
WHEREAS, on July 15, 1997, the City Commission of the City of St. Pete Beach adopted Ordinance 97-18, which created Chapter 131 in the Code of Ordinances.

WHEREAS, on October 17, 2000, the City Commission adopted Ordinance 00-44 regarding administratively approved uses and special exception permits as it relates to wireless communication towers and antennas.

WHEREAS, the City Commission of the City of St. Pete Beach adopted Ordinance 2018-03 in June, 2019, to establish uniform standards and guidelines consistent with House Bill 687 “Advanced Wireless Infrastructure Deployment Act,” instituted through F.S. 337.401, which preserved authority of local governments to regulate the siting, location, aesthetics, and other matters with respect to Communication Facilities in the public rights-of-way while preventing local prohibition, regulation or charging for collocation of small wireless facilities or the installation, placement, maintenance or replacement of certain micro wireless facilities.
WHEREAS, Senate Bill 1000 “Communication Services” became effective in July, 2019, and made extensive changes to items instituted in F.S. 337.401, including altering items under which local governments may not exercise regulatory control, prohibiting election of permit fees in certain instances, specifying limitations and prohibitions over local registration and renewal processes. That bill also addresses the authority of municipalities to regulate the placement and maintenance of communication facilities in the public rights-of-way.

WHEREAS, these amendments preserve the authority of local governments to regulate the siting, location, aesthetics, and other matters with respect to specified Communication Facilities that are necessary to the management of the public rights-of-way, with certain alterations.

WHEREAS, the City Commission desires to establish uniform standards and guidelines, consistent with the revisions under Senate Bill 1000, for the siting, design, aesthetics and permitting of communication towers, communication antennas, and wireless communication facilities in the City and to establish review procedures to ensure that applications for same are acted upon consistent with state and federal law.

WHEREAS, the City Commission believes it is in the best interest of the City to update its Code regarding the wireless communication towers and antennas in order to be in compliance with the Florida Statutes.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The Code of Ordinances, City of St. Pete Beach, Florida Chapter 131 is hereby repealed in its entirety.

SECTION 3. The City of St. Pete Beach Code of Ordinances, Chapter 132, Communication Facilities in the Public Rights-of-Way is hereby amended and attached hereto as Exhibit “A.”

SECTION 4. Codification. This Ordinance shall be codified in the Code of Ordinances of the City of St. Pete Beach.

SECTION 5. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 6. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections.
sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 7. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 8. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 9. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 10. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: July 27, 2021
PUBLISHED: August 11, 2021
SECOND READING: August 24, 2021
FINAL READING: September 27, 2021
PUBLIC HEARING: August 24, 2021 & September 27, 2021

CITY COMMISSION, CITY OF ST. PETE BEACH, FLORIDA.

Amber LaRowe, City Clerk

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ___ day of October, 2021.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.
Chapter 132 - COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Sec. 132-1. - Purpose, intent, and scope.

(a) The purpose of this chapter is to adopt specific regulations relating to the use of rights-of-way for the erection of telecommunication antennae or towers and any accessory equipment supporting the same within the city right-of-way, consistent with the Florida Statutes, as amended.

(b) It is the intent of this chapter to require all applicants seeking to obtain a city permit to erect any telecommunication antennae or towers and any accessory equipment supporting the same within the city right-of-way prior to commencing any construction and shall thereafter comply with all applicable terms therein.

(c) In furtherance of these objectives, City of St. Pete Beach shall give due consideration to the comprehensive plan, land development regulations, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Sec. 132-2. - Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively set forth below, except where the context clearly indicates a different meaning:

Abandonment means the permanent cessation of all uses of a utility communications facility for a period of 90 or more consecutive days; provided that this term does not include cessation of all use of a utility communications facility within a physical structure where the physical structure continues to be used. By way of examples, and not limitation, cessation of all use of a cable within a conduit, where the conduit, continues to be used, shall not be considered abandonment while the cessation of use of a small wireless facility collocated upon an active utility pole will be considered abandonment of the small wireless facility but not constitute abandonment of the active utility pole. Removal of all utilities, including small wireless facilities from a pole and leaving the pole, in whole or in part, will constitute abandonment of the utility pole.

Antenna means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital
signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals—communication equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

Applicable codes means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement this subsection. The term includes objective design standards adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location, context, color, stealth, and concealment requirements; however, such design standards may be waived by the city upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense.

