



**CITY OF NORTH MYRTLE BEACH
SMALL CELL IN PUBLIC RIGHTS OF WAY
APPLICATION PROCESS GUIDELINES**



(whitepages.com)

Adopted April 2021

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INTRODUCTION

The purpose of these City of North Myrtle Beach Small Cell in Public Rights of Way Permit Application Process Guidelines (these “Process Guidelines”) is to guide applicants through the City’s application process for Small Cell collocations, installations, modifications, or replacement in public rights of way (“PROW”) under the Small Cell Ordinance found in Chapter 24 of the City Code. Before any action is taken by an applicant, the applicant should first familiarize itself with those requirements set forth in both the Small Cell Ordinance and those suggestions set forth in the Small Cell Design Guidelines, both of which can be found on the City’s website under the tab for “Small Cell in PROW” (the “Small Cell Tab”) on the City’s Department of Public Works (the “Department”) homepage. Wireless facility installations that do not meet the definition of Small Cell in the Small Cell Ordinance or that are not sought for installation in the PROW will follow the standard permitting process for permit applications under Chapter 23, Zoning, of the City Code. Notwithstanding the above, the requirements of these Process Guidelines and of the Design Guidelines may be instructive for Small Cell permit applications filed under Chapter 23, Zoning.

DEFINITIONS

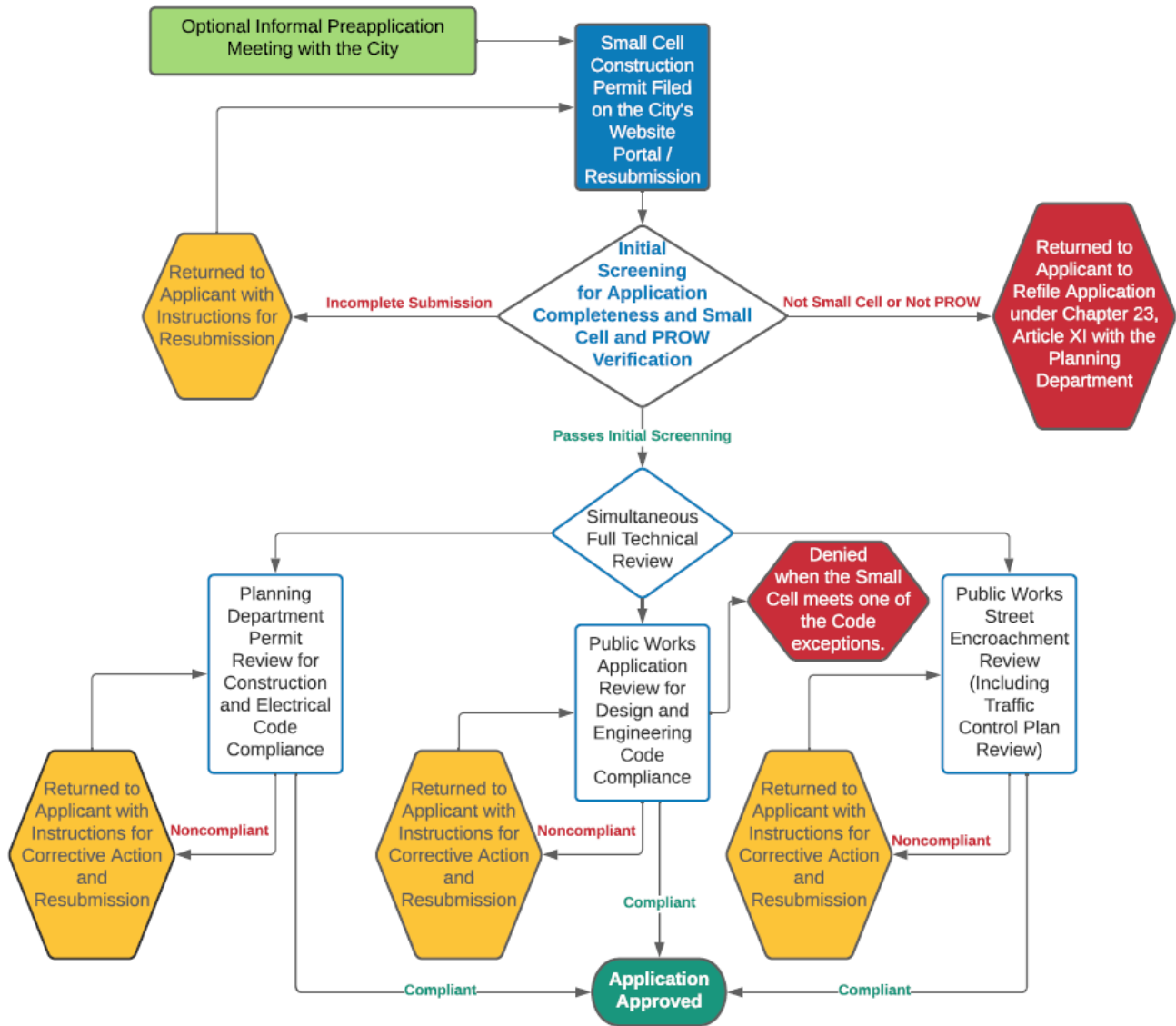
All words and terms used in these Process Guidelines are given those definitions set forth in the Small Cell Ordinance unless otherwise defined herein. Any words used in these Process Guidelines that are not defined in the Small Cell Ordinance or herein will carry their customary dictionary definitions.

