



City of Lauderhill

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File Details

City Hall
5581 W. Oakland Park
Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov

File Number: 20R-3688

File ID: 20R-3688

Type: Ordinance

Status: Second Reading

Version: 1

Reference:

In Control: City Commission Meeting

File Created: 06/03/2020

File Name: Communications in ROW Ordinance

Final Action:

Title: ORDINANCE NO. 200-06-117: AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAUDERHILL BY AMENDING PART I, CHAPTER 12, ARTICLE IX, DIVISION 4 (“WIRELESS SYSTEMS”) TO CREATE THE “COMMUNICATIONS RIGHTS-OF-WAY ORDINANCE,” AS PROVIDED HEREIN; 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 BONDS; PROVIDING FOR CONSTRUCTION METHODS; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH).

Notes:

Sponsors:

Enactment Date:

Attachments: ORD-200-06-117-REVISED-Code-Chapter 12-Communications ROW Ordinance 10-22-20.pdf, Memo re Revisions to Ordinance From 1st to 2nd Reading and Industry Objections - 10-8-20_42430754v1.pdf

Enactment Number:

Contact:

Hearing Date:

* **Drafter:** apetti@laudershill-fl.gov

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Commission Meeting	06/29/2020	approved on first reading	City Commission Meeting	07/13/2020		

Text of Legislative File 20R-3688

ORDINANCE NO. 200-06-117: AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAUDERHILL BY AMENDING PART I, CHAPTER 12, ARTICLE IX, DIVISION 4 (“WIRELESS SYSTEMS”) TO CREATE THE “COMMUNICATIONS RIGHTS-OF-WAY ORDINANCE,” AS PROVIDED HEREIN; 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 BONDS; PROVIDING FOR CONSTRUCTION METHODS; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH).

Request Action:

Pass an ordinance re-writing the City of Lauderhill's communications within rights-of-way ordinance to be consistent with current law.

Need:

The City's Code provisions providing for the regulation of communications and cable television facilities and the fees such providers pay the City were adopted many years ago and are no longer consistent with Florida law. Pursuant to a Florida statute adopted in 2019, communications providers can sue local governments and potentially obtain attorneys' fees if they prevail and the city's action was preempted by Florida statute.

Summary Explanation/ Background:

In 2000, Florida adopted the communications services tax, which replaced taxes and franchise fees on cable and communications services. The Florida Legislature also adopted Chapter 610, which preempts local franchising of cable service and designates the Florida Department of State as the cable franchising authority. More recently, Florida adopted the Florida Advanced Wireless Infrastructure Deployment Act (“Small Cell Statute”), codified in Florida Statute § 337.401, which became effective July 1, 2018. In 2019, Florida passed CS/CS/CS/SB 1000 (“SB 1000”) which further amended § 337.401, effective July 1, 2019. The proposed Ordinance amends the City Code consistent with the various amendments to Florida

Statutes. The City retained attorney Gary Resnick, who has represented the City on communications issues, to assist with preparation of the proposed Ordinance.

In particular, the Ordinance amends Part I, Chapter 12, Article IX, Telecommunications, Division 4, Wireless Systems of the City Code, and creates the Communications Rights-of-Way Ordinance. The new provisions include: definitions; registration; permit requirements and exceptions for permits; application requirements and procedures; construction and bond requirements; development and objective design requirements for facilities in the rights-of-way, taxes and fees, and enforcement. The City provided notice of the first hearing to the Secretary of State as required by Florida Statutes.

Attachments:

None.

Cost Summary/ Fiscal Impact:

Companies that provide communications services in the City, or that place or maintain communications facilities in the public rights-of-way will pay either communications services taxes or if they do not provide services in the City but use the City rights-of-way, will pay pass-through provider fees in the amount of \$500 per linear mile or portion thereof annually. Registrants that collocate small wireless facilities on City-owned poles will pay \$150 per pole per year, which is the maximum allowed under Florida law. State law does not allow the City to charge permit fees and thus, the City will incur costs to process permit applications.

Estimated Time for Presentation:

Master Plan:

Goal 1: Clean, Green Sustainable Environment

- Increase mass transit ridership
- Reduce City energy consumption
- Reduce water consumption

Goal 2: Safe and Secure City of Lauderhill

- Crime in lower 50% in Broward
- Residents feel safe in neighborhood
- Reduce emergency fatalities

Goal 3: Open Spaces and Active Lifestyle for all ages

- Increase participation in youth sports
- Add new park land and amenities
- Increase attendance at cultural programs and classes

Goal 4: Growing Local Economy, Employment and Quality of Commercial Areas

- Increase commercial tax base
- Increase employment in Lauderhill businesses
- Decrease noxious and blighted uses in commercial areas

Goal 5: Quality Housing at all Price Ranges and Attractive Communities

- Neighborhood signs and active HOAs
- Housing & streets improved, litter reduced
- Increase proportion of single family homes and owner occupied housing

Goal 6: Efficient and Effective City Government, Customer Focused & Values Diversity

- Improves City efficiency
- Increase use of Information Technology
- Increases residents perception of Lauderhill as an excellent place to live