Applicant, owner, or permittee shall mean any person requesting a permit to place or maintain facilities in a right-of-way, or who has previously done so.

As-built survey means the final complete drawing(s) in hard copy signed and sealed by a professional surveyor and mapper, as defined in F.S. § 472.005, as amended, and the as-built survey in an electronic format suitable to the city. An as-built survey is a survey performed to obtain horizontal and vertical dimensional data to facilities/improvements in/on/through right-of-way and/or land.

Authority utility pole shall mean a utility pole owned by the Authority in the city rights-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the city rights-of-way within a retirement community that is deed restricted as housing for older persons as defined in F.S. § 760.294(4)(b), as amended, has more than 5,000 residents, and has underground utilities for electric transmission or distribution.

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City manager means the person appointed by the city commission as the chief administrative official for the city or the designated representative thereof.

Collocate, or collocation or co-location means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. This term does not include the installation of a new utility pole or wireless support structure in the public right-of-way. Co-location upon an existing structure not providing telecommunication services does not convert the structure into a wireless facility.

Communication services shall have the meaning found in F.S. § 202.11, as may be amended, which includes the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such service is referred to as voice-over-internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include:

1. Information services.
2. Installation or maintenance of wiring or equipment on a customer's premises.
3. The sale or rental of tangible personal property.
4. The sale of advertising, including, but not limited to, directory advertising.
5. Bad check charges.
6. Late payment charges.
8. Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.

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Equipment or facility means any line, conduit or duct, utility pole, transmission or distribution equipment (e.g., an amplifier, power equipment, optical or electronic equipment, a transmission station, switching or routing equipment), cabinet or pedestal, handhole, manhole,

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vault, drain, location marker, appurtenance, or other equipment or facility associated with communications services located in the city rights-of-way.

Facility means the equipment and property, including but not limited to, any and all such conduits, cables, poles, wires, supports, ducts, fiber, optics, antenna and other structures, equipment, appurtenances and pathways, including wireless facilities, small wireless facilities and micro-wireless facilities, as may be reasonably necessary to be used to provide communications services. Multiple cables, conduits, strands, or fibers located within the same conduit will be considered one communications facility for purposes of this subsection.

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Micro-wireless facility means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

Monopole means a single self-supporting structure which contains no guy wires and no more than one support column.

Pass-through provider means any person who places or maintains a communications facility in the public rights-of-way and who does not remit tax pursuant to F.S. § 202.19, as amended.

Permit means the right-of-way utilization permit which must be obtained before a person may place or maintain any facility in a city right-of-way.

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Telecommunication antenna or antenna means a mounted devise device used for the transmission of telecommunication services of communications services, including but not limited to traditional small cell technology.

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Wireless provider or provider means a wireless infrastructure or wireless service provider.

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Wireless support structure shall mean a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

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Sec. 132-3. - Registration.

(a) Registration required. Any communications services provider, wireless provider, or wireless infrastructure provider that places or seeks to place facilities in the city rights-of-way shall register with the city.

(b) Registration information. Any communications services provider, wireless provider, or wireless infrastructure provider shall provide the following information to the city in a format acceptable to the city:

1. Name of the registrant: The name of the provider under which it will transact business in the city;

2. Name, address, telephone number, and electronic-mail address of a contact person for the registrant: The address and telephone number of the registrant's principal place of business in the State of Florida and any branch office located in the city or, if none, the name, address, and telephone number of the applicant's national headquarters and its registered agent in Florida;

3. The number of the registrant's current certificate of authorization issued by the Florida Public Service Commission, the Federal Communications Commission, or the Department of State; and The name, address, telephone number(s) and email address of the provider's primary contact person and the person to contact in case of an emergency, which telephone number(s) and/or electronic mail must be monitored 24 hours per day, 7 days per week;

4. Proof of insurance or self-insuring status adequate to defend and cover claims: The type of communications services that the provider intends to provide within or upon the city's rights-of-way (if more than one, state all that apply) and whether the provider remits tax pursuant to F.S. § 202.1, as amended. If no communication services are to be provided, the provider shall state whether it is a wireless infrastructure provider and/or pass-through provider (refer to section 132-8 for pass-through-provider fees and charges).
(5) A copy of both the provider's Florida Annual Resale Certificate and Certificate of Registration issued by the Florida Department of Revenue to engage in the business of providing communications services in the State of Florida;

