

**ORDINANCE NO. 05-69**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA; CREATING CHAPTER 8AA, ARTICLE III, ENTITLED "TOWN OF MIAMI LAKES RIGHTS OF WAY ORDINANCE"; REGULATING THE USE OF PUBLIC RIGHTS-OF-WAY FOR COMMUNICATIONS FACILITIES AND OTHER USERS; PROVIDING APPLICATION AND FRANCHISE REQUIREMENTS FOR USERS OF THE RIGHTS OF WAY; PROVIDING FOR REGISTRATION FOR COMMUNICATIONS PROVIDERS; PROVIDING REQUIREMENTS FOR PERMITS, CONSTRUCTION BONDS AND SECURITY FUNDS; PROVIDING DEFINITIONS; PROVIDING CONDITIONS FOR PLACEMENT AND MAINTENANCE OF COMMUNICATIONS AND OTHER FACILITIES IN RIGHTS-OF-WAY; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Miami Lakes (the "Town") has determined that it is in the public interest to permit the placement of one or more communications systems or facilities in the Public Rights-of-Way; and

**WHEREAS**, effective January 1, 2001, the State of Florida amended Section 337.401, Florida Statutes, to reflect that, because Federal and State law require the nondiscriminatory treatment of providers of communications services and because of the desire to promote competition among providers of communications services, it is the intent of the Legislature that municipalities and counties treat communications companies in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or Public Rights-of-Way. Rules or

regulations imposed by a municipality or county relating to communications companies placing or maintaining communications facilities in its roads or rights-of-way must be generally applicable to all communications companies and, notwithstanding any other law, may not require a communications company to apply for or enter into an individual license, franchise or other agreement with the municipality or county as a condition of placing or maintaining communications facilities in its roads or rights-of-way; and

**WHEREAS**, it is the intent of the Town to exercise its authority over communications services providers' placement and maintenance of facilities in the Public Rights-of-Way; and

**WHEREAS**, it is the intent of the Town to treat each communications services provider in a nondiscriminatory and competitively neutral manner in exercising such authority; and

**WHEREAS**, the Public Rights-of-Way subject to the jurisdiction and control of the Town: (1) are critical to the travel of persons and the transport of goods and other tangibles in the business and social life of the community by all citizens; (2) are a unique and physically limited resource, and proper management by the Town is necessary to maximize efficiency, to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from the placement and maintenance of such communications facilities in the Public Rights-of-Way; and (3) are intended for public uses and must be managed and controlled consistently with that intent; and

**WHEREAS**, it is the intent of the Town to require Users and Occupants of the Public Rights-of-Way, other than Communications Service Providers, to obtain a franchise before placing or maintaining facilities in the Town's Public Rights-of-Way.

**WHEREAS**, it is the intent of the Town to exercise its authority to adopt reasonable rules and regulations to the fullest extent allowed by Federal and State law; and

**WHEREAS**, the Town of Miami Lakes held a public hearing on this Ordinance, where parties in interest and residents so desiring had an opportunity to be heard;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, THAT:**

**Section 1.** The foregoing recitals are hereby adopted and incorporated herein by this reference.

**Section 2.** Chapter 8AA, Article III of the Town Code of the Town of Miami Lakes, Florida, is hereby created to read as follows:

**Chapter 8AA, ARTICLE III**

**COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY**

**Section -150 .**      **Short Title**      This Article shall be known and may be cited as the “Town of Miami Lakes Communications Rights-of-Way Ordinance.”

**Section -151**      **Intent and Purpose.**

A.      It is the intent of the Town and the purpose of this Article to promote the public health, safety and general welfare by: providing for the placement and maintenance of Communications Facilities in the Public Rights-of-Way within the Town; adopting and administering reasonable rules and regulations consistent with State and Federal law, including Section 337.401, Florida Statutes, as it may be amended, the Town’s home-rule authority, and in accordance with the provisions of the Federal Telecommunications Act of 1996 and other Federal and State law; establishing reasonable rules and regulations necessary to manage the placement and maintenance of Communications Facilities in the Public Rights-of-Way by all Communications Services Providers after the effective date of this Ordinance; and minimizing

disruption to the Public Rights-of-Way. In regulating its Public Rights-of-Way, the Town shall be governed by and shall comply with all applicable Federal and State laws.

B. It is the intent of the Town that this Ordinance will not preempt the Town's authority to require a franchise from users and/or occupants, other than communications service providers, of the Town's public roads and/or Public Rights-of-Ways. It is the intent of the Town to require users and/or occupants, other than communications service providers, of the Town's Public Rights-of-Way to obtain a separate franchise before placing or maintaining facilities in the Town's Public Rights-of-Way.

Section -152. Definitions.

That for the purposes of this Article, the following terms, phrases, words and derivations shall have the meanings given. Where consistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory, and "may" is permissive. Words not otherwise defined in this section or in any permit that may be granted pursuant to this Article shall be given the meaning set forth in the Communications Act of 1934, 47 U.S.C. § 151 et seq., as amended (collectively the "Communications Act"), and if not defined in the Communications Act, as defined by Florida Statutes; and, if not defined by Florida Statutes, shall be construed to mean the common and ordinary meaning.

1. "Abandonment" shall mean the permanent cessation of all uses of a Communications Facility; provided that this term shall not include cessation of all use of a Communication Facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit,

where the conduit continues to be used, shall not be an “Abandonment” of a Communications Facility in the Public Rights-of-Way.

2. “Communications Services” shall mean the transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. For the purpose of this Ordinance, cable service, as defined in Section 202.11(2), Florida Statutes, as it may be amended, is not included in the definition of "Communications Services" and cable service providers or providers of service via an open video system may be subject to other ordinances of the Town and shall require separate authorization from the Town.

3. “Communications Services Provider” shall mean any Person making available or providing Communications Services through the placement or maintenance of a Communications Facility in Public Rights-of-Way.

