

## Legislation Text

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**File #:** 18-220, **Version:** 7

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**P.H. 2018-49: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY DELETING SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," IN ITS ENTIRETY AND CREATING A NEW SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; AND BY DELETING SECTION 100.60, "DEFINITION," IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM JUNE 26, 2018**

**TABLED FROM JUNE 12, 2018**

**TABLED FROM MAY 22, 2018**

**FIRST READING: MAY 8, 2018**

(Staff Contact: John Sfiropoulos)

**Summary Explanation/Background:**

In 2017, the Florida Legislature enacted and the Governor approved the "Advanced Wireless Infrastructure Deployment Act", codified in Subsection 337.401(7), Florida Statutes. This Act creates new requirements and allowances for local governments relating to the installation of utility poles to support small wireless communication facilities and the collocation of small wireless communication facilities in public rights-of-way.

As a result, municipalities were required to revise their Codes to be in compliance, and the City utilized the services of Law Firm GrayRobinson to assist. We are proposing to delete Section 100.46 "Communications Facilities in the Public Rights-of-Way" in its entirety from Chapter 100 "Streets and Sidewalks" of the City's Code, and replace it with a new section 100.46 in order to be in compliance with the new State Statute.

This proposed Ordinance has been reviewed by the affected Industries and their input has been taken into consideration during several iterations of the Ordinance. Based on comments presented from Industry on 1st Reading, City agreed to meet with Industry prior to 2nd Reading. This meeting occurred on May 14th, 2018, and as a result City modified proposed Ordinance further, taking Industry comments into consideration.

Attached you will find a Final Version and a Redline Version of the proposed Ordinance, as well as a memo summarizing the additional revisions between 1st Reading and 2nd Reading. We feel this proposed Ordinance will accommodate the growing needs and demand for communication services while protecting, preserving, and maintaining the public safety and aesthetic characters of areas where such public rights-of-way exist.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** N/A