(6) A copy of the provider's certificate of authorization, public convenience and necessity or other similar certification issued by the Florida Public Service Commission, if applicable;

(7) The number of the provider's certificate of authorization or license to provide communications services issued by the Florida Public Service Commission, the Department, the FCC, or other federal authority, if any;

(8) A copy of the state corporation registration proving the ability to lawfully conduct business within the State of Florida;

(9) Evidence of the provider's insurance coverage as required under this chapter;

(10) Acknowledgment of the indemnity and other provisions of this chapter; and

(11) Acknowledgment that, should the provider's contact information contained in subsection (b) above change, the provider shall immediately provide written notice to the city of the updated contact information, no later than 24 hours after the change occurs.

(c) The city shall review the information submitted by the provider. If it is found that the provider complied with the requirements in subsection (b) above, the registration will be effective and the city shall notify the provider of the effectiveness of registration in writing. If the city determines that the provider is not in compliance, the city shall notify the provider in writing of the non-effectiveness and denial of registration and the reasons therefore. Denial of registration does not preclude an provider from reapplying or filing subsequent applications for registration under the provisions of this section.

(d) Cancellation. A provider may cancel a registration upon written notice to the city stating that it will no longer place or maintain a facility in the city's right-of-way. A provider cannot cancel a registration if it intends to continue placing or maintaining facilities in the right-of-way.
(c) **Transfer of registration.** If a provider transfers, sells or assigns its registration incident to the sale or transfer of the provider’s communication facilities located in the public rights-of-way, the transferee, buyer or assignee shall comply with the provisions set forth in this chapter. Written notice of any such transfer, sale or assignment must be provided by the provider to the city within 30 days after the effective date of such transfer, sale or assignment. If the transferee, buyer or assignee is not currently registered with the city, then the transferee, buyer or assignee must register as provided in this section. If any applications for permits are pending under the provider’s name as of the date the city receives written notice of the transfer, sale or assignment, then the city shall consider the transferee, buyer or assignee as the new applicant unless otherwise notified by the provider.

(g) **Registration renewal.** No later than October 1st of each year, each provider that has previously complied with the registration requirements of this chapter shall submit a registration renewal to the city on a form/format provided by the city every five (5) years.

(h) **Involuntary termination of registration.**

1. The city may terminate a registration if:
   a. A federal or state authority suspends, denies, or revokes a registrant’s certification or license required to provide communication services;
   b. The registrant’s placement or maintenance of a communications facility in the rights-of-way presents an extraordinary danger to the general public or other users of the rights-of-way and the registrant fails to remedy the danger promptly after the receipt of written notice; or
   c. The registrant performs substantive and material repetitive violations of any of the provisions of this chapter.

2. **Notice of intent to terminate.** Prior to termination, the registrant shall be notified by the city with a written notice setting forth all matters pertinent to the proposed termination in action, including the reasons therefore. The registrant shall have thirty (30) days after the receipt of such notice within which to address or eliminate
the reason or within which to present a plan, satisfactory to the city, to accomplish
the same. If the city rejects the plan, the city shall provide written notice of such
rejection within fifteen (15) days of receipt of the plan to the registrant and shall
make a final determination as to termination of the registration and the terms and
conditions relative thereto.
3. Post termination action. In the event of termination, following any appeal
period, the former registrant shall:
   a. In accordance with the provisions of this chapter and as may otherwise
   be provided under state law, notify registrant's communication facilities in
   the rights-of-way; or
   b. Provide the city with an acceptable plan for disposition of its
   communication facilities in the rights-of-way. If a registrant fails to comply
   with this subsection, the communication facilities are deemed to be
   abandoned and the city may exercise any remedies or rights it has at law or
   in equity. In any event, a terminated registrant shall take such steps as are
   necessary to render safe every portion of the communications facilities
   remaining in the rights-of-way. A registrant that has its registration
   terminated by the city under this section may reapply for registration one
   year after the termination date of the prior registration, unless otherwise
   permitted to reapply at the sole discretion of the city.
4. When removal not authorized or required. In the event of termination of a
registration, this section does not authorize the city to cause the removal of
communication facilities used to provide another service for which the registrant or
another person who owns or exercises physical control over the communications
facilities holds a valid certification or license with the governing federal or state
agency, if required, for the provision of such service, and is registered with the city,
if required.
   (i) Effect of registration.
   1. An effective registration does not and will not be construed to convey equitable
   or legal title in the rights-of-way.