4. “Communications Facility” or “Communications System” shall mean any permanent or temporary plant, equipment and property, including but not limited to cables, wires, conduits, ducts, fiber optics, poles, antennae, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, appurtenances, and other equipment or pathway placed or maintained or to be placed or maintained in the Public Rights-of-Way of the Town and used or capable of being used to transmit, convey, route, receive, distribute, provide or offer Communications Services. Pursuant to Section 337.401(6)(c), Florida Statutes, the term “Communications Facility” for purposes of this ordinance, shall not include communications

facilities owned, operated, or used by electric utilities or regional transmission organizations exclusively for internal communications purposes.

5. “FCC” shall mean the Federal Communications Commission.

6. “In Public Rights-of-Way” or “in the Public Rights-of-Way” shall mean in, on, over, under or across the Public Rights-of-Way.

7. “Occupant” shall mean and include electric, gas (natural, manufactured or similar gaseous substance), water or sewer utility, cable television, or other similar type of entity that places or maintains facilities of whatever type in the Town’s public roads or Public Rights-of-Way.

8. “Ordinance” shall mean this Ordinance.

9. “Pass Through Provider” shall mean a person who places or maintains a Communications Facility in the roads or rights-of-way of the Town and who does not remit taxes imposed by the Town pursuant to Chapter 202, Florida Statutes.

10. “Person” shall include any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, organization or legal entity of any kind, successor, assignee, transferee, personal representative, and all other groups or combinations, and but shall not include the Town to the extent permitted by applicable law.

11. “Place or maintain” or “placement or maintenance” or “placing or maintaining” shall mean to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A Communications Services Provider that owns or exercises physical control over Communications Facilities in Public Rights-of-Way, such as the physical control to maintain and repair, is “placing or maintaining” the Facilities. A party providing service only through resale or only through use of a third party’s unbundled network elements is not “placing

or maintaining” the Communications Facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the Public Rights-of-Way is not placing or maintaining Facilities in the Public Rights-of-Way.

12. “Public Rights-of-Way” shall mean a public right-of-way, public utility easement, highway, street, bridge, tunnel, pier, waterway, dock, wharf, court, lane, path, or alley or any other property for which the Town is the authority that has jurisdiction and control and may lawfully grant access to such property pursuant to applicable law, and includes the surface, the air space over the surface and the area below the surface to the extent the Town holds a property interest therein. “Public Rights-of-Way” shall not include private property. “Public Rights-of-Way” shall not include any real or personal Town property except as described above and shall not include Town buildings, fixtures, poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the Public Rights-of-Way.

13. “Registrant” or “Facility Owner” shall mean a Communications Services Provider or other person that has registered with the Town in accordance with the provisions of this Ordinance.

14. “Registration” and “Register” shall mean the process described in this Ordinance whereby a Communications Services Provider provides certain information to the Town.

15. “Town” shall mean the Town of Miami Lakes, Florida, an incorporated municipality of the State of Florida, in its present form or in any later reorganized, consolidated, or enlarged form.

16. “User” shall mean and include electric, gas (natural, manufactured or similar gaseous substance), water or sewer utility, cable television, or other similar type of entity that

places or maintains facilities of whatever type in the Town's public roads or Public Rights-of-Way.

Section -153. Registration For Placing Or Maintaining Communications Facilities In Public Rights-Of-Way.

1. A Communications Services Provider that desires to place or maintain a Communications Facility in Public Rights-of-Way in the Town shall first Register with the Town in accordance with this Ordinance. Subject to the terms and conditions prescribed in this Ordinance, a Registrant may place or maintain a Communications Facility in Public Rights-of-Way. A Communications Services Provider with an existing Communications Facility in the Public Rights-of-Way of the Town as of the Effective Date of this Ordinance has 120 days from the Effective Date of this Ordinance to comply with the terms of this Ordinance, including, but not limited to, Registration, or be in violation thereof.

2. A Registration shall not convey any title, equitable or legal, in the Public Rights-of-Way. Registration under this Ordinance governs only the placement or maintenance of Communications Facilities in Public Rights-of-Way. Registration does not excuse a Communications Services Provider from obtaining appropriate access or pole attachment agreements before locating its Facilities on the Town's or another Person's Facilities. Registration does not excuse a Communications Services Provider from complying with all applicable law, including Town ordinances, codes or regulations, including this Ordinance.

3. Each Communications Services Provider that desires to place or maintain a Communications Facility in Public Rights-of-Way in the Town shall file an original Registration along with two (2) complete copies with the Town that shall include the following information:

- (a) Name of the applicant;



- (b) Name, address, telephone number, e-mail address and mobile phone number of the applicant's primary contact person in connection with the Registration. The primary contact person shall be able to provide information regarding the Registrant's Communications Facilities in the Public Rights-of-Way, and shall be able to accept and coordinate any damage claims. The Registrant shall also provide a secondary contact person enabling the Town to contact appropriate Registrant's personnel in emergency situations, including but not limited to, when Registrant's construction or equipment has caused damage to other property. The Registrant shall also provide the Town with a current telephone number for the secondary contact person which shall be available and monitored twenty-four (24) hours per day, every day, by Registrant, to be utilized by the Town in case of an emergency. Such information shall be updated as necessary by the Registrant to provide the Town with current and accurate information.
- (c) Evidence of the insurance coverage required under this Ordinance and acknowledgment that Registrant has received and reviewed a copy of this Ordinance, and
- (d) A copy of Federal or State Certification authorizing the applicant to provide Communications Services, if any;
- (e) If the applicant is a corporation and does not submit a State Certification pursuant to (d), proof of authority to do business in the State of Florida,

which may be satisfied by the number of the corporate certification or other means; and

(f) A Security Fund in accordance with this Ordinance.