PROCESS OVERVIEW

- A. Informal Preapplication Meeting (optional)
- B. Small Cell Application Submittal
- C. Initial Small Cell Application Screening
 - 1. Completeness
 - 2. Small Cell Dimension Verification
 - 3. PROW Location Verification
- D. Technical Review of Application Submittal
 - 1. Small Cell Application Review for Design and Engineering Code Compliance
 - 2. Permit Review for IBC and North Myrtle Beach Code Compliance
 - 3. Street Encroachment Permit Review for Code Compliance
- E. Small Cell Application Approval
- F. Grant of Construction Permit

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APPLICATION PROCESS FLOWCHART



SECTION I. – INFORMAL PREAPPLICATION MEETING

A. General.

The purpose of the informal preapplication meeting is to encourage a dialogue between the City and an applicant regarding the applicant's Small Cell deployment plans in the City of North Myrtle Beach so that the applicant's Small Cell application can move smoothly through the process once it is submitted for formal review. These meetings can be held in person, per the applicant's request, or virtually and are encouraged by the Federal Communications Commission Declaratory Ruling and Report and Third Order released September 27, 2018 (the "Small Wireless Facility Order") and the Federal Communications Commission Final Rules attached to the Small wireless facility order as Appendix A.

To request a preapplication meeting, the applicant should contact Christine Gillan at 864-380-8026, and e-mail all relevant documents to christine.gillan@gccss.net. For ease of reference, the formatting requirements described in Section III.C, below, should be followed.

During these meetings, the Department will informally review the applicant's plans and submissions to help ensure that:

1. the proposed installation meets the definition of Small Cell and that the proposed site location meets the definition of public right of way as both terms are defined in the Small Cell Ordinance;
2. the proposed Small Cell location is available for new construction or that the targeted existing vertical support structure ("VSS") is eligible for collocation or replacement;
3. the proposed Small Cell's design will generally meet the requirements of the Small Cell Ordinance and the Design Guidelines;
4. the application is complete and contains all relevant and required deliverables as per Section III, below, such as structural engineering and construction drawing documentation; and
5. any questions that the applicant may have about the application process and the processing of its application are answered.

Note: The submission of an application for review during an informal preapplication meeting will not start the shot clock described in Section 24-31 - Timelines for Review and Approval/Denial for formal application review under the Small Cell Ordinance.

B. How to Predetermine VSS or Site Location Availability.

A list of existing VSSs and locations that are currently under permit for Small Cell in a PROW by the Department can be found on the Department's homepage through the link to "Small Cell Asset List" under the Small Cell in PROW tab. Applicants can refer to this list when researching locations for Small Cell implementation to satisfy the requirement to co-locate on existing structures and approved locations wherever possible.

C. Small Cell Design Catalog.

A catalog of approved Small Cell designs can be found on the Department's homepage through

the link to “Approved Small Cell Design Catalog” under the Small Cell Tab. Applicants should refer to this catalog to assist in the design of their proposed Small Cell installations and infrastructure.

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SECTION II. – FORMAL APPLICATION PROCESS

A. General.

A Small Cell application must be submitted through the on-line Small Cell application process found on the Department's homepage after the conclusion of an informal preapplication meeting. Alternatively, applicants may formally submit their applications in this manner from the start. In either case, the application workflow for a formal submission is described below.