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unchanged.
2. Providers shall comply with any and all provisions of the Code of Ordinances, including but not limited to, any and all applicable permitting and design requirements.
3. Providers must have a valid registration in order to apply for and/or obtain permits.
4. Registration does not erase or exempt a provider from having to obtain a (business/occupational) license in accordance with the Code of Ordinances.

Sec. 132-4 - Permit or antenna or tower in city rights-of-way. Authorization to place and/or maintain communication facilities in the public rights-of-way.

Subject to the terms and conditions of this chapter, any person who complies with the provisions of this section is authorized to place and/or maintain communication facilities, including wireless facilities, or utility poles (placed for support of small wireless facilities) in the public rights-of-way, for the provision of communication services.

The city will review the application presented by the applicant and determine whether the proposed antenna or tower will adversely interfere with public safety and usage, including but not limited to: future road improvements, traffic safety setback areas, residential safety setback areas, regional transportation plans, specific projects named in the comprehensive land use plan, drainage projects, utility projects, sidewalks, bike paths/lanes, future signalization, airport operation and/or planned and current pedestrian/bike trails. The city will also determine if the proposed communications tower or antenna complies with this article. If a public project included in a capital improvement plan approved by a governmental entity or otherwise anticipated by the city would be negatively impacted, or if the characteristics of the proposed tower does not comply with this article, the city shall deny the application stating the reasons in writing. In addition to the provisions of chapter 131 of the city's Code of Ordinances titled 'Wireless Communication Towers and Antennas,' with this section controlling in case of conflict, the application must include the following or it will be denied as incomplete:

1. Applicant's legal name, company mailing address, email address and phone number, contact person's name and telephone number, the number of the applicant's current certificate of authorization issued by the Florida Public Service Commission.

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Commission—-the Federal Communications Commission (FCC) and/or the
Department of State;

(2) Exact location of the proposed installation(s);

(3) Type/model of antenna(s) or tower(s) to be erected;

(4) Method of installation (include direction of guy wires if utilized);

(5) Proposed start time and completion time for installation;

(6) Means of repairing right-of-way damage during installation;

(7) Subject to the requirements of paragraph (13), scaled sketches and plans that depict
the exact nature of installation including, but not limited to:
   a. Right-of-way width and road pavement width;
   b. Location of all other utilities in right-of-way, including signals;
   c. Any sidewalks in or near right-of-way;
   d. Cross sections to reflect location of tower or antenna;
   e. Include an aerial map showing the location of the tower and any lines; and
   f. Show area of work in relation to nearest road intersection, bridge or other
physical feature;

(8) Applications shall include a non-expiring $25,000.00 bond for each new tower. In
lieu of individual bonds for each tower, the city may approve a higher cost, one-
time, non-expiring bond per application in an amount commensurate with the work
proposed in the application;

(9) Proof of insurance adequate to defend and cover claims, based upon the installation
for which the permit is sought, and with the city listed as an additional insured;

(10) Distance from top of tower(s) to collapsible point(s), if any, and fall radius depicted
on aerial photograph or survey;

(11) Feasibility statement discussing use of camouflage techniques, if possible, and
possibility of placing equipment within or against tower(s);

(12) Demarcation of adjacent zoning designations and description of how the proposed
tower(s) conforms to adjacent zoning restrictions;

(13) Items 1—7 and 10 listed above must be signed and sealed by a professional
structural engineer certified in the State of Florida (unless permittee is using exempt
employees pursuant to F.S. § 471.003(2)(b)2(d), as may be amended) and, where the antenna(e) is not being co-located on a currently permitted pole, or on the replacement of a currently permitted pole, must include accurate depiction of topographic improvements and the relationship to the actual right of way line.

Sec. 1325. Permitting requirements for small wireless facilities.

For a small wireless facility, a permit is required for (i) each antenna associated with the facility located inside an enclosure of no more than six cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than six cubic feet in volume; or (ii) all other wireless equipment associated with the facility, cumulatively no more than 28 cubic feet in volume.