4. The Town Manager or designee shall review the information submitted by the applicant. If the applicant submits information in accordance with subsection 3 above, the Registration shall be effective and the Town shall notify the applicant of the effectiveness of Registration in writing. The applicant may not apply for a permit to place or maintain Communications Facilities in the Public Rights-of-Way under this Ordinance unless and until it has been notified that its application is complete and effective. If the Town determines that the information has not been submitted in accordance with subsection 3 above, the Town shall notify the applicant in writing of the non-effectiveness of Registration, and reasons for the non-effectiveness. The Town shall so notify an applicant within thirty (30) days after receipt of registration information from the applicant.

5. A Registrant may cancel a Registration upon written notice to the Town that the Registrant will no longer place or maintain any Communications Facilities in Public Rights-of-Way and will no longer need to obtain permits to perform work in the Public Rights-of-Way. A Registrant cannot cancel a Registration if the Registrant continues to place or maintain any Communications Facilities in Public Rights-of-Way.

6. Registration shall be nonexclusive. Registration shall not establish any right or priority to place or maintain a Communications Facility in any particular area in Public Rights-of-Way within the Town. Registrations are expressly subject to any future amendment to or replacement of this Ordinance and further subject to any additional Town ordinances, as well as any State or Federal laws that may be enacted.

7. A Registrant shall renew its Registration with the Town by April 1 of even numbered years in accordance with the Registration requirements in this Ordinance, except that a Registrant that initially registers during the even numbered year when renewal would be due or the odd numbered year immediately preceding such even numbered year shall not be required to renew until the next even numbered year. Within thirty (30) days of any change in the information required to be submitted pursuant to subsection 3, a Registrant shall provide updated information to the Town. If no information in the then-existing Registration has changed, the renewal may state that no information has changed. Failure to renew a Registration may, at the Town's discretion, result in the Town restricting the issuance of additional permits until the Communications Services Provider has complied with the Registration requirements of this Ordinance.

8. In accordance with applicable Town ordinances, codes or regulations and this Ordinance, a permit shall be required of a Communications Services Provider that desires to place or maintain a Communications Facility in Public Rights-of-Way. An effective Registration shall be a condition precedent of obtaining a permit.

9. Compensation.

A Registrant that places or maintains Communications Facilities in the Public Rights-of-Way shall be required to pay compensation to the Town as required by applicable law and ordinances of the Town. A Registrant that places or maintains Communications Facilities in the Public Rights-of-Way, other than a Registrant that provides communications services within the Town as defined in Section 202.012(3), Florida Statutes within the Town, shall pay to the Town the fees required by Florida law and the Town's Ordinances and Resolutions. Such Registrants

shall pay such amounts initially before obtaining permits and then annually thereafter in accordance with the Town's requirements.

Section -154. Requirement for Franchise for Other Users or Occupants Of the Public Rights of Way.

A. Other Users and/or Occupants of the Town's public roads and/or Public Rights-of-Ways other than Communications Service Providers, shall be required to obtain a franchise or other agreement from the Town prior to performing construction or placing facilities in the Town's Public Rights-of-Way, or obtaining a permit from the Town to perform construction or to place facilities in the Town's Public Rights-of-Ways or other roads or property within the Town. The terms set out in this Ordinance, to be included in such franchises or agreements, are minimum standards and shall not be construed as prohibiting the Town from including any and all other terms, conditions and/or other requirements the Town do desires in any franchise or agreement. Such Users and/or Occupants shall enter into a franchise agreement or other agreement approved by the Town Council.

B. Franchise Application.

1. Any User and/or Occupant, other than a Communications Service Provider, and including governmental units, desiring to place or maintain facilities in the Town's Public Rights-of-Way shall file an application with the Town requesting that the Town enter into a franchise agreement with said User and/or Occupant. The Application shall include, at a minimum, the following information:

(a). Identity of the user and/or occupant, address and telephone number and primary contact person;

(b). A statement of whether the applicant presently serves any customers at retail within the jurisdictional limits of the Town at the time of the application or whether the applicant simply intends to lease its facilities to other users and/or occupants who will be providing direct service to retail customers within the jurisdictional limits of the Town.

(c). Application Fee and Cost Recovery.

(1) Each application requesting the Town to enter into a franchise agreement shall be accompanied by an initial non-refundable application fee in the amount of Eight Thousand (\$8,000.00) dollars. The fee amount shall approximate the Town's costs and expenses incurred in connection with processing the application.

(2) Cost Recovery.

The purpose of the application fee is to defray the Town's costs. All reasonable expenses incurred by the Town in processing the application, including, but not limited to, consulting and legal costs, shall be off-set from the filing fee. If, however, the expenses exceed the amount of the application fee the Applicant shall pay the difference within thirty (30) days of the date it receives notice of such additional expenses. If the additional fees are not received by the Town within thirty (30) days of the date of notice, the Town shall notify such Applicant and the Applicant shall pay an additional late fee at the rate of eighteen (18) percent per annum of the amount unpaid or underpaid, provided, however, that such rate does not exceed the maximum amount allowed under the applicable law. In such case, the rate will be the maximum allowed by law. If the Town does not receive said fee in total within sixty (60) days of the date of notice, the Town shall notify the applicant in writing and may, in the Town's sole discretion, refuse in good-faith to execute the franchise agreement or may terminate in good-faith the franchise agreement without any penalty and/or liability.

C. Construction Bond.

All franchise agreements between the Town and any User and/or Occupant shall contain a provision for a Construction Bond in an amount to be determined by the Town Manager, which shall be established in the Town's favor to secure the restoration of the Public Rights-of-Way and to ensure the faithful performance of the construction or other work in the Public Rights-of-Way. The form of the bond and the terms thereto shall be approved by the Town Attorney.