1. Before a formal application submittal (and before requesting a preapplication meeting), the applicant should first:
 - a. verify that the proposed installation or collocation meets the definition of Small Cell per Section 24-2 - Definitions of the Small Cell Ordinance and verify that the proposed location is properly sited in the right of way,
 - b. verify the existing VSS's availability and obtain consent from its owner for collocation or replacement, or, in the case of new construction or replacement, verify the site location proposed meets the conditions and recommendations identified in the Small Cell Design Guidelines,
 - c. research engineering and structural issues and create the structural and construction documentation package as referenced in Section III, below,
 - d. initiate a Small Cell application through the Department's Small Cell application portal on its homepage and complete all required and applicable fields in the application, and
 - e. upload all required deliverables in PDF form to support the application.
2. Applicants must submit a Small Cell application for every collocation, VSS replacement, or new construction location. However, a batch or group of Small Cell applications may be linked together by using a unique project number, provided by the Planning Department, to facilitate tracking when permissible under Section 24-26 - Batching of Applications of the Small Cell Ordinance. When applicable, please call Suzanne Pritchard in the Planning Department at 843-280-5560 to obtain your unique project number.
3. For an application to progress successfully, written approval will be required from the persons listed below:
 - a. in the case of an existing VSS, the owner of the existing structure such as, but not limited to, SC Department of Transportation ("SCDOT"), Santee Cooper, Horry Electric Cooperative Inc., and in certain limited cases, the City; and
 - b. when applicable, other users of the PROW effected by the proposed installation such as, but not limited to, commercial operations, fiber optic and CATV providers.
4. The Department will notify an applicant of its approval of a Small Cell application through the City's website portal when each of the following has occurred:
 - a. the Department has confirmed that the design and engineering of the Small Cell meets all Small Cell Ordinance requirements,
 - b. the City's Planning and Development Department has approved the issuance of a

construction permit, and

- c. the Department has approved the issuance of a PROW street encroachment permit.
5. Notwithstanding the approval of a Small Cell application, construction permits for the Small Cell will not be released until each of the following has occurred:
- a. when applicable, the Department has received a PROW encroachment and use permit issued by the SC Department of Transportation (“SCDOT”), and
 - b. all permitting fees have been paid in full.

B. ROW Location Verification and Small Cell Screening.

1. All applications will be initially screened to ensure that:
 - a. the wireless facilities described in the application meets the definition of Small Cell in the Small Cell Ordinance, and
 - b. the proposed location is located completely within the PROW as defined in the Small Cell Ordinance.
2. Applications for wireless facilities that do not meet the definition of Small Cell in the Small Cell Ordinance or for site locations that fall outside of the PROW will be rejected and may be resubmitted by the applicant with the Department of Planning and Development as per the Wireless Telecommunications Facilities Code found in Article III of Chapter 23 - Zoning.

C. Initial Review for Completeness.

1. **General.** The Department will review Small Cell application deliverables for completeness within 10 days of formal submission to determine if any deliverable documents have been omitted or incorrectly completed.
2. **Incomplete application.** If Small Cell application deliverables are found to be incomplete or incorrect, the applicant will be notified through the website portal that the Small Cell application is deemed “incomplete”, and the applicant will be provided with a list of the missing documents or information that the applicant must submit to render the application “complete”.
 - a. If the application is re-submitted and continues to be deemed “incomplete”, the applicant will be notified through the website portal that the application remains incomplete, and the applicant will be provided with a list of the missing documents or information that the applicant must submit to render the application “complete”.
 - b. The department will deem an application as withdrawn when there is a failure to respond or when a resubmission remains incomplete after 60 days of a notice of an incomplete application or an incomplete resubmission by the department.

D. Design and Engineering Review.

1. **Complete application.** The application will progress through a design and engineering review within the Department once all required deliverables are deemed correctly submitted and complete.

2. **Approved application.** If the application passes the design and engineering review, the applicant will receive notice of its Small Cell application approval through the City's website portal.
3. **Returned application.** If the application fails the design or engineering review, the Department will notify the applicant and will provide a list of concerns through the City's website portal. The applicant can then make corrections until the City approves the application; however, the timelines in Section 24-31 - Timelines for Review and Approval/Denial of the Small Cell Ordinance will be tolled each time an application is returned to an applicant.
4. **Denied application.** The Department may deny an application when the proposed collocation, installation, modification, or replacement meets one of the exceptions set forth in Section 24-32 - Approval or Denial of Applications of the Small Cell Ordinance.
5. **Timeline.** Except as set forth in Section III.F.2 above, the Department will follow the application timelines set forth in Section 24-31 - Timelines for Review and Approval/Denial of the Small Cell Ordinance.