(1) Alternate location review. Upon receipt of a permit application to install a small wireless facility, the city shall have 14 days to review the application to determine whether the proposed small wireless facility shall be placed on an alternative structure or may place a new utility pole. In making such a determination, the city shall consider the following objective design standards and reasonable spacing requirements for ground-based equipment:

a. All small wireless facilities shall use camouflage techniques which incorporate architectural treatment to conceal or screen their presence from public view through design to unobtrusively blend in aesthetically with the surrounding environment.

b. New and replacement wireless support structures and utility poles that support small wireless facilities shall match the style, design, and color of the existing utility poles in the surrounding area. Further, all wireless support structures and utility poles shall meet current safety standards in applicable codes.

c. Ground-based equipment boxes for small wireless facilities must be located in areas with existing foliage or another aesthetic feature to obscure the view of the equipment box. Additional plantings may be required to meet this condition. Any new landscaping in the city rights-of-way must be approved.

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by the city, which may require a landscape maintenance agreement to be executed prior to approval.

d. With the exception of electric meters and disconnect switches, equipment such as back-haul components shall not be mounted on the exterior of the pole.

e. No exposed wiring or conduit is permitted.

f. The grounding rod may not extend above the top of sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit.

g. All pull boxes must be vehicle load bearing, comply with FDOT Standard specification 635 and be listed on the FDOT approved products list. A concrete apron must be installed around all pull boxes not located in the sidewalk. No new pull boxes may be located in pedestrian ramps.

(2) Alternate location negotiation. The city may negotiate any alternate location with the applicant. If an agreement is not reached within 30 days after the date the city requests an alternate location, the applicant must notify the city of such non-agreement and the city must grant or deny the original application within 90 days after the date the application was filed. A request for an alternate location, and acceptance of an alternate location, or a rejection of an alternate location must be in writing and provided by electronic mail. Additionally, the design standards may be waived by the city upon a showing by the applicant that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request.

(3) Height limitations for small wireless facilities. The height of small wireless facilities shall not exceed ten feet above the authority utility pole, utility pole, or wireless support structure on which the small wireless facility is to be collocated.

(4) Height of utility poles. The height of a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade.
in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the height of the new utility pole shall be limited to 50 feet.

(5) **Time for completing completeness review of applications.** For applications in which the city does not request use of an alternate location, the city must make a determination as to whether an application is complete within 14 days. If an application is deemed incomplete, the city must specifically identify the missing information. An application is deemed complete if the city fails to provide notification to the applicant within 14 days.

(6) **Applications processed on a nondiscriminatory basis.** The city shall process applications on a nondiscriminatory basis. Thus, applications shall be processed on a first-come, first-served basis.

(7) **Time for completing approval or denial.** The city shall grant or deny an application within 60 days after receipt of the application. If the city fails to take action on a complete application within 60 days, the application shall be deemed approved. If the city elects not to negotiate an alternate location, the applicant and city may mutually agree to extend the review period. The city shall grant or deny the application at the end of the extended period. The city must approve a complete application unless it violates the city's Land Development Code or Code of Ordinances.

(8) **Effective life of approved permit application.** A permit issued pursuant to an approved application shall remain effective for one year unless extended by the city for an additional year. The city may only grant a single extension.

(9) **Notification of approval or denial.** The city shall notify an applicant of any approval or denial by electronic mail on the same day as a decision is made. If the city denies an application, the denial must state in writing the basis for the denial, including the specific code provisions on which the denial was based. In the event of a denial, the applicant may cure the deficiencies identified by the city and resubmit the application within 30 days after notice of the denial. The city shall approve or deny the revised application within 30 days.
after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

(10) — Consolidated applications. An applicant who seeks to collocate small wireless facilities may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If the application includes multiple small wireless facilities, the city may separately address small wireless facility collocations for which incomplete information has been received or which are denied. Small wireless facilities or micro wireless facilities shall not be collocated on an authority utility pole or erect wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association.

(11) — Permitting criteria. The city may deny a proposed collocation of a small wireless facility in the city rights of way if the proposed collocation: a. Materially interferes with the safe operation of traffic control equipment; b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes; c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement; d. Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual; and e. Materially fails to comply with any applicable codes.