D. Security Fund.

All franchise agreements between the Town and any User and/or Occupant shall contain a provision for a Security Fund, which shall be required to be kept on file with the Town in the form of an annual bond, letter of credit, or cash deposit in the minimum amount of Fifty Thousand Dollars (\$50,000.00). The form of the bond or other guarantee and the terms thereto shall be approved by the Town Attorney.

Section -155. Placement Or Maintenance Of Facilities In Public Rights-Of-Way.

1. Registrants and Users and/or Occupants agree at all times to comply with and abide by all applicable provisions of Federal and State law and Town ordinances, codes and regulations in placing or maintaining Communications Facilities or other facilities in Public Rights-of-Way.

2. No Person shall commence to place or to maintain Communications Facilities or other facilities or to perform construction in the Public Rights-of-Way or other roads or property within the Town until the Town or other appropriate authority has issued all applicable permits, except in the case of an emergency. The term "emergency" shall mean a condition that affects the public's health, safety or welfare, which includes an unplanned out-of-service condition of a pre-existing service. Registrants and Users and/or Occupants shall provide prompt notice to the

Town of the placement or maintenance of a facility in Public Rights-of-Way in the event of an emergency. As a condition of granting such permits, the Town may impose reasonable rules or regulations governing the placement or maintenance of Facilities in Public Rights-of-Way or other roads or property within the Town. Permits shall apply only to the areas of Public Rights-of-Way or other roads or property within the Town specifically identified in the permit. The Town may issue a blanket permit to cover certain activities, such as routine maintenance and repair activities, that may otherwise require individual permits or may impose lesser requirements.

3. As part of any permit application to place a new or to replace an existing Communications Facility or other facility in Public Rights-of-Way or other roads or property within the Town, the applicant shall provide information concerning the Communications Facility or other facility that sets forth the following, as required by the Town Manager:

- (a) An engineering plan signed and sealed by a Florida Registered Professional Engineer, or prepared by a person who is exempt from such registration requirements as provided in Section 471.003, Florida Statutes, identifying the location of the proposed facility, including a description of the facilities to be installed, its length in feet, where it is to be located, and the approximate size of Communications Facilities or other facilities and equipment that will be located in Public Rights-of-Way;
- (b) A description of the manner in which the Communications Facility or other facility will be installed (i.e. anticipated construction methods and/or techniques);

- (c) A traffic maintenance plan for any disruption of the Public Rights-of-Way or other roads or property within the Town;
- (d) Information on the ability of the Public Rights-of-Way to accommodate the proposed Communications Facility or other facility, if available (such information shall be provided without certification as to correctness, to the extent obtained from other persons with Communications Facilities or other facilities in the Public Rights-of-Way);
- (e) If appropriate given the Communications Facility or other facility proposed, an estimate of the cost of restoration to the Public Rights-of-Way;
- (f) The timetable for construction of the project or each phase thereof, and the areas of the Town which will be affected;
- (g) Use door hangers to notify residents living within a 300 foot radius of the project; and
- (h) Such additional information requested by the Town that the Town finds reasonably necessary to review the permit application.

4. The Town shall have the power to prohibit or to limit the placement of new or additional Communications Facilities or other facilities within the Public Rights-of Way if there is insufficient space to accommodate the request to place and maintain Communications Facilities or other facilities in that area of the Public Rights-of-Way, or to safely accommodate additional installations at any location, or for the protection of existing Communications Facilities or other facilities in the Public Rights-of-Way or to accommodate Town plans for



public improvements or projects that the Town determines are in the public interest and to the extent permitted by applicable law.

5. All Communications Facilities and other facilities shall be placed and maintained so as not to interfere unreasonably with the use of the Public Rights-of-Way by the public and so as not to cause unreasonable interference with the rights and convenience of property owners who adjoin any of the Public Rights-of-Way. A Registrant or other User shall endeavor to place all Communications Facilities or other facilities underground. The Town may require the use of trenchless technology (i.e., directional bore method) for the installation of Communications Facilities or other facilities in the Public Rights-of-Way as well as joint trenching or the co-location of Communications Facilities or other facilities in existing conduit. The Registrant or User shall be solely liable for the displacement, damage or destruction of any property, irrigation system or landscaping as a result of the placement or maintenance of its Communications Facility or other facility within the Public Rights-of-Way. The appropriate Town official may issue such rules and regulations concerning the placement or maintenance of a facility in Public Rights-of-Way as may be consistent with this Ordinance and other applicable Federal and State laws or regulations.

6. Prior to the commencement of any work by the applicant pertaining to the placement and maintenance of Communications Facilities or other facilities within the Public Rights-of-Way or other roads or property within the Town, the Town Manager or designee may require the applicant to issue notice of the work to property owners who adjoin such affected area (the "Notification Area"). The Notification Area may be expanded at the Town's discretion and notice shall be effected in a manner deemed appropriate by the Town Manager or designee.

7. All safety practices required by applicable law or accepted industry practices and standards shall be used during the placement or maintenance of facilities.

8. A Person placing or maintaining facilities in the Public Rights-of-Way or other roads or property within the Town shall, at its own expense, restore the Public Rights-of-Way, or any other adjacent property that has been damaged by work on the project, to at least its original condition before such work was initiated, subject to the Town's satisfaction upon inspection. Restoration shall include among other things, the removal of all markings placed by Users, on the Right-of-Way, unless they are required to remain pursuant to state law. A Registrant or User shall warrant restoration of the Public Rights-of-Way or other roads or property within the Town for a period of twelve (12) months after completion of such restoration. If the Registrant or User fails to make such restoration within thirty (30) calendar days after completion of construction, or such other time as may be required by the Town, the Town may after written notice to the Registrant or User, perform such restoration using Town employees, agents or contractors, and charge all costs of the restoration against the Registrant or User in accordance with Section 337.402, Florida Statutes, as it may be amended, and require reimbursement within thirty (30) days after the submission of the bill by the Town to the Registrant or User.