E. SCDOT PROW Application Submittal Notification.

An approved SCDOT PROW encroachment and use permit must be obtained and submitted to the Department by the applicant before the Small Cell construction permit will be released. Therefore, for construction in a SCDOT PROW, an applicant should submit a SCDOT PROW encroachment permit application directly with the SCDOT before or simultaneously with its application submission for Small Cell to support the Small Cell application. Upon its approval of a Small Cell application, the Department will notify the SCDOT so that the SCDOT will release its encroachment and use permit. Applicants should note, however, that the Department has no control over the SCDOT's issuance of its permit and the SCDOT's action may fall outside the timelines set forth in Section 24-31 - Timelines for Review and Approval/Denial of the Small Cell Ordinance.

F. Application and Permitting Fees.

The list of application fees can be found in Appendix 1 to these Process Guidelines and on the Department's homepage under the Small Cell Tab. All application fees must be paid at the time of an application's submittal.

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SECTION III. - APPLICATION DELIVERABLES

A. General Requirements.

Applications must be made by the applicant, or its duly authorized representative, and the applicant must submit a notarized statement from a person with authority to make such an authorization. The application form will require the applicant's submission of the following information:

1. the applicant's name, address, telephone number, and e-mail address,
2. the name, address, telephone number, and email address of the owner of, or any person with a recognized interest in the Small Cell to be sited, if different from the applicant, who is the authorized agent of such owner or other person,
3. the names, addresses, telephone numbers, and e-mail addresses of all consultants or contractors, if any, acting on behalf of the applicant in the prosecution of the project, and
4. the installation type, coordinate, street address (or the address of the nearest intersection), and the identity of the applicable PROW jurisdiction.
5. "Eligible Facility Requests" submitted under 47 C.F.R. §1.6100 must be noted here, so that the City (i) can verify that the work meets the required definition of an "Eligible Facility" and (ii) can perform the application's review within the State and Federally mandated timeframes.

B. Uploaded Deliverables.

In addition to providing the above information, the applicant must upload the items listed below to the City's website portal with the Small Cell application.

1. Construction drawings ("CDs") stamped by a professional engineer ("PE") licensed in the State, which are combined into a single PDF document and:
 - a. meet City's standard details as set forth in the Standard Detail documents found under the Engineering tab on the Department's homepage,
 - b. include electrical "one line" drawings showing type and placement of power equipment,
 - c. describe the height, size, shape, and color of the proposed Small Cell, its vertical components, all accessory equipment, and any proposed ground mounted or underground accessory equipment, including the size, shape, color, texture, and materials to be used or installed,
 - d. describe and document the size and location of signage required by the pole's owner, the City, or the FCC to warn pedestrians or anyone working on or near the Small Cell of potential radio frequency emissions,
 - e. provide the location of the power cut-off switch to terminate electrical power to all parts of the Small Cell emitting radio-frequency radiation,

- f. identify the exact location of all wireless facility equipment and, all utilities required such as but not limited to, fiber optic and AC power, routing of coaxial cable, conduit, wires, and hybrid cables. In particular, the CDs should show:
 - i. the specific location of such facilities, the routing of utilities whether overhead or underground to a known existing network node, and all civil works required inside or outside the PROW by the City or utility to install or connect the proposed location, and
 - ii. in the case of new construction, the physical location of the new pole or VSS in relation to other Small Cell installations within 500 feet, the relationship to commercial, retail, and residential structures within 200 feet, and an analysis of how the installation will affect pedestrian and vehicular traffic inside and ancillary to the PROW.
- g. include elevation drawings describing the heights of all proposed and existing equipment, which,
 - i. show both top and bottom measurements of all enclosures, conduit if applicable, and antenna, and
 - ii. show proposed height of new or overlapping overhead fiber utility lines or equipment required at the proposed location,
- h. include any electrical make ready work (MRW) with the following items noted:
 - i. all associated overhead line work including, but not limited to,
 - pole replacements
 - transformer upgrades and replacements
 - installation of new wire, and various system improvements and/or changes as required,
 - ii. all pole replacement, hardware, framing, and field notes, and
 - iii. callouts for concrete or asphalt restoration and/or temporary “cold-patch” repairs, and
- i. include documentation, both written and visual, demonstrating how the new pole or VSS will be consistent with:
 - i. the overall design and character of the location in which it will be placed, taking into consideration publicly available planned improvements to those locations, and
 - ii. the zoning district or underlying zoning requirements of the proposed location, including, when applicable, publicly available planned corridor improvements such as planned undergrounding of utilities.

