALE)



TYPICAL CURB & GUTTER CROSS SECTION
(NOT TO SCALE)

SKETCH THE EXISTING AND PROPOSED UTILITIES ON APPLICABLE CROSS SECTION
NOTE: IF ABOVE TYPICAL CROSS SECTIONS ARE NOT APPLICABLE, SHOW
APPLICABLE SECTION ON BACK SIDE OF THIS SHEET.

DEMOLITION/RENOVATION CONSTRUCTION BMP'S

ALL CONTRACTORS SHALL BE RESPONSIBLE FOR IMPLEMENTING THE FOLLOWING BEST MANAGEMENT PRACTICES (BMP'S) DURING ALL ON SITE CONSTRUCTION ACTIVITIES:

1. SITE GRADING – All site grading shall be conducted in a manner that all stormwater management facilities located adjacent to the site would not be altered in any way which would diminish their designed flow or pollutant removal capacity or the shape of the drainage facility.
2. EROSION AND SEDIMENT CONTROLS – BMP'S such as silt fence, staked synthetic bales, and/or turbidity barriers, which minimize erosion and retain sediment on site, shall be installed prior to any construction activities taking place at the site. Erosion control measures shall be utilized, secured, and properly maintained during construction until the site has been stabilized with sod and/or seed and mulch.

Undisturbed vegetative buffers shall be maintained to prevent erosion and sediment discharges to the maximum extent possible. All areas of exposed soil shall be stabilized within 72 hours of attaining final grade. Double silt fence or staked synthetic bales may be required as additional measures to ensure that discharges from the site are in compliance with the City of Lakeland's NPDES permit. Details of proper installation of silt fence and synthetic bales are included herein.

3. STORM SEWER SYSTEM PROTECTION – Storm sewer systems (e.g. inlets, pipes and ditches, etc.), which are adjacent to the site must be protected by silt fence and/or staked synthetic bales during construction to keep settleable pollutants from entering conveyance systems.
4. WASTE COLLECTION AND DISPOSAL – A plan must be formulated for the collection and disposal of construction debris from the site. Such a plan must designate locations for trash and waste receptacles and establish a special collection schedule. Methods for ultimate disposal of waste should be specified and carried out in accordance with applicable local and state health and safety regulations. Special provisions shall be made for the collection and disposal of liquid wastes and toxic or hazardous materials.

Receptacle and other waste collection areas should be kept neat and orderly. Waste shall not be allowed to overflow its container or accumulate for excessively long periods of time. Trash collection points must be located where they will least likely be affected by concentrated stormwater runoff.

5. WASHING AREAS – Vehicles such as concrete or dump trucks and other construction equipment shall not be washed at locations where the runoff will flow directly into a lake, wetland, watercourse or stormwater conveyance system. Special areas should be designated for washing vehicles. In new subdivisions, a wash area should be established by the developer, which can be used by the site contractor and homebuilders. These areas should be located where the wash water will spread out and evaporate or infiltrate directly into the ground, or where the runoff can be collected in a temporary holding or seepage basin. Wash areas should have gravel or rock bases to minimize mud generation. Upon completion of the project the wash areas should be graded and stabilized and any trash or waste shall be collected and disposed of properly.
6. DEWATERING - dewatering activities cannot directly discharge to the MS4 and/or a waterbody. Flow must be treated by a dewatering sock and sufficient in-ground filtration provided when possible. Non-stormwater discharges of any type from any activity that is part of this permit need prior approval of Engineering Inspection.
7. STORAGE OF CONSTRUCTION MATERIALS, CHEMICALS, ETC. – Fuel, chemicals, cements, solvents, paints, topsoil, or other potential pollutants shall be stored in areas where they will not cause runoff pollution.

Toxic chemicals and materials, such as pesticides, paints and acids, must be stored in accordance with manufacturers' guidelines. Groundwater resources should be protected from leaching by placing a plastic mat, packed clay, tarpaper, or other impervious materials on any areas where toxic liquids are to be opened and stored.

8. SANITARY FACILITIES – All construction sites should be provided with adequate sanitary facilities for workers in accordance with applicable health regulations.
9. DRIVEWAYS – A minimum of one permitted dust free driveway must be established prior to construction and shall be used as the only access for ingress/egress during construction in order to provide minimum disturbance of drainage facilities and vegetative cover on-site.