9. Removal or relocation at the direction of the Town of a Person's facility in the Public Rights-of-Way shall be governed by the provisions of Sections 337.403 and 337.404, Florida Statutes, as they may be amended.

10. A permit from the Town constitutes authorization to undertake only certain activities in Public Rights-of-Way in accordance with this Ordinance, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the Public Rights-of-Way.

11. A Registrant and User shall maintain its Communications Facility and other facility in Public Rights-of-Way in a manner consistent with accepted industry practice and applicable law.

12. In connection with excavation in the Public Rights-of-Way, a Registrant and User shall, where applicable, comply with the Underground Facility Damage Prevention and Safety Act set forth in Chapter 556, Florida Statutes, as it may be amended.

13. Registrant and User shall place or maintain a Communications Facility and other facility in Public Rights-of-Way in compliance with all applicable standards as established by all local, State or Federal law and in conformance with the Town ordinances, codes and regulations. Registrant and User shall use and exercise due caution, care and skill in performing work in the Public Rights-of-Way and shall take all reasonable steps to safeguard work site areas.

14. In the interest of the public's health, safety and welfare, upon request of the Town, a Registrant or User shall coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject Public Rights-of-Way or other roads or property within the Town. The Town may require a Registrant or User to alter reasonably its placement or maintenance schedule for permitted work as necessary so as to minimize disruptions and disturbance in the Public Rights-of-Way or other roads or property within the Town. The Town may provide a more definite time frame based on specific Town construction or maintenance schedules.

15. A Registrant or User shall not place or maintain its Communications Facilities or other facilities so as to interfere, displace, damage or destroy any facilities, including but not limited to, sewers, gas or water mains, storm drains, pipes, cables or conduits of the Town or any

other Person's facilities lawfully occupying the Public Rights-of-Way or other roads or property within the Town .

16. The Town makes no warranties or representations regarding the fitness, suitability or availability of Public Rights-of-Way for the facilities and any performance of work or costs incurred by Registrant or User or provision of services shall be at Registrant's or User's sole risk. Nothing in this Ordinance shall affect the Town's authority to add, vacate or abandon Public Rights-of-Way and the Town makes no warranties or representations regarding the availability of any added, vacated or abandoned Public Rights-of-Way for Facilities.

17. The Town shall have the right to make such inspections of Communications Facilities and other facilities placed or maintained in Public Rights-of-Way as it finds necessary to ensure compliance with this Ordinance. In the event the Town determines that a violation exists with respect to a Registrant's or User's placement or maintenance of Communications Facilities or other facilities in the Public Rights-of-Way that is not considered to be an emergency or danger to the public health, safety or welfare, the Town will provide Registrant or User no less than three (3) days written days notice setting forth the violation and requesting correction. Nothing herein shall limit the authority of the Town Manager, building official or their designees, from taking appropriate action to address an imminent and immediate health or safety hazard. In an emergency, as determined by the Town Manager, building official or their designee, where the installation, use or maintenance of any Communications Facility or other facility poses an imminent and immediate health or safety hazard to pedestrians or vehicles, the Town shall, where feasible, give telephonic notice to the owner of the Communications Facility or other facility of the nature of the emergency and afford the owner the opportunity to remove or otherwise relocate the facility. Where telephonic notice is not feasible or where the owner

fails to address the emergency hazard, the Town Manager, building official or their designee may summarily and temporarily remove or relocate such facility, but only to the extent necessary to avoid the health or safety hazard at issue. Immediately following removal or relocation of any facility under these emergency procedures, the Town shall provide the owner of the facility with written notice of the action by certified mail, return receipt requested. If the Town removes such facility, the owner of such facility shall have 30 days after receipt of such written notice by the Town to claim the facility, or the Town may dispose of such facility.

18. A permit application to place a new or replace an existing Communications Facility or other facility in the Public Rights-of-Way shall include plans showing the location of the proposed installation of Communications Facilities or other facilities in the Public Rights-of-Way. If the plans so provided require revision based upon actual installation, the Registrant or User shall promptly provide revised plans, or “as-builts”, upon completion of any installation or construction. The plans shall be in a digitized format showing the two-dimensional location of the Communications Facilities or other facilities based on the Town’s Geographical Database, or other format acceptable to the Town. Upon the Town’s request, a Registrant or User shall submit such “as-builts” in the format acceptable to the Town showing the location of its facilities in the Public Rights-of-Way. The Registrant or User shall provide such plans at no cost to the Town. The Town shall maintain the confidentiality of such plans and any other information provided in accordance with Section 202.195, Florida Statutes, as it may be amended.

19. The Town reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other facilities, cables or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the Town in Public Rights-of-Way

occupied by the Registrant or the User. Registrant or User shall allow Town Communication Facilities or other facilities to be co-located within Town's Public Rights-of-Way through the use of a joint trench during the Registrant's or User's construction project. Such joint trench projects shall be negotiated in good faith by separate agreement between Registrant or User and Town and may be subjected to other Town rights-of-way requirements. The Town further reserves without limitation the right to alter, change, or cause to be changed, the grading, installation, relocation or width of the Public Rights-of-Way within the limits of the Town and within said limits as same may from time to time be altered.

Section -156. Suspension Of Permits.

1. Subject to Section 27-8 below and to providing reasonable notice and an opportunity to cure, the Town may suspend a permit issued to any Registrant or User or may deny an application for a subsequent permit made by a Registrant or User for work in the Public Rights-of-Way or other roads or property within the Town for one or more of the following:

- (a) Failure to satisfy permit conditions, or conditions set forth in this Ordinance or other applicable Town ordinances, codes or regulations governing placement or maintenance of Communications Facilities or other facilities in Public Rights-of-Way or other roads or property within the Town, including without limitation, failure to take reasonable safety precautions to alert the public of work at the work site, or to restore any Public Rights-of-Way or adjacent property;
- (b) Misrepresentation or fraud by Registrant in a Registration or a Registrant or User in a permit application;
- (c) Failure to properly renew, or ineffectiveness of, a Registration.