2. A NIER Report stamped by a PE licensed in the State of SC, which clearly demonstrates

that the general public is safe from potentially dangerous radiation exposure both horizontally and vertically from the wireless antennas as defined by the FCC. The report should:

- a. list the calculated Maximum Power Density vs. the Maximum Permissible Exposure limits for both the uncontrolled (general) and controlled (occupational) population based on the specifications and elevations of the proposed equipment to be installed on the VSS, and
 - b. give consideration for proximity to surrounding buildings, windows, balconies, and other human-accessible areas.
3. A stamped structural analysis (“SA”) prepared by a PE licensed in the State of SC, which reports that the existing VSS or new or replacement pole has the structural capacity for the collocation of the proposed Small Cell equipment, including known future equipment modifications.
 4. Photo-simulations of the proposed installation, riser diagrams, equipment specifications, and installation notes.
 5. Traffic control plan to support the issuance of a street encroachment permit.
 6. When an application for a Small Cell is part of a larger network of planned small wireless facilities, provide network engineering, propagation analysis, and growth assumptions, for the proposed network of small wireless facilities, so that the Department may evaluate how the proposed locations will be effected by adjacent network elements, and the planned Small Cell project as a whole to ensure that the overall aesthetic impact of the project and potential negative impacts to public safety are minimized.
 7. Field notes when the necessary project information is not captured or included in other application documents.
 8. When the application is for the collocation or replacement of a VSS that does not belong to the City, a signed certification by the owner of such VSS that:
 - a. it has reviewed and approved the SA submitted with the pending Small Cell application and that the City may rely upon the owner’s acceptance of the SA as an indication that the VSS’s engineering meets or exceeds all the owner’s requirements for replacement of or collocation, and
 - b. it has reviewed and approved the CDs submitted with the application and that the design of the replacement pole or of the Small Cell accessory equipment to be attached, meets, or exceeds all the owner’s design requirements.
 9. In instances where the applicant is a third-party infrastructure provider, the applicant must produce signed certifications from each of the applicant’s customers in which each customer acknowledges and agrees that:
 - a. a construction permit granted under the Small Cell Ordinance does not grant any such customer the right to enter upon, or use the PROW area, in any other manner

or at any other place, including to add to, or modify or install any wireless facilities at any proposed location, despite any rights of ownership by the customer's ability to transmit or receive radio frequency emissions from the Small Cell (this right shall belong solely to the applicant),

- b. the City has not granted the customer a franchise or consent to be in the City's PROWs for the installation of the wireless facilities subject of any application,
- c. the customer is bound by the applicant's representations,
- d. the customer has no rights or claims against the City of any sort related to their wireless facilities,
- e. its facilities may be subject to taxes, fees or assessments as provided in Chapter 7 – Business Licenses, Taxes and Regulations of the City Ordinance, and
- f. the City may treat any equipment owned by such person as if it were owned by the applicant for all purposes (including, but not limited to, removal and relocation).

C. Format.

1. All document deliverables submitted with each application must be in a PDF form, unless specified otherwise.
2. Name all files using the Small Cell applicant's name followed by the deliverable name, formatted as follows:

Applicant Name_ Site Name_Name of Deliverable

- a. Use an underscore for any spaces within the filename.
- b. Name and submit files individually for each required deliverable.
- c. If there are multiple files for the same deliverable, combine them into a single PDF.

