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City Hall
2032 Hanley Road
Dardenne Prairie, MO 63368
Phone 636.561.1718
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Small Wireless Facilities Permit Application

APPLICANT:

Company Name

Printed Name, Title

Street Address

City/State/Zip Code

Telephone Number (Day) Telephone Number (Night)

Email Address Facsimile

Check one: Applicant is not a wireless services provider. Applicant is a wireless services provider.

FACILITIES OWNER:

CONTRACTOR:

Company Name

Printed Name, Title

Street Address

City/State/Zip Code

Telephone Number (day)

Telephone Number (night)

Facsimile

Email Address

Company Name

Printed Name, Title

Street Address

City/State/Zip Code

Telephone Number (day)

Telephone Number (night)

Facsimile

Email Address

STREET ADDRESS OF PROPERTY: _____

DESCRIPTION OF PROPERTY (Subdivision/Lot Number, coordinates, etc. – attach additional if necessary):

Description of Small Wireless Facilities (check all that apply):

- Facilities work within public rights-of-way
- Installation of a New, Modified, or Replacement Utility Pole(s):
 - in single-family residential areas not in single-family residential areas
- Collocation of small wireless facilities
- Routine maintenance on a previously permitted small wireless facility
- The replacement of a small wireless facility
- The installation, placement, maintenance, operation or replacement of a micro wireless facility

- An attestation that the wireless facility complies with the volumetric limitations in the definition of a Small Wireless Facility in Chapter 540 of the Municipal Code is provided.

Plans:

- Three (3) copies of construction and engineering drawings including detailed cost estimates for any make-ready work as needed are provided. The Applicant shall be solely responsible for the cost of any make ready work. The plans should show the proposed location of the facilities work including manholes or overhead poles; the length, size, type and proposed depth of any conduit or any other enclosures; and the relationship of the facilities to all existing streets; length of public rights-of-way; the number of road crossings; the number of entrance drive crossings; the locations of City-owned facilities in the proximity, if known, and the dimensions and character of any cut or excavation, and the number of square feet to be resurfaced. Note: All plans, drawings or other materials submitted to the City shall become the property of the City and part of the permanent record of any approval.

Project timeframe:

- If Applicant is not a wireless services provider, evidence of agreements or plans demonstrating that the small wireless facilities will be operational for use by a wireless service provider within one (1) year after the permit issuance date are provided.

- Projected commencement date: _____ Projected termination date: _____

- Commencement and termination dates are unknown. Permit to be issued with condition that the permit holder shall provide the City Engineer with reasonable advance notice of such dates once it is determined.

Insurance:

- Proof of liability insurance coverage against any damage or personal injury caused by the negligence of the applicant or its employees, agents or contractors is provided. Such insurance coverage must be with companies licensed to do business in the State of Missouri and rated no less than AA by Best or equivalent and must be maintained in force for the duration of the period during which the applicant holds the permit and for the all applicable statute of limitations periods. Certificates evidencing such insurance shall be furnished to the City prior to the issuance of the permit and must state, "The City of Dardenne Prairie is an additional insured," on a primary and non-contributory basis. The Certificate Holder shall be listed as "City of Dardenne Prairie, Attention City Clerk, 2032 Hanley Road, Dardenne Prairie, MO 63368" and the certificate shall bear an endorsement precluding cancellation of or change in coverage without at least thirty (30) days written notice to the City. In the alternative of such insurance coverage, an applicant must demonstrate that it has in effect a comparable self-insurance program; Minimum limits area as follows:
 1. Commercial General Liability Insurance combined single limit: \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate.
 2. Auto and Truck Liability Insurance covering all owned, hired, and non-owned vehicles: \$500,000.00 each occurrence.

- The contractor(s) and any subcontractor(s) performing work in the public rights-of-way shall obtain and maintain during the term of the permit, Liability Insurance. Subcontractor(s) covered by the protection afforded by the contractor(s) performing work in the public rights-of-way need not provide the City a certificate of insurance.