(d) Failure to relocate or to remove facilities as may be lawfully required by the Town.

2. After the suspension or denial of a permit pursuant to this Section, the Town shall provide written notice of the reason to the Registrant or User.

Section -157.      Appeals.

1. Final, written decisions of the Town Manager or designee suspending or denying a permit, denying an application for a Registration or denying an application for renewal of a Registration are subject to appeal. An appeal must be filed with the Town Manager within thirty (30) days of the date of the final, written decision to be appealed. Any appeal not timely filed as set forth above shall be waived. The Town Council shall hear or shall appoint a hearing officer to consider the appeal. The hearing shall occur within thirty (30) days of the receipt of the appeal, unless waived by the Registrant or User, and a written decision shall be rendered within thirty (30) days of the hearing. Upon correction of any grounds that gave rise to a suspension or denial, the suspension or denial shall be lifted.

2. Nothing in this Ordinance shall affect or limit the remedies the Town has available under applicable law.

Section -158.      Conditional Use Of Public Rights-Of-Way.

1. In the event Registrant desires to use its existing Communications Facilities or to construct new Communications Facilities for the purpose of providing other utility or non-utility services to existing or potential consumers or resellers, by providing any other services other than the provision of Communications Service, or for providing any other use to existing or potential consumers, a Registrant shall seek such additional and separate authorization from the Town for such activities as may be required by applicable law.

2. To the extent that any Person or Registrant leases or otherwise uses the Communications Facilities or other facilities of a Person that is duly registered or otherwise authorized to place or to maintain facilities in the Public Rights-of-Way of the Town, such Person or Registrant shall make no claim, nor assert any right, which will impede the lawful exercise of the Town's rights, including requiring the removal of such Communications Facilities or other facilities from the Public Rights-of-Way of the Town, regardless of the effect on Registrant's ability to place or maintain its own Communications Facilities in Public Rights-of-Way of the Town.

Section -159. Termination Of Registration.

1. The involuntary termination of a previously effective Registration may only be accomplished by an action of the Town Manager and such action may be appealed to the Town Council. The Town may declare the Registration terminated and revoke and cancel all privileges granted under that Registration if:

- (a) A Federal or Florida authority suspends, denies, or revokes a Registrant's certification or license to provide Communications Service,
- (b) The Registrant's placement and maintenance of the Public Rights-of-Way or other roads or property within the Town presents an extraordinary danger to the general public or other users of the Public Rights-of-Way, or
- (c) The Registrant abandons all of its Communications Facilities in Public Rights-of-Way.

2. Prior to such termination for any of the reasons set forth in this Section, the Town Manager or his designee shall notify the Registrant in writing setting forth the matters pertinent to such reasons and describing the proposed action of the Town with respect thereto. The



Registrant shall have sixty (60) days after receipt of such notice within which to cure the violation, or within which to present a plan, satisfactory to the Town Council, to accomplish the same.

3. In the event of a vote by the Town Council to terminate the Registration, the Registrant shall, within thirty (30) days following such termination, provide an acceptable plan for transferring ownership of the Communications Facilities to another person in accordance with this Ordinance or shall remove or abandon the Communications Facilities and take such steps as are necessary to render every portion of the Communications Facilities remaining in the Public Rights-of-Way safe. If the Registrant has either abandoned its Communications Facilities or chooses to abandon its Communications Facilities, the Town may either

- (a) require the Registrant or the Registrant's bonding company to remove some or all of the Communications Facilities from the Public Rights-of-Way and restore the Public Rights-of-Way to its condition immediately prior to the removal;
- (b) require that some or all of the Communications Facilities be removed and the Public Rights-of-Way restored to its original condition at the Registrant's expense, using Town employees, agents or contractors, and charge any and all costs to the Registrant and require reimbursement, or
- (c) utilize or allow other Persons to utilize the Registrant's abandoned Communications Facilities.

4. The obligations of the Registrant hereunder shall survive the termination of a Registration. In the event of a declaration of termination of Registration, this provision does not permit the Town to cause the removal of any Communications Facilities that are used to provide

another service for which the Registrant holds a valid certification or license with the governing Federal or State agency, where required, and is properly registered with the Town, for such certificated service, where required.

Section -160. Transfer or Control, Sale or Assignment of Assets.

1. If a Registrant transfers, sells or assigns its Registration or its Communications Facilities in the Public Rights-of-Way, incident to a transfer, sale or assignment of the Registrant's assets, the transferee, buyer or assignee shall be obligated to comply with the terms of this Ordinance. Written notice of any such transfer, sale or assignment shall be provided to the Town within twenty (20) days of the effective date of the transfer, sale or assignment. If the transferee, buyer or assignee is a current Registrant, then the transferee, buyer or assignee is not required to re-Register. If the transferee, buyer or assignee is not a current Registrant, then the transferee, buyer or assignee shall register as provided herein within sixty (60) days of the transfer, sale or assignment. If permit applications are pending in the Registrant's name, the transferee, buyer or assignee shall notify the Town that the transferee, buyer or assignee is the new applicant.

2. Any mortgage, pledge, lease or other encumbrance on the Communications Facilities shall be subject and subordinate to the rights of the Town under this Ordinance and applicable law.

Section -161. Insurance.

1. Registrant shall provide, pay for and maintain satisfactory to the Town 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 a rating in Best's Insurance Guide of A or better or having a rating acceptable to the Town. All liability policies shall provide that the

Town is an additional insured in the endorsement. 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 Town annually. Thirty (30) days advance written notice by registered or certified mail must be given to the Town 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 Town. In addition to the Certificate of Insurance, the Registrant shall provide a copy of the insurance policy, if requested by the Town.

