

Section 17.04 Safety Requirements

1. **In General.** An applicant must obtain all necessary licenses and permits from the Town before performance of any work in the town commences. This includes installation, modification, relocation or removal of a small cell facility, relocation or removal of an existing wireless support structure, installation of a new wireless support structure, or co-location on an existing wireless support structure in the Town. Permittees and occupants must comply with applicable standards and any permit conditions with respect to the facilities or work performed in connection with the facilities. Town permits are not transferable without Town authorization.
2. It is the responsibility of all applicants and permittees to contact Miss Utility at 811 or (800) 257-7777 prior to any excavation.
3. **Prevention of Failures and Accidents.** An operator of a small cell facility and/or wireless support structure shall employ reasonable care to install and maintain industry standard technology for avoiding failures and accidents to prevent damage, injury, or nuisance to the public.
4. **Compliance with Fire Safety and FCC Regulations.** Wireless facilities shall be installed and maintained in compliance with applicable codes and in such manner that will not interfere with the use of the Town or other property.
5. **Changes in State or Federal Regulations.** If federal, state, county or Town regulations or ordinances are amended, the owners of the small cell facility or wireless support structures shall bring any facility or structure into compliance within six months of the effective date of the new regulations or ordinances unless a different compliance schedule is mandated by the regulating agency. Failure to bring wireless facilities into compliance with any revised standards and regulations shall constitute grounds for removal by the Town at the owner's expense.
6. **Indemnification.** Any entity who owns or operates small cell facilities and/or wireless support structures in the Town shall indemnify, protect, defend, and hold the Town and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the entity who owns or operates small cell facilities any agent, officer, director, representative, employee, affiliate, or subcontractor of the owner or

operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining such facilities.