Bond:

- A wireless provider issued any permit for collocation under Chapter 540 of the Municipal Code must first post a performance bond of \$1,500.00 per small wireless facility, except that for wireless providers with multiple small wireless facilities within the jurisdiction of the City, the total bond amount across all facilities shall not exceed \$75,000.00, which amount may be combined into one bond instrument. A performance bond acceptable to the City has been established in the City's favor in the following amount:
 - Cash Deposit in the amount of \$_____ (Receipt from City attached)
 - Bond in the amount of \$_____ (attached)
 - Letter of Credit in the amount of \$_____ (attached).

Fees:

- The following application fees are provided (check all that apply) for the following facilities work:
 - Facilities work within public rights-of-way - \$225.00 application fee.
 - Installation, modification, or replacement of a Utility Pole and the Collocation of an associated Small Wireless Facility - \$500.00 application fee per Utility Pole.
 - Collocation of a Small Wireless Facility on an existing City pole fee - \$100.00 per Small Wireless Facility.
 - Consolidated Application - \$100.00 application fee per Small Wireless Facility.
 - Rate for Collocation of a Small Wireless Facility to a City pole - \$150.00 fee per City pole per year.
 - Routine maintenance on a previously permitted small wireless facility – No fee required.
 - The replacement of a small wireless facility with a small wireless facility that is the same or smaller in size, weight and height - No fee required.
 - The installation, placement, maintenance, operation or replacement of a micro wireless facility that is strung on cables between utility poles, in compliance with Applicable Codes - No fee required.

I hereby certify, under penalty of law, that I have reviewed this document and understand the requirements relative to this application. I agree to implement and follow the provisions of the permit issued in conjunction with plans for the construction site and that the information provided on this form and on any additional data attached hereto is true, complete, and accurate. I understand that these requirements will be inspected and enforced by the City of Dardenne Prairie and failure to comply may result in the issuance of a “stop work order” and/or other penalties until compliance is achieved. The undersigned will be responsible for complying with this permit and all applicable provisions of the City of Dardenne Prairie Municipal Code. I assume full responsibility as to the performance of the construction operation, and I assure that all private properties and City, State and County streets and roads will be adequately protected from unnecessary damage and any damage to such shall be repaired to pre-existing or better condition as determined by the City of Dardenne Prairie. I consent to the City of Dardenne Prairie inspecting the proposed development site and all work in progress and agree to make payment of additional administration and inspection fees based on the City of Dardenne Prairie’s actual costs for administration and field inspections associated with this permit application.

APPLICANT:

Applicant’s Signature	Date
Printed Name	Title

*** Before signing this application, familiarize yourself with all City procedures and requirements related to small wireless facilities permits and make sure all items above are completed and you have reviewed this entire application and attached Information Sheets ***

Pursuant to the above application, permission is granted under the following conditions:

1. Inspection fees shall be paid to the City of Dardenne Prairie from time to time as the work progresses.
2. Failure to notify the City 48 hours prior to construction can result in a stop-work order and revocation of this permit.
3. A protective lane for traffic shall be provided at all times.
4. All evacuated areas beneath and within two feet of the pavement shall be backfilled with Granular Material and compacted to 90% maximum density as determined by the "Modified ASSHTO T-180 Compaction Test" (ASTM D-1557-70). All other areas may be backfilled with excavated material placed in the 8" maximum thickness lifts, free of frozen particles, and compacted to 90% of maximum density as determined by ASTM D-1557-70.
5. Contact Missouri One-Call System, Inc. before any excavation begin; however, just contacting Missouri One-Call System does not relieve the contractor from their responsibility of checking with the Recorder of Deeds for owners/operators of all underground utilities in the area.
6. Street construction requires notification when street is within two feet of subgrade. Inspection and approval of subgrade of all streets shall be accomplished before placement of sub-base.
7. The applicant shall promptly notify the City Engineer of any changes in the information submitted in this application.
8. If the permit is revoked, the permit holder shall also reimburse the City for the City's reasonable costs, including restoration costs and costs of collection incurred in connection with such revocation.
9. Permit holders shall comply with all City Codes and ordinances.
10. The permit holder shall give all emergency service providers as well as the City Engineer three (3) working days' notice to arrange for routing of emergency vehicles before streets are closed to traffic. Access to fire hydrants shall not be obstructed without approval of the City Engineer and local Fire Chief.
11. Unless for an emergency, no person shall make paving cuts or curb cuts except after receiving approval of a permit therefor.
12. Facilities work shall be subject to periodic inspection by the City. All excavation, alignment, depth, compaction and backfill materials shall be subject to inspection by the City. Such inspection, however, shall not relieve the permit holder from any obligation to perform all of the facilities work strictly in accordance with requirements of the plans and technical specifications submitted with the application.
13. Approval of the facilities work, as provided for herein, shall not relieve the permit holder of any financial liabilities imposed on the permit holder, nor shall it constitute final acceptance for maintenance by the City of the facilities work. Final acceptance of the facilities work will not be made until one (1) calendar year after completion of the facilities work and its re-inspection to confirm its continued compliance with the plans and technical specifications submitted with the application.
14. Within twenty (20) days following notification from the permit holder that all facilities work has been completed, the City Engineer will make an inspection of the entire facilities work site. If any work is found to be unsatisfactory or incomplete, instructions for correction will be issued and another inspection will be made after the City Engineer receives notice that the corrections have been carried out. Before final acceptance of the completed facilities work, the permit holder shall remove all surplus and discarded materials, equipment, rubbish and temporary structures.
15. Any and all public rights-of-way or facilities disturbed or damaged during the facilities work shall be promptly repaired or replaced, or caused to be promptly repaired or replaced, to its previous condition by the permit holder or, at the City Engineer's discretion, by the City, at the permit holder's expense.

This permit is valid for _____ days. Permit holders may request an extension on the permit time restriction in writing to the City Engineer. If the time limit on the permit expires without approval of an extension, the permit shall be considered terminated.

_____ Approved _____ Denied _____
City Engineer's Signature Date

City Use Only

Permit Received By: _____ Date: _____

Permit Fee(s): _____ Date: _____

Performance Ensured by: ___ cash deposit ___ performance bond ___ letter of credit. Amount: _____

SMALL WIRELESS FACILITIES

The purpose of Chapter 540 of the Municipal Code is to regulate the collocation of small wireless facilities and the installation, modification or replacement of utility poles in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City of Dardenne Prairie.

- A. Small Wireless Facilities Inside the Right-of-Way. Any person desiring to construct or install Small Wireless Facilities within the Right-of-Way must first apply for and obtain a Permit from the City.
 - 1. The Collocation of Small Wireless Facilities and the installation, maintenance, modification, operation, and replacement of Utility Poles along, across, upon, and under the Right-of-Way is a permitted use not subject to zoning review or approval.
 - 2. The placement of new or modified Utility Poles in single-family residential areas or in areas zoned as historic as of August 28, 2018, remains subject to any applicable zoning requirements.

- B. Outside the Right-of-Way.
 - 1. The Collocation of Small Wireless Facilities in property not zoned for single-family residential use is a permitted use and not subject to zoning review or approval.
 - 2. The collocation of a small wireless facility upon or immediately adjacent to an existing wireless support structure or utility pole shall be a conditional use in property zoned for single-family residential use subject to the procedures set forth in Section 405.481 of the Municipal Code.
 - 3. The City will allow Collocation of Small Wireless Facilities on City Wireless Support Structures and City poles to the same extent, if any, that it allows access to such structures for other commercial projects or uses. Any such Collocations shall be subject to reasonable and nondiscriminatory rates, fees, and terms as provided in an agreement between the City and the Wireless Provider, and not otherwise governed by Chapter 540 of the Municipal Code.