**NOTIFY – PUBLIC WORKS ENGINEERING INSPECTION (863) 510-6258
48 HOURS BEFORE STARTING ANY DEMOLITION OR CONSTRUCTION.**

RESOLUTION NO. 5498

PROPOSED RESOLUTION NO. 18-085

A RESOLUTION RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; ADOPTING A POLICY FOR THE USE OF CITY-MAINTAINED PUBLIC RIGHT-OF-WAY BY ALL USERS OTHER THAN UTILITY PROVIDERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lakeland regulates the use of City-maintained public right-of-way in the interest of public safety and in order to secure the benefits of such public right-of-way for all citizens and users of the right-of-way; and

WHEREAS, the City's Public Works Department has undertaken a review of existing policies and procedures and consulted with various stakeholders to determine whether any changes to the City's current right-of-way use policy with respect to users other than utility providers are warranted; and

WHEREAS, it has been determined that changes to the City's policy are warranted in order to better balance the interests of the various users of City-maintained right-of-way and adjacent property owners; and

WHEREAS, the City Commission of the City of Lakeland finds that it is in the best interests of the citizens of the City of Lakeland and all users of the City's right-of-way to adopt the policy attached hereto as the City's policy for the use of City-maintained right-of-way by all users other than utility providers;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are hereby

adopted and made a part hereof.

SECTION 2. That certain policy for the use of City-maintained public right-of-way by all users other than utility providers attached hereto as Exhibit "A" is hereby adopted and incorporated herein by reference.

SECTION 3. All resolutions or portions thereof in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. If any word, sentence, clause, phrase, or provision of this Resolution, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Resolution shall not be affected thereby.

SECTION 5. This Resolution shall take effect January 1, 2019.


PASSED AND CERTIFIED AS TO PASSAGE this 5th day of November, A.D. 2018.

ATTEST: *Kelly S. Koos*
KELLY S. KOOS
CITY CLERK

H. William Mutz
H. WILLIAM MUTZ, MAYOR

APPROVED AS TO FORM AND CORRECTNESS: *Timothy J. McCausland*
TIMOTHY J. McCAUSLAND
CITY ATTORNEY



	Policy & Procedure	Original: 10/1/1994
	Department: Public Works	Revised: 10/30/2018
	Title: Permit for Use of Public Right-of-Way Maintained by the City of Lakeland by Other Than Utilities	Effective Date: January 1, 2019

I. Purpose

The City of Lakeland regulates the use of public Rights-of-Way (R/W) in the interest of public safety, convenience and to operate and protect public facilities. The right of the City of Lakeland to control the public R/W is given by State Statutes and the City's Code of Ordinances. A request-review-approval system is applied to control the use of the R/W. Entities such as proposed facility owners and citizens wishing to occupy or conduct work in the public R/W make a formal request, which is reviewed by the Engineering Division of the City's Public Works Department for conformance with adopted and accepted procedures, standards, criteria and the City Code of Ordinances. The permit system maintains the integrity of public works facilities and enhances coordination among users of the R/W. Approval is given in the form of a permit to use the R/W on a temporary or long-term basis. Utilities are governed by a separate policy titled "Permit for Utilities Within Public Right-of-Way Maintained by the City of Lakeland." This policy outlines typical procedures for issuing and general requirements for the contents of permits, such as provisions for construction, emergency situations, inspection of work, traffic control, fees, and indemnification.

II. Definition

1. "Downtown Area" means the limits of the Downtown Community Redevelopment Area as described by the City of Lakeland Resolution No. 4457, as the same may be amended from time to time.
2. "Substantially Inactive" means no workers being present during City staff inspection of the site and no noticeable changes to the permitted area

III. Policy

No use of the public right-of-way maintained by the City of Lakeland shall occur unless a "Right-of-Way Use Permit" has been issued by the Public Works Department.

Types of activities which normally require application for this permit would include the placement of any object, structure, or facility within a City-maintained public right-of-way which would not be covered by City's Driveway and Sidewalk Permit. Items covered by this permit would be the permissive use of the public right-of-way for, but not limited to, the placement of the following types of items: private identification signs, flagpoles, balconies, exterior siding of buildings, fences, walls, private lighting, landscape planter, certain types of landscaping, irrigation systems, or any other item that is to be placed within the public right-of-way.

Application Components

The applicant is responsible for providing the required construction drawings, both in plan and profile sections, as required by the Engineering Division staff to fully evaluate the application.

Applications impacting pedestrian or vehicular traffic shall also include a maintenance of traffic plan prepared by an individual with an Advanced Maintenance of Traffic Certification.

A City of Lakeland approved Building Permit or Site Plan number shall be provided for work associated with a building or site. Applications in Tiers 4 and 5 below are required to provide a building or site permit number.

Construction Requirements

The applicant is required to perform the proposed maintenance and construction activities in such a manner as to not interfere with the property and rights of prior permittees. In case of conflicts, the applicant is responsible for securing the consent of prior permittees before relocating or adjusting existing facilities. Construction shall be scheduled to accommodate special use permits identified at the time of permit approval.

All construction shall conform to the City of Lakeland Engineering Standards Manual.

Insurance and Indemnification

The applicant must provide insurance coverage in amounts satisfactory to the City's Office of Risk Management and agree to Indemnify and Hold Harmless the City of Lakeland against all damage claims arising from the permitted activity or use of the right-of-way.