(12) — Collocation on authority utility poles. Collocation of small wireless facilities on authority utility poles shall meet the following requirements:

a. — The authority may not enter into an exclusive arrangement with any person for the right to attach equipment to authority utility poles.

b. — The rates and fees for collocations on authority utility poles must be nondiscriminatory, regardless of services provided by the collocating person.

c. — The rate to collocate a small wireless facility on an authority utility pole shall be per-pole annually as listed in schedule "A" of the city's Code of Ordinances.

d. — Agreements between the authority and wireless providers that are in effect on July 1, 2017, and that relate to the collocation of small wireless facilities in the city rights of way, including the collocation of small wireless facilities on authority utility poles, remain in effect, subject to application of termination provisions. The

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wireless provider may accept the rates, fees, and terms established under this subsection for small wireless facilities and utility poles that are the subject of an application submitted after the rates, fees, and terms become effective.

e. A person owning or controlling an authority utility pole shall offer rates, fees, and other terms that comply with this subsection. By the later of January 1, 2018, or three months after receiving a request to collocate its first small wireless facility on a utility pole owned or controlled by the authority, the person owning or controlling the authority utility pole shall make available the rates, fees, and terms for the collocation of small wireless facilities on the authority utility pole which comply with this subsection.

1. The rates, fees, and terms must be nondiscriminatory and competitively neutral and must comply with this subsection.

2. For an authority utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make ready work under 47 U.S.C. s. 224 and implementing regulations. The good faith estimates of the person owning or controlling the pole for any make ready work necessary to enable the pole to support the requested collocation must include pole replacement if necessary.

3. For an authority utility pole that does not support an aerial facility used to provide communications services or electric service, the authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after written acceptance of the good faith estimate by the applicant. Alternatively, the authority may require the applicant seeking to collocate a small wireless facility to provide a make-ready estimate at the applicant's expense for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The authority may not condition or restrict the manner in which the applicant obtains, develops, or provides the

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estimate or conducts the make-ready work subject to usual construction restoration standards for work in the city rights-of-way. The replaced or altered utility pole shall remain the property of the authority.

4.---An authority may not require more make-ready work than is required to meet applicable code or industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any pole replacement, may not exceed actual costs or the amount charged to communications services providers other than wireless services providers for similar work and may not include any consultant fee or expense.

Sec. 132-65.---Permitting requirements for new communications facilities, wireless facilities, and wireless support structures: Existing communications facilities in public rights-of-way.

Providers with communication facilities in the public rights-of-way shall comply with the provisions of this section. A provider with a facility in the right-of-way as of the effective date of this section has until October 1, 2022, to comply with the provisions of this chapter, including but not limited to registration, or be in violation thereof.

(a)---Permits required: In addition to a right-of-way utilization permit, new communications facilities, wireless facilities, and wireless support structures in city rights-of-way shall meet the following permitting requirements, as determined by the city using best professional judgment, which may include consultation with the city engineer or other appropriate city staff:

1.---All new communications facilities, wireless facilities, and wireless support structures shall be located to avoid any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians, bicyclists, or motorists.

2.---New communications facilities, wireless facilities, and wireless support structures shall avoid being placed in a city rights-of-way of a residential zone district, as defined in the land-development codes of the city, to the greatest extent possible. An applicant shall demonstrate, through an engineering analysis, why it is unable to locate new communications
facilities, wireless facilities, and wireless support structures outside a residential zone district.

(3) New communication facilities, wireless facilities, and wireless support structures shall be located on non-local roadways to the greatest extent possible. An applicant shall demonstrate through an engineering analysis why it is unable to locate the proposed communication facilities, wireless facilities, and wireless support structures in such areas instead of on local roadways and alleyways.

(4) New communication facilities, wireless facilities, and wireless support structures shall maintain a clear zone from the back of curb to the inward edge of a communication facility, wireless facility, or wireless support structure. Unless otherwise determined by the city, a minimum six foot-wide pedestrian clear zone between the back of curb and the outward edge of a communication facility, wireless facility, or wireless support structure.

(5) New communication facilities, wireless facilities, and wireless support structures shall be located at least ten feet from a driveway and at least 30 feet from the center of existing trees with matured diameter of eight inches or greater.

(6) The size and height of new communication facilities, wireless facilities, and wireless support structures in the city rights-of-way shall be no greater than the maximum size and height of any other utility pole, communications facility, wireless facility, or wireless support structure located in the city rights-of-way within 250 feet of the proposed structure.

(7) New communication facilities, wireless facilities, and wireless support structures shall be placed along common side-lot lines and not in front of residences, buildings, or places of business.

(8) Any new proposal to construct a new communication facility, wireless facility, or wireless support structure must be collocated. The city may waive this requirement only if the applicant can demonstrate to the city why the services cannot be collocated on an existing communication facility, wireless facility, wireless support structure, or utility pole in the city rights-of-way.
(b) **Design requirements.** New communications facilities, wireless facilities, and wireless support structures shall meet the following design requirements:

1. All communication facilities shall use camouflage techniques which incorporate architectural treatment to conceal or screen their presence from public view through design to unobtrusively blend in aesthetically with the surrounding environment.

