

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN ADDITIONAL 90-DAY TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF ANY APPLICATION FOR A PERMIT, DEVELOPMENT ORDER, OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF PERMITTING OR ALLOWING THE CONSTRUCTION OF WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY CONTROLLED BY THE CITY; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Pompano Beach on May 23, 2017, enacted Ordinance 2017-49, providing for a moratorium on the processing of any application for a permit, development order, or any other official action of the city having the effect of permitting or allowing the construction of wireless communications facilities in the public rights-of-way controlled by the city; and

**WHEREAS**, the City Commission of the City of Pompano Beach on November 14, 2017, enacted Ordinance No. 2018-10, providing for a 120-day extension of the temporary moratorium; and

**WHEREAS**, the City of Pompano Beach wishes to provide additional time to receive telecommunications industry comments on the proposed ordinance between first reading of the ordinance on February 27, 2018, and proposed second reading on March 27, 2018, however, the moratorium is currently set to expire prior to enactment at second reading; and

**WHEREAS**, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed ordinance; and

**WHEREAS**, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That the temporary moratorium, imposed by City Ordinance No. 2017-49, and subsequently extended by City Ordinance No. 2018-10, providing for a suspension on the permitting or allowing the construction of wireless communications facilities in the public rights-of-way and on the processing of applications for a permit or development order, is hereby extended.

**SECTION 2.** That the suspensions herein above stated are temporary in nature and shall expire 90 days from the effective date of this ordinance.

**SECTION 3.** The moratorium imposed by this ordinance may terminate prior to its 90-day period upon the passage of ordinances relating to permitting or allowing the construction of wireless communications facilities in the public rights-of-way controlled by the city.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

**SECTION 5.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 6.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
2/23/18  
l:ord/2018-120