- C. Small Wireless Facilities and Utility Poles.
 - 1. Small Wireless Facilities and Utility Poles shall be installed and maintained so as not to obstruct or hinder the usual travel or public safety on Right-of-Way or obstruct the legal use of the Right-of-Way by the City or other authorized Right-of-Way users.
 - 2. Each new, replacement, or modified Utility Pole installed in the Right-of-Way shall not exceed the greater of (i) ten feet in height above the tallest existing Utility Pole in place as of January 1, 2019, located within five hundred feet of the new Utility Pole in the same Right-of-Way, or (ii) fifty feet above ground level.
 - 3. New Small Wireless Facilities in the Right-of-Way shall not extend more than ten feet above an existing Utility Pole in place as of August 28, 2018.
 - 4. Small Wireless Facilities on a new Utility Pole shall not extend above the height permitted for a new Utility Pole in subsection 2 above.
 - 5. A new, modified, or replacement Utility Pole that exceeds these height limits shall be subject to any applicable zoning requirements that apply to other Utility Poles.
 - 6. A Wireless Provider shall be permitted to replace Decorative Poles when necessary to Collocate a Small Wireless Facility, but any replacement pole shall reasonably conform to the design aesthetics of the Decorative Pole or Poles being replaced.
 - 7. The City may require replacement of a City pole, prior to allowing collocation thereon, on a nondiscriminatory basis, based on reasons of safety and reliability, including a demonstration that the Collocation would make the City pole structurally unsound.

- D. Consolidated Applications.
 - 1. Any applicant seeking to collocate small wireless facilities within the City may file a consolidated application and receive a single permit for the collocation of multiple small wireless facilities.
 - 2. A consolidated application may include up to twenty (20) separate small wireless facilities, provided that they are for the same or materially same design of small wireless facility being collocated on the same or materially the same type of utility pole or wireless support structure and geographically proximate.
 - 3. The City may approve the application as to certain individual small wireless facilities while denying it as to others.

E. Application Procedures - Collocation of a Small Wireless Facility.

1. Within forty-five (45) calendar days of receiving an application for a Small Wireless Facilities Permit, or within such additional time as may be agreed to by the applicant and the City, the City Engineer shall review the application for completion and for its conformity with all the applicable standards set forth in Chapter 540 of the Municipal Code.
 - i. For purposes of this section, an application is deemed to be complete unless the City Engineer notifies the applicant in writing, within fifteen (15) calendar days of submission of the application, of the specific deficiencies of the application which, if cured, would make the application complete. This notice must specify the Code provision, ordinance, application instruction, or other publicly-stated procedure that requires the information to be submitted. All deadlines for action in this Section shall be tolled from the time the City Engineer sends such notice to the applicant to the time the applicant provides the missing information.
 - ii. After the applicant makes a supplemental submission in response to this notice, the City Engineer must notify the applicant within ten (10) calendar days if the supplemental submission did not provide the information identified in the original notice delineating missing information. Missing documents or information not delineated in the original notice of incompleteness may not be delineated in this subsequent notice. All deadlines for action in this Section shall be tolled from the time the City Engineer sends such notice to the applicant to the time the applicant provides the missing information.
 - iii. An application for a Small Wireless Facility Permit shall be deemed approved if the City Engineer does not act upon the application within forty-five (45) calendar days of receiving the application, or within such additional time as may be mutually agreed to by the applicant and the City.
 - iv. Applications for building permits, electrical permits, road closure permits and/or architectural or engineering permits shall be considered, and decisions rendered in accordance with the time frames set forth in this Section.
 - v. If the City receives individual applications for approval of more than fifty (50) small wireless facilities or consolidated applications for approval of more than seventy-five (75) small wireless facilities within a fourteen (14) day period, whether from a single applicant or multiple applicants, the City may, upon its own request to each and any affected applicant, obtain an automatic thirty (30) day extension for any additional collocation or replacement or installation application submitted during that fourteen (14) day period or in the fourteen (14) day period immediately following the prior fourteen (14) day period.
 - vi. The City shall document the complete basis for a denial in writing and send the documentation to the applicant on or before the day the City denies an application. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days and any subsequent review shall be limited to the deficiencies cited in the denial.
2. A party aggrieved by the final action of the City Engineer, either by the City Engineer affirmatively denying an application under the provisions of this section or by the City Engineer's inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.

