

Wireless Infrastructure Right-of-Way Utilization

Ordinance Summary

1 ARTICLE I – IN GENERAL

2 This article sets out the scope for the rest of the Chapter and the applicability of the
3 regulations.

4 ARTICLE II -ADMINISTRATION

5 The administration article of this Chapter provides definitions, process for registration
6 with the City, permit application requirements, and fees.

7 Section 86-6. – Definitions

- 8 • Most of the definitions are taken straight from Florida Statutes. Because of the
9 complex nature of the Chapter, it was determined that these definitions should be
10 included in the Chapter rather than just being referenced for ease of use.
- 11 • For purposes of being concise and easier to understand throughout the
12 Ordinance, several terms were combined and given a generic umbrella term that
13 is used throughout. An example of this is the term “Facility”, which encompasses
14 communications systems, communications facilities, wireless facilities, and/or
15 wireless services. If this definition had not been created, all four terms would
16 have had to be included each time the word “facility” is seen throughout the
17 Chapter.

18 Section 86-7. – Registration

- 19 • This section requires that each applicant that would potentially want to collocate
20 or install new wireless facilities register with the City. This is a one-time
21 registration that is renewed bi-annually. Requiring this registration process will
22 streamline the permit application process.
- 23 • This section sets forth the requirements for registration, process to cancel
24 registration, renewal procedures, and establishes that registration is not
25 equivalent to and does not replace the necessary permits.

26 Section 86-9. – Rules, regulations, and general conditions

27 *Subsection (a) Rules on utilization of the public rights-of-way*

- 28 • Subsections (1) – (3) address basic rules, such as compliance with any applicable
29 laws and establishing that permits are required.

- Subsection (4) sets out all required information that must be provided with the permit application package. This list has been vetted by the appropriate City departments responsible for review.
- Subsections (5) – (7) discuss the review procedure, which refers to the requirements set forth in Florida Statutes, the scope of the permit, which does not create property rights or any vested interest, and the liability of the applicant for their contractors.

Subsection (b) Regulations on the placement or maintenance of communications facilities.

- Florida Statutes requires that these facilities be placed underground if there are existing underground requirements for utilities. Throughout most of the City, this is not the case, however Activity Centers, new subdivisions, and properties with RMH (Residential Manufactured Home) zoning do have this requirement. Subsection (1) establishes this requirement and the construction requirements for underground facilities.
 - Subsection (A) provides an opportunity for a waiver to the underground requirements in Activity Centers provided certain conditions are met. The goal is to encourage these facilities to install in these locations rather than installing new poles in residential neighborhoods.
- Subsections (2) – (6) provide for general standards that will apply to the approval of new facilities and other regulations with which the facilities will have to comply. These standards are in place to ensure safe installation of these facilities.
- Subsection (7) discusses the need to prioritize tower sharing and collocation whenever possible.
- Subsection (8) establishes locational priorities. Non-residential neighborhoods are first priority, followed by the location of school bus stops, with remaining sites being the final choice.
 - When combined with subsection (10), the school bus stop priority location will encourage the development of street lighting. This is an identified need within the City and this regulation hopes to help address that need.
 - Subsections (B) and (C) are important provisions for the consideration of future development and growth. It is important that when the applicants consider locations in the City, they are aware of projected right-of-way expansion, such as along Price Blvd, and of future residential growth, which will help avoid situations where a new pole is constructed in the spot where someone's driveway may need to go 5-10 years from now.
 - SCAT bus stops are specifically called out due to the fact that they are typically located in the City's rights-of-way, and there are safety and security concerns that arise due to the congregation of users at these locations.
- Subsections (9) and (10) deal with aesthetic concerns. The height limitations reiterate what is listed in Florida Statutes. The stealth design requires the facilities to be unobtrusive and in residential neighborhoods to help the City meet

the need for street lighting. Exposed wiring is prohibited for safety concerns as well as aesthetic ones.

- Subsections (14) – (23) address potential situations and conflicts that may arise during construction and/or maintenance of the facilities. The general concepts are:
 - Harmful and hazardous conditions. This allows the City to request that a provider correct or eliminate harmful conditions and allows the City to act in an emergency situation if the provider cannot be contacted. It provides for the total cost of any such repairs necessary in an emergency to be paid by the provider.
 - Interaction with other facilities. These sections provide that the facility shall not interfere with other municipalities, including but not limited to police and fire signals or facilities, and determines corrective action and procedures that will be taken if such interference occurs.
 - Coordination with other utilities. If necessary for installation, a provider may request that other utilities temporarily raise or lower their facilities. The cost will be borne by the entity making the request. Unless prohibited by State or Federal law, providers will share trench space and/or conduit.
 - Restoration and maintenance of rights-of-way. The provider must repair any damage that they cause in the placement or maintenance of their facilities, including the rights-of-way themselves and any City infrastructure that the rights-of-way contain. Permits for the installation and/or maintenance of facilities do not provide rights to remove or alter trees and vegetation unless the provider has also obtained the appropriate permits for that work.
- Subsections (24) and (25) require record drawings and as-built surveys to be provided upon completion of a project, and to keep the as-built surveys on file in case they are needed at a future date.
- Subsection (26) provides for remedies for facilities that are placed without the required permits.

Subsection (c) General conditions on the utilization of the public rights-of-way and the placement or maintenance of communication facilities.

- This subsection places basic conditions that apply to the use of rights-of-way, such as the ability of the City to exercise its police power when necessary, to inspect when necessary, as well as removing liability from the City. It also provides for procedures when properties containing facilities are annexed into the City.

Sections 86-11 through 86-13 – Revocation or suspension of wireless infrastructure permits; Involuntary termination of registration; Appeals

- These sections set out procedures for revocation or suspension of a wireless infrastructure permit, termination of a registration, and for appeals. These

111 provisions ensure that the City has an enforcement mechanism in place for this
112 Ordinance.

113 Sections 86-14 and 86-15 – Charge for pass-through providers; Collocation
114 fees.

- 115 • Pass-through providers must pay the City a fee annually for placing or
116 maintaining a communications facility in the City’s rights-of-way in accordance
117 with the rates set forth in Florida Statutes.
- 118 • Collocation fees are established per the rate set forth in Florida Statutes. This fee
119 is also added to City’s fee schedule later in the Ordinance.

120 Section 86-16 – Existing franchise or communications facility.

- 121 • Any existing facilities or franchise must come into compliance with this Chapter
122 by October 1, 2018, unless specifically in conflict with the terms of the existing
123 franchise.

124 ARTICLE III – INSURANCE, BONDS, AND ENFORCEMENT

125 These sections detail the various insurance, bonding, and security fund requirements, as
126 well as for the indemnification of the City. The insurance and security fund are required
127 as part of the registration with the City. The construction bond is required where the
128 work permitted will require restoration of the public rights-of-way. The performance
129 bond is required where an initial build of a facility or substantial rebuild, upgrade or
130 extension is taking place or where construction plans show that at least 1,000 feet of open
131 trenching will occur in the public rights-of-way at any given time. Enforcement remedies
132 are established, as well as fees that are incurred due to violations of various portions of
133 the Chapter.