2. New and replacement poles that support communication facilities shall match the style, design, and color of the existing poles in the surrounding area. Further, all poles shall meet current safety standards such as using breakaway connections and the like.

3. Ground-based equipment boxes must be located in areas with existing foliage or another aesthetic feature to obscure the view of the equipment box. Additional plantings may be required to meet this condition. Any new landscaping in the city rights-of-way must be approved by the city, which may require a landscape maintenance agreement to be executed prior to approval.

4. With the exception of electric meters and disconnect switches, equipment such as back-haul components shall not be mounted on the exterior of the pole.

5. No exposed wiring or conduit is permitted.

6. The grounding rod may not extend above the top of sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit.

7. All pull boxes must be vehicle load bearing, comply with FDOT standard specification 635 and be listed on the FDOT approved products list. A concrete apron must be installed around all pull boxes not located in the sidewalk. No new pull boxes may be located in pedestrian ramps.

(e) **Written application requirements.** No permit shall be issued unless an applicant submits a written application to the city in accordance with this chapter. An application for a permit shall be filed in the form and manner specified by the city (e.g., the city may require that any or all parts of such requests be filed in an electronic form of the city's choosing and contain such information as may be required by the city, including, as a minimum, the information contained in this section). The city may require the applicant to provide such
additional information as the city deems necessary to complete its review of a requested permit. At a minimum, the applicant shall submit the following information in its permit application:

(1) — The name and address of the applicant who is requesting the permit and written evidence that such applicant has legal authority to place, maintain, or remove the equipment or facilities covered by the requested permit in the city rights-of-way and will own and control all such equipment and facilities after completion of construction;

(2) — A description of the functions, dimensions, and proposed locations of all equipment and facilities covered by the requested permit;

(3) — The specific location, depth, dimensions, and length of each proposed new or replacement duct, conduit, or other underground facility and the specific location, depth, dimensions, and height of any utility pole covered by the requested permit;

(4) — A description of the manner in which the work covered by the requested permit is to be undertaken (i.e., proposed construction methods and techniques) and a proposed date for commencement of work and an estimate of the time required to complete all such work;

(5) — A city-approved traffic control plan for vehicular and pedestrian traffic in the area to be affected by the proposed work;

(6) — Proof of insurance;

(7) — Identification and description of any utility or other distribution or transmission system to which any equipment or facility covered by the requested permit is to be connected or attached;

(8) — Drawings (in such detail and form as may be specified by the city) which show: (i) city rights-of-way in the area of the proposed construction; (ii) locations of all existing equipment and facilities in the area of proposed construction; (iii) all equipment and facilities to be installed or removed; and (iv) the routes of all transmission and distribution lines to be installed or removed; and (v) the sites of all other equipment and facilities to be installed or removed in the city rights-of-way; and

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(9) Construction and/or engineering drawings signed and sealed by a structural engineer (in sufficient detail and form as may be specified by the city to demonstrate structural stability of the communications facilities) which show the locations of all new equipment and facilities in the city which the applicant plans to place in the city rights-of-way in the next 12 months or such other time period as may be specified by the city.

(10) Photographic or video documentation of the condition of the city rights-of-way in the area to be affected by the proposed work preconstruction.

(d) Fees. To the extent allowed by state law, the city is authorized to set reasonable fees and charges for the implementation of this chapter. Such fees shall be set by resolution and incorporated in schedule “A” of the city’s Code of Ordinances. Fees charged will completely finance the expenditures of administering this chapter. No permit shall be granted until such time as all applicable fees are paid to the city.

Sec. 132-75. Accessory equipment Permits generally.

(a) Prior to the installation, placement, maintenance, and/or removal of any communications facilities, or the start of any other type of construction in the public rights-of-way, a provider shall, pursuant to the requirements of existing or subsequently enacted provisions of this Code of Ordinances, obtain all permits from the city, unless preempted by state or federal law.

(b) In lieu of permit fees, the city shall impose a local communications services tax pursuant to F.S. 292.19, as amended, to providers authorized to occupy the rights-of-way. The city may increase the total rate for the local communications services tax by an amount not to exceed a rate of 0.12 percent, pursuant to F.S. 337.401, as amended.