2. The limits of coverage of insurance required shall be not less than the following:
  - (a) Worker's Compensation and Employer's Liability Employer's Liability - \$500,000 limit each accident \$ 500,000 limit per each employee
  - (b) Comprehensive General Liability Bodily injury and property damage - \$3,000,000 combined single limit each occurrence. Said coverage shall not exclude contractual liability, Products/Completed Operations, Independent or Contractors.
  - (c) Automobile Liability  
Bodily injury and property damage - \$3,000,000 combined single limit each accident

3. Umbrella or Excess Liability. Registrant may satisfy the minimum limits required above for either Commercial General Liability, Business Auto Liability and Employer's Liability coverage under Umbrella or Excess Liability. The Umbrella or Excess Liability shall have an Aggregate limit not less than the highest "Each Occurrence" limit for Commercial General Liability, Business Auto Liability or Employer's Liability. The Town shall be

specifically endorsed as an “Additional Insured” on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a “Follow-Form” basis.

4. Self-Insurance. Registrant may satisfy the insurance requirements and conditions of this Section under a self-insurance plan and/or retention if approved in advance by the Town in its sole discretion.

5. Right to Review. The Town reserves the right to review, modify, reject or accept any required policies of insurance or self-insurance, including limits, coverages, or endorsements, herein from time to time throughout the life of this Section. The Town reserves the right, but not the obligation, to review and reject any insurer or self-insurer providing coverage because of its poor financial condition or failure to operate legally.

6. This Section shall not be construed to affect in any way the Town’s rights, privileges and immunities as set forth in Section 768.28, Florida Statutes. Insurance under this Section shall run continuously with the presence of the Registrant’s Communications Facilities in the Public Rights-of-Way and any termination or lapse of such insurance shall be a violation of this Section and subject to the remedies as set forth herein. Notwithstanding the foregoing, the Town may, in its sole discretion, require increased or decreased levels of insurance for any other object placed in the Public Rights-of-Way by way of individual agreements.

Section -162. Indemnification.

A Registrant shall, at its sole cost and expense, indemnify, hold harmless and defend the Town, its officials, boards, members, agents and employees, against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses incurred by the Town arising out of the placement or maintenance of its Communications

Facilities in Public Rights-of-Way, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this Ordinance, provided, however, that a Registrant's obligation hereunder shall not extend to any damages caused solely by the gross negligence, or wanton or willful acts of the Town. This provision includes, but is not limited to, the Town's reasonable attorneys' fees incurred in defending against any such claim, suit or proceedings. The Town agrees to notify the Registrant, in writing, within a reasonable time of Town receiving notice, of any issue it determines may require indemnification. Nothing in this Section shall prohibit the Town from participating in the defense of any litigation by its own counsel and at its own cost if in the Town's reasonable belief there exists or may exist a conflict, potential conflict or appearance of a conflict. Nothing contained in this Section shall be construed or interpreted: (1) as denying to either party any remedy or defense available to such party under the laws of the State of Florida; (2) as consent by the Town to be sued; or (3) as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes, as it may be amended.

Section -163. Construction Bond.

1. Prior to performing any permitted work in the Public Rights-of-Way, the Registrant shall establish in the Town's favor a construction bond to secure the restoration of the Public Rights-of-Way and to ensure the Registrant's faithful performance of the construction or other work in the Public Rights-of-Way. Notwithstanding the foregoing, a construction bond hereunder shall only be required to the extent that the cost of the restoration exceeds the amount recoverable against the Security Fund as provided herein.

2. In the event a Registrant subject to such a construction bond fails to complete the work in accordance with the provisions of the permit and this Ordinance, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss

suffered by the Town as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the Registrant, or the cost of completing the work, plus a reasonable allowance for attorney's fees, up to the full amount of the bond.

3. No less than twelve (12) months after completion of the construction and satisfaction of all obligations in accordance with the bond, the Registrant may request the Town to remove the requirement to continue the construction bond and the Town shall release the bond within thirty (30) days of the date of final approval of said request. Notwithstanding, the Town may require a new bond for any subsequent work performed in the Public Rights-of-Way.

4. The construction bond shall be issued by a surety having a minimum rating of A-1 in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the Town Attorney; and shall provide that:

"Unless released by the Town, this bond may not be canceled, or allowed to lapse, until sixty (60) days after receipt by the Town, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

5. The rights reserved by the Town with respect to any construction bond established pursuant to this Section are in addition to all other rights and remedies the Town may have under this Section, or at law or equity, and no action, proceeding or exercise of a right with respect to the construction bond will affect any other right the Town may have.

Section -164. Security Fund.

At the time of Registration and as a condition of receiving its first permit to place or to maintain a Communications Facility in Public Rights-of-Way after the effective date of this Ordinance, the Registrant shall be required to file with the Town, a security fund in the form of an annual bond or cash deposit in the sum of Fifty Thousand Dollars (\$50,000.00). If the Registrant files a bond, it shall have as a surety a company qualified to do business in the State of

Florida, and having a minimum rating of AAA in Best's Key Rating Guide, Property/Casualty Edition; and shall be subject to the approval of the Town Attorney. The Security Fund shall be conditioned on the full and faithful performance by the Registrant of all requirements, duties and obligations imposed upon Registrant by the provisions of this Ordinance. The bond or other guarantee shall be furnished annually or as frequently as necessary to provide a continuing guarantee of the Registrant's full and faithful performance at all times. In the event a Registrant fails to perform its duties and obligations imposed upon the Registrant by the provisions of this Ordinance, subject to Section 27-16 of this Ordinance, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the Town as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the Registrant, plus a reasonable allowance for attorneys' fees, up to the full amount of the Security Fund.

Section -165 . Enforcement Remedies.