Review Period

The City of Lakeland shall review permit applications as expeditiously as possible. In general, permits will be reviewed and approved or denied within fifteen business days. The additional review and coordination involved in right-of-way use permits in the Downtown Area may require up to twenty business days.

Permit Fees and Durations

All permits shall have a specified duration, start date, and expiration date. Standard permit tiers and applicable fees are identified below. Where conflicts exist between tier criteria, the higher tier shall apply.

Table 1: Permit Fees and Durations

Tier	Fee	Duration (Calendar Days)	Travel Lane Closure	Sidewalk Closure Length	DRT Meeting	
1	None	Up to 90	None	Up to 300 feet	Not required	Outside Downtown
2	\$250	91-150	Yes	Over 300 feet	Not required	
3	None	Up to 30	None	Up to 150 feet	Not required	Inside Downtown
4	\$250	31-90	Up to 7 consecutive calendar days	151-300 feet	Required	
5	\$500	91-150	8 to 21 consecutive calendar days	Over 300 feet	Required	

Any duration in excess of 150 days must be approved by the Director of Public Works in writing and must specify a duration. Fees will be assessed depending on the unique situation. Long-term permits may be issued for permanent or semi-permanent items within the public right-of-way. Examples could include signs and awnings. These permits shall be considered Tier 1 or Tier 3. However, the work within the right-of-way to install or construct the improvements may fall into a different tier.

Applicants may apply for permit extensions of up to 30 calendar days. The cost of the renewal shall be based on the schedule below.

Table 2: Extension Fee Schedule

Extension	Fee
First	\$500
Second	\$1000
Third	\$1500

After 90 days, fees double every month to promote satisfactory completion of the work. An applicant may request that a permit be suspended for up to 60 calendar days at no cost. The public right-of-way, including pedestrian, bicycle and vehicular facilities, shall be made safe for access and use by the public during suspensions. Any suspensions must be approved in writing by the Director of Public Works and may be rejected as well depending on the impact to other area businesses.

If a permit is substantially inactive for two weeks, the Public Works Director or Designee shall have the authority to suspend the permit if it is determined to be in the best interest of the City of Lakeland. Following an initial suspension, the Public Works Director or Designee may suspend a permit that is substantially inactive for a period of one week. Suspended permits shall be subject to a reactivation fee of \$250. If the applicant does not reapply within 30 calendar days, then the permit shall be revoked and void.

On-Street Parking Spaces

On-street parking spaces are an important public asset. Reducing the amount of on-street parking available for public use reduces the economic benefit to the City of Lakeland.

On-street parking can be leased to an applicant when marked parking spaces exist immediately adjacent to the site. These leased parking spaces must be made available to the public when not in use, which includes evenings and weekends. Accessible spaces shall not be leased to or otherwise used by an applicant. One on-street parking space may be provided at no cost. Additional on-street parking spaces may be leased in conjunction with a right-of-way use permit at the rates listed in the table below. Alternative parking options are available in City parking lots and garages.

Table 3: On-Street Parking Fees

Parking Space	30 Calendar Day Fee
Second	\$70
Third	\$180= 70+110
Fourth	\$330=70+110+150

Fees will double for any additional parking space request after four (i.e., Fifth is \$660 and Sixth is \$1320, etc.). Any request for spaces beyond three must be approved in writing by the Director of Public Works and the request must be justified in writing with a specific timeframe requested. Requests may or may not be accepted in the reasonable discretion of the Director of Public Works.

Penalties

Penalties may be assessed for the following:

Table 4: Penalties

Penalty Description	Assessment
Working without a permit	\$500
Violating permit conditions	\$500
Substantial inactivity in R/W for 7 or more consecutive days	\$250

The penalties noted above are per occurrence, but only one penalty will be assessed per business day. If two penalties are cited, the penalty that is most expensive will be assessed. Education will be the first tool to gain compliance. Penalties are intended to be a deterrent and not a revenue source for the City. The specification of penalties in this policy does not preclude the pursuit of other legal or equitable remedies by the City for violations. Work within the right-of-way being performed in violation of an active permit or without an active permit shall not be allowed and will be stopped immediately. No new permits and no certificates of occupancy shall be approved for the applicant until all past-due penalties are paid.

Construction Deliveries

Deliveries shall not obstruct travel lanes, alleys, or commercial loading zones within the Downtown Area on weekdays between the hours of 7:30 am and 2:00 pm or between the hours of 4:00 pm and 6:00 pm.

Work in Alleys

All permitted work in alleys shall maintain a minimum 12-ft wide lane clearance for vehicular use.

Travel Lane Closures

Total closures of vehicular travel lanes shall be subject to the written approval of the Public Works Director.