Example: ATT_Cherry Grove_CDs.pdf

Example: VZ_North Village_SA.pdf

Example: TMO_Main St._NIER Report.pdf

Example: DISH_Barefoot Landing_Photo_jpg

3. When batching applications pursuant to Section 24-26 - Batching of Applications of the Small Cell Ordinance, please include the unique project number assigned to you, as described in Section II.A.2 above, in each deliverable's title as follows:

Applicant Name_ Batching Project Number_Site Name_Name of Deliverable

D. Required Certifications.

In addition to the above, all applications for Small Cell will require the below certifications,

which will remain enforceable throughout the term of the ancillary construction permits:

1. The Small Cell will be suitably designed, installed and maintained in accordance with good and safe engineering practices, and will comply with applicable ground clearances, electrical safety clearances, and other standard requirements of the National Electrical Safety Code (the "NESC"), and all applicable Federal, State and local laws.
2. That all radio frequency radiation emitted from the Small Cell will be and shall always remain in compliance with applicable governmental and industry safety standards and codes. The Small Cell shall not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b) as set forth in the FCC final rules.
3. The installation and operation of the Small Cell will be designed so as to not interfere with any existing public or private utility systems, or public safety systems.
4. The applicant or the owner of the Small Cell, including any wireless services provider utilizing the Small Cell, will comply with any environmental and industrial hygiene laws, including any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene conditions or concerns as may now or at any time hereafter be in effect, that are or were in any way related to the Small Cell's installation, maintenance, operation, removal, or abandonment.
5. The applicant or the owner of the Small Cell and, in instances where the applicant is a third-party infrastructure provider, the applicant's customer who will transmit or receive radio frequency emissions from the Small Cell, are duly authorized to do business in the City and the State of SC.
6. The applicant or the owner of the Small Cell has paid all annual municipal consent fees for telecommunications companies to use PROWs as required by S.C. Code 1976, § 58-9-2230 and all business taxes required by S.C. Code 1976, § 58-9-2220. If not already paid, the initial consent fee and business tax shall be paid to the City on or before the approval of any application for Small Cell or application for encroachment permit, and thereafter in the ordinary course of business.
7. When the applicant or the owner of the Small Cell is a wireless services provider, that the applicant or owner is licensed by the FCC or otherwise authorized to do business in the State and to provide service in the City of North Myrtle Beach.
8. When the applicant is a third-party infrastructure provider, the applicant's customer, which will transmit or receive radio frequency emissions from the Small Cell, is licensed by the FCC or otherwise authorized to do business in the State and to provide service in the City of North Myrtle Beach.

E. City Pole Attachments.

In addition to the requirements above, applications to collocate on City poles require the below documents to be on file with the City before an application will be approved.

1. A fully executed Small Cell Master License Agreement, as required by Section 24-19 - Written Consent Requirement of the Small Cell Ordinance.
2. An active certificate of insurance (COI), as required by Section 24-50(3) - Insurance which meets the insurance requirements set forth in the insurance addendum attached to these Process Guidelines.

[End of Process Guidelines.]

APPENDIX 1 – SMALL CELL IN PROW FEE SCHEDULE

Application Fee.

Application fees must be paid contemporaneously with an applicant's formal submission of a Small Cell application. The amounts of the application fees are listed below.

For Small Cell applications to collocate small wireless facilities on **existing poles or other vertical support structures**:

- \$100 each for the first 5 small wireless facilities in the same application; and
- \$50 for each additional small wireless facility in the same application.

For Small Cell applications to collocate small wireless facilities on **new poles**:

- \$1,000 for each pole, which fee covers both the installation of the new pole and the collocation on the new pole associated with the Small Cell.

For Small Cell applications to collocate small wireless facilities on **modified or replacement poles**:

- \$250 for each pole, which fee covers both the modification or replacement of the pole and the collocation on the pole associated with the Small Cell.

Consultant Fees.

When the City employs an outside firm to provide consultation or to assist with the review and/or processing of a Small Cell application, additional fees may apply in the amounts listed below. These fees must be paid when applicants-turned-permittees retrieve their Small Cell permits from the Department.

- When a consultant's work is related to the review of applications to collocate Small Cell on **existing poles or other vertical support structures**, the applicant additionally may be charged up to \$70 each for the first 5 small wireless facilities in the same application and \$35 for each additional small wireless facility in the same application.
- When a consultant's work is related to the review of applications to collocate small wireless facilities on **new poles**, the applicant additionally may be charged up to \$650.
- When a consultant's work is related to the review of applications to collocate small wireless facilities on **modified or replacement poles**, the applicant additionally may be charged up to \$200.

ROW Use and Occupancy Fee.

In addition to the above, all applicants deploying Small Cell in the PROW must pay the additional amounts to the City that are listed below, for the occupancy and use of the PROW. These fees must be paid for the first 5 years, in advance, when applicants-turned-permittees

retrieve their Small Cell permits from the Department:

- \$100 per year for each small wireless facility collocated on any **existing or replacement pole**, including an existing or replacement pole; or
- \$200 per year for each small wireless facility collocated on a **new pole**, other than a replacement pole, which rate shall cover the new pole and the small wireless facility collocated on it.