1. Enforcement. A violation of this Ordinance or any resolution adopted pursuant to this Ordinance may be enforced pursuant to Section 8CC-10 of the Town Code and by issuance of a uniform civil violation notice, citation, summons, notice to appear in county court, or by filing an action in civil court for injunctive relief. This Ordinance is supplemental and nothing contained herein shall prohibit the Town from enforcing this Ordinance by any other lawful means.

2. Failure of the Town to enforce any requirements of this Ordinance shall not constitute a waiver of the Town's right to enforce the Ordinance with respect to that violation or subsequent violations of the same type or to seek appropriate enforcement remedies.

3. The Town Manager, or the Town Manager's designee is authorized to give any notice required by law.

Section -166. Reports and Records.

1. A Registrant shall provide the following documents to the Town as received or filed:

- (a) Any pleadings, petitions, notices, and documents, which may directly impact the obligations under this Ordinance and which are reasonably necessary for the Town to protect its interests under this Ordinance.
- (b) Any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy.

2. Nothing in this subsection shall affect the remedies Registrant has available under applicable law.

3. The Town shall keep any documentation, books and records of the Registrant confidential to the extent required by Florida Statutes.

Section -167. Abandonment of a Communications Facility.

1. Upon Abandonment of a Communications Facility owned by a Registrant in the Public Rights-of-Way, the Registrant shall notify the Town of such Abandonment within ninety (90) days.

2. The Town may direct the Registrant by written notice to remove all or any portion of such Abandoned Communications Facility at the Registrant's sole expense if the Town determines that the Abandoned Communications Facility's presence interferes with the public health, safety or welfare, which shall include, but shall not be limited to, a determination that such Communications Facility:



- (a) compromises safety at any time for any Public Rights-of-Way user or during construction or maintenance in Public Rights-of-Way;
- (b) prevents another Person from locating facilities in the area of Public Rights-of-Way where the Abandoned Communications Facility is located when other alternative locations are not reasonably available; or
- (c) creates a maintenance condition that is disruptive to the Public Rights-of-Way's use.

In the event of (b), the Town may require the third Person to coordinate with the Registrant that owns the existing Communications Facility for joint removal and placement, where agreed to by the Registrant.

3. In the event that the Town does not direct the removal of the Abandoned Communications Facility, the Registrant, by its notice of Abandonment to the Town shall be deemed to consent to the alteration or removal of all or any portion of the Communications Facility by the Town or another Person at such third party's cost.

4. If the Registrant fails to remove all or any portion of an Abandoned Communications Facility as directed by the Town within a reasonable time period as may be required by the Town under the circumstances, the Town may perform such removal and charge the cost of the removal against the Registrant.

Section -168. Force Majeure.

In the event a Registrant's performance of or compliance with any of the provisions of this Ordinance is prevented by a cause or event not within the Registrant's control, such inability to perform or comply shall be deemed excused and no penalties or sanctions shall be imposed as a result, provided, however, that such owner uses all practicable means to expeditiously cure or

correct any such inability to comply. For purposes of this Ordinance, causes or events not within a Registrant's control shall include, without limitation, acts of God, floods, earthquakes, landslides, hurricanes, fires and other natural disasters, acts of public enemies, riots or civil disturbances, sabotage, strikes and restraints imposed by order of a governmental agency or court. Causes or events within a Registrant's control, and thus not falling within this Section, shall include, without limitation, Registrant's financial inability to perform or comply, economic hardship, and misfeasance, malfeasance or nonfeasance by any of Registrant's directors, officers, employees, contractors or agents.

**Section -169. Reservation of Rights.**

1. The Town reserves the right to amend this Ordinance as it shall find necessary in the lawful exercise of its police powers.

2. This Ordinance shall be applicable to all Communications Facilities placed in the Public Rights-of-Way on or after the effective date of this Ordinance and shall apply to all existing Communications Facilities placed in the Public Rights-of-Way prior to the effective date of this Ordinance, to the full extent permitted by State and Federal law.

**Section 3. Amendment to Chapter 8CC-10.** Chapter 8CC-10 is hereby amended to include penalties for violations of this Ordinance as follows:

<i>“Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
150 through 169	Failure to comply with Rights-of-Way Ordinance	\$250.00 per violation; with each day that the violation continues constituting a separate violation.

**Section 4. Repeal Of Conflicting Provisions.** Any provision of the Code that conflicts with this Ordinance is hereby repealed.

**Section 5.**     **Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 6.**     **Inclusion In The Code.** It is the intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Miami Lakes, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

**Section 7.**     **Savings.** All fees and other dollar amounts owed to the Town under any contract, Agreement, or other provisions of the Town Code as of the effective date of this Ordinance, whether known or unknown, shall not be affected by the adoption of this Ordinance and the Town expressly reserves its rights with respect to such amounts.

**Section 8.**     **Effective Date.** This Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on first reading. The motion was seconded by Thomson and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	__yes
Councilmember Robert Meador, II	__yes
Councilmember Michael Pizzi	__yes
Councilmember Nancy Simon	__yes
Councilmember Peter Thomson	__yes
Vice Mayor Roberto Alonso	__yes
Mayor Wayne Slaton	__yes

PASSED AND ADOPTED on first reading this fifteenth day of March, 2005.

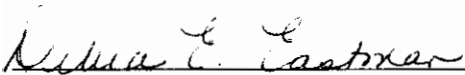
The foregoing Ordinance was offered by Councilmember Thomson, who moved its adoption on second reading. The motion was seconded by Councilmember Collins, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	yes
Councilmember Robert Meador, II	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	absent
Councilmember Peter Thomson	yes
Vice Mayor Roberto Alonso	yes
Mayor Wayne Slaton	yes


PASSED AND ADOPTED on second reading this 19 day of April, 2005.

  
\_\_\_\_\_  
Wayne Slaton  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Debra E. Eastman, MMC  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

  
\_\_\_\_\_  
Weiss, Serota, Helfman, Pastoriza,  
Cole & Boniske, P.A.  
TOWN ATTORNEY