



ITEM SUMMARY

MEETING DATE: April 4, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2022-08** Amending City Code Chapter 11 "Streets, Sidewalks and Other Public Places"

BACKGROUND

On December 18, 2017, a city-initiated request to amend Chapter 11 - Streets, Sidewalks and Other Public Places, was approved through the adoption of Ordinance 2017-31. The ordinance addressed House Bill 687; "Advanced Wireless Infrastructure Deployment Act" signed into law by then Governor Scott. The state law, which was codified at Section 337.401, *Florida Statutes*, became effective July 1, 2017. The Act substantially amended Section 337.401, *Florida Statutes*, relating to the use of public (municipal or county) ROW, and specific structures located in the ROW, for broadband or wireless facility infrastructure. The Act provided for the installation of small wireless facilities on government-owned poles and other poles and structures located in the ROW, installation of ground-mounted equipment in the ROW, installation of new poles in the ROW, and the installation of micro wireless facilities.

The ordinance established regulations consistent with Section 337.401, *Florida Statutes* that established a process by which wireless providers may place certain "small wireless facilities" in the local right-of-way and provided regulations for design standards, sight-lines, insurance coverage, indemnification, performance bonds, security bonds, force majeure, abandonment, authority liability or authority warranties. The city has enforced the ordinance and issued permits for the structures within the rights-of-way located within the city boundary.

Currently, the city has determined a need to provide opportunities for city co-location of equipment on the infrastructure within the right-of-way for communication and/or surveillance equipment as required for city use. This can be negotiated during the permitting process.

On March 21, 2022, City Council approved Ordinance 2022-08 on first reading with a vote of 5-0.

ANALYSIS

City staff initiated this code change after investigating the requirements for requesting the co-location on existing micro towers within the right-of-way. The tower owner's have not permitted co-location requests from the city, even though the request were to address public safety concerns.

Currently, Communication Facilities, such as cell towers, located on city property are required to accommodate city communication needs, so extending the requirement to micro towers would address the deficiency within the city's rights-of-way.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2022-08 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of Ordinance 2022-08.