Standard Permitting Fees.

Applicants also will be required to pay the standard permitting fees associated with construction permit applications as are found on the Planning & Development Department's homepage on the City's website.

Permitting hours are Monday through Friday 8 AM – 10 AM. Building plans may be submitted for plan review at any time. If there are any questions, call (843) 280-5560 or FAX (843) 280-5581.

APPENDIX 2 – ENGINEERING RECOMMENDATIONS

Below is a list of recommended engineering considerations relevant to engineering a wood or metal pole in association with new construction or pole replacement for Small Cell.

1. Transformer load analysis
2. Overlapping work check
3. Calibrated photos (IKE GPS as examples)
4. Locate photos
5. Pole loading analysis
6. Environmental review
7. Voltage drop
8. Fault current
9. Existing and proposed pole elevation
10. Wiring schematic
11. Fusing schedule
12. Luminaire schedule
13. Grounding details
14. Material list
15. Pole design details, including:
 - a. Pole section details, and
 - b. Festoon and hardware details
16. Load calculations, including:
 - a. Electrical load, and
 - b. Structural load
17. Site plan including such items as:
 - a. Verbiage for the installation of antennas and wireless equipment,
 - b. Other utilities and vegetation,
 - c. Service points, handhole and vault locations, conduit attachment detail for existing and proposed cables
 - d. Any relevant standards documented, and
 - e. Ground rod and bus locations

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APPENDIX 3 - INSURANCE REQUIREMENTS

A. General.

Any permittee, as a condition of the approval of any application under the Small Cell Ordinance, shall obtain and maintain at all times during the duration of that period of time that it operates in the covered areas pursuant to such approved application, commercial general liability and property liability insurance with a combined single limit of not less than two million dollars (\$2,000,000.00) for injury to or death of one (1) or more persons in any one (1) occurrence and for damage or destruction to property in any one (1) occurrence; (ii) workers' compensation coverage in the statutory amount; (iii) employers' liability occupational disease and bodily injury, limit of one million dollars (\$1,000,000.00); (iv) automobile liability for owned and non-owned autos, combined single limit of one million dollars (\$1,000,000.00); and (v) all risk property insurance with standard extended coverage, replacement value, without co-insurance factor for full replacement value of the permittee's facilities and personal property located in the covered areas. The limits required above may be satisfied through the combination of primary and excess liability insurance policies. The permittee shall require its contractors and subcontractors to carry workers' compensation insurance and adequate liability insurance in conformity with the minimum requirements listed above. Failure of the permittee to obtain or maintain the required insurance or to provide the certificates of insurance with endorsements required by subsection (d) below shall be grounds for the City to revoke any rights previously granted to the permittee under the Small Cell Ordinance. Prior to the revocation of any rights, the City shall give the permittee 30 days' notice to cure the deficiency.

The commercial general liability insurance and automobile liability insurance policies shall name the City, its elected officials, officers, and employees as additional insureds as respects any covered liability arising out of the permittee's occupancy in, and around, the covered areas pursuant to any approved application. The commercial general liability and automobile liability insurance coverage shall be in an occurrence form and in accordance with the limits and provisions specified herein. Claims-made policies are not acceptable. Such insurance coverages shall not be canceled nor, shall the occurrence or aggregate limits set forth above be reduced, until the city has received at least 30 days' advance written notice of such cancellation or change. The permittee shall be responsible for notifying the City of such change or cancellation.

B. Insurer criteria.

Any insurance provider of the permittee shall be admitted and authorized to do business in the State and shall carry a minimum rating assigned by A.M. Best & Company's Key Rating Guide of "A: VII."

C. Severability of interest.

Any insurance policy deductibles or self-insured retentions shall be the responsibility of the permittee. The City shall have no responsibility to pay or reimburse either. Any self-insured retention shall be listed on the certificate of insurance and be subject to approval by the City.

D. Changes in insurance.

The types and amounts of insurance required of a permittee herein assume that no hazardous materials will be associated with any improvements in the covered areas and that any improvements in the covered areas will be of a kind and type regularly installed in the PROW. The City may require additional types of insurance or increase in insurance coverage limits if, in the City's reasonable view, the improvements made by any permittee present additional risks to the City, the public or property.

[End of Addendum.]