F. Application Procedures-Installation of a New, Modified, or Replacement Utility Pole.

1. Within sixty (60) calendar days of receiving an application for a permit for a new, modified, or replacement utility pole, or within such additional time as may be agreed to by the applicant and the City, the City Engineer shall review the application for completion and for its conformity with all the applicable standards set forth in Chapter 540 of the Municipal Code.
 - i. For purposes of this section, an application is deemed to be complete unless the City Engineer notifies the applicant in writing, within fifteen (15) calendar days of submission of the application, of the specific deficiencies of the application which, if cured, would make the application complete. This notice must specify the Code provision, ordinance, application instruction, or other publicly-stated procedure that requires the information to be submitted. All deadlines for action in this Section shall be tolled from the time the City Engineer sends such notice to the applicant to the time the applicant provides the missing information.

- ii. After the applicant makes a supplemental submission in response to this notice, the City Engineer must notify the applicant within ten (10) calendar days if the supplemental submission did not provide the information identified in the original notice delineating missing information. Missing documents or information not delineated in the original notice of incompleteness may not be delineated in this subsequent notice. All deadlines for action in this Section shall be tolled from the time the City Engineer sends such notice to the applicant to the time the applicant provides the missing information.
 - iii. An application for a Small Wireless Facility Permit shall be deemed approved if the City Engineer does not act upon the application within sixty (60) calendar days of receiving the application, or within such additional time as may be mutually agreed to by the applicant and the City.
 - iv. Applications for building permits, electrical permits, road closure permits and/or architectural or engineering permits shall be considered, and decisions rendered in accordance with the time frames set forth in this section.
 - v. The City shall document the complete basis for a denial in writing and send the documentation to the applicant on or before the day the City denies an application.
 - vi. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days and any subsequent review shall be limited to the deficiencies cited in the denial.
 - 2. A party aggrieved by the final action of the City Engineer, either by the City Engineer affirmatively denying an application under the provisions of this section or by the City Engineer's inaction, may bring an action for review in any court of competent jurisdiction within the State of Missouri.
- G. The City may deny (i) a proposed collocation of a small wireless facility or (ii) the installation, modification, or replacement of a utility pole, only if the action proposed in the application could reasonably be expected to:
- 1. Materially interfere with the safe operation of traffic control equipment or City-owned communications equipment;
 - 2. Materially interfere with sight lines or clear zones for transportation, pedestrians, or nonmotorized vehicles;
 - 3. Materially interfere with compliance with the Americans with Disabilities Act, 42 U.S.C. Sections 12101 to 12213, or similar federal or state standards regarding pedestrian access or movement;
 - 4. Materially obstruct or hinder the usual travel or public safety on the right-of-way;
 - 5. Materially obstruct the legal use of the right-of-way by a city, utility, or other third party;
 - 6. Fail to comply with reasonable and nondiscriminatory spacing requirements of general application adopted by ordinance or regulations promulgated by the state highways and transportation commission that concern the location of ground-mounted equipment and new utility poles. Such spacing requirements shall not prevent a wireless provider from serving any location and shall include a waiver, zoning, or other process that addresses wireless provider requests for exception or variance and does not prohibit granting of such exceptions or variances;
 - 7. Fail to comply with applicable codes, including nationally recognized engineering standards for utility poles or wireless support structures; or
 - 8. Fail to comply with the reasonably objective and documented aesthetics of a decorative pole and the applicant does not agree to pay to match the applicable decorative elements.
- H. Construction Standards shall be pursuant to Section 540.070 of the Dardenne Prairie Municipal Code.
- I. When an applicant requests some variation from the requirements of Chapter 540 of the Municipal Code, and where strict application of Chapter 540 of the Municipal Code would involve undue hardship, the applicant may request a variance pursuant to Section 540.090 of the Dardenne Prairie Municipal Code.