(c) Any communications facilities installed or placed by a provider without first having obtained the permits required by this chapter will be removed within thirty (30) days written notice (electronic or standard mail) by the city to remove the same and in default of compliance with such notice, such communications facilities may be removed by the city. The provider shall be responsible for and pay the cost of the removal.

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(d) In the event that work to be conducted by a provider requires streets, travel or bicycle lanes, sidewalks to be closed or obstructed or the provider deems the trimming, pruning or removal of any trees reasonably necessary to place or maintain its communication facilities and to maintain the integrity and safety of same, it shall obtain all permits from the city and comply with all other such requirements of this Code of Ordinances, state and federal laws.

Accessory equipment: All equipment attached to or connected with a co-located antenna or tower must comply with the following standards:

(1) Equipment boxes located at grade must be located in areas with existing foliage or another aesthetic feature to obscure it from the view, to the greatest extent possible. Use camouflage techniques to blend in with the surrounding area. The application must include a depiction of such camouflage for approval by the city.

(2) Equipment boxes at the base of the tower must not exceed 25 cubic feet of volume.

(3) Equipment mounted to the exterior of a pole shall be a minimum of 12 feet above finished grade, excluding the electric meter and disconnect switch. Each pole mounted equipment component shall be no more than 15 cubic feet in area. The external finish of the equipment cases shall generally match the color of the pole. All mounting and banding fixtures shall also match the color of the pole.

(4) No exposed wiring or conduit is permitted. Above the electric meter and disconnect switch, all conduit and wiring shall be located inside the pole.

(5) Electric meters and disconnect switches shall not be located on the side of the pole that faces the sidewalk, or if there is not currently a sidewalk, the area identified by city staff for the preferred placement of any future sidewalk. Conduit leading to the electric meter box and disconnect switch shall generally match the color of the utility pole.

(6) The grounding rod may not extend above the top of sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit.

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(7) Where feasible, all pull boxes shall be located outside of the sidewalk or pedestrian ramp. A concrete apron must be installed around all pull boxes not located in the sidewalk;

(8) All pull boxes must be vehicle load-bearing, comply with FDOT standard specifications and be listed on the FDOT approved products list;

(9) Every five years from city permit issuance date, inspection reports must be submitted to the city by the applicant. These inspection reports must certify that the tower has not had any structural degradation and/or that any structural degradation has been rectified. Failure to submit an inspection report within 60 days after the due date will result in the revocation of the permit for non-compliance. The actual inspection must be physically performed within six months prior to the due date.

Sec. 132-7. - Pass-through provider fees and charges.

(a) Pass-through providers shall pay to the city, on an annual basis, an amount equal to $500.00 per linear mile, or portion thereof, of communications facilities placed and/or maintained in the public rights-of-way.

(b) The amounts charged pursuant to this section are based on the linear miles of public rights-of-way where communications facilities are placed, not based on a summation of the lengths of individual cables, conduits, strands or fibers.

(c) The city shall discontinue charging pass-through provider fees at such time the provider begins remitting tax pursuant to F.S. § 202.19, as amended. Any annual amounts charged will be reduced by a prorated portion of any 12-month period during which the provider remits said tax.

(d) Annual fees are due on October 1st of each year.

(e) If the payments required by this section are not made within ninety (90) days after the due date, the city may withhold the issuance of any permits to the registrant until the amount past due is paid in full.

Sec. 132-8. - Disruption or temporary relocation of communication facilities in the right-of-way.

(a) Disruption. A provider shall not design, place, or maintain its communication facilities in a manner that will, in any way, disrupt, displace, damage, destroy, or interfere with any of the following:

[Additional text follows with similar formatting for each section, discussing specific regulations and requirements.]
(1) Any sewer line, storm drainage pipe, gas line, water main, pipe, conduit, wires, fiber-optics, or another provider's facilities (including any cable service provider);

(2) Any traffic signals, electronic crosswalk signals or facilities of the city’s fire department or Pinellas County Sheriff’s Office;

(3) Any facilities of any public entity; or

(4) Any property belonging to the city or any other person lawfully occupying the public rights-of-way, without first obtaining the consent of and being granted permission by the city.

Any provider who does not comply with the requirements above shall bear all responsibility and costs resulting from any such conduct and shall pay such costs upon demand.

(b) Relocation

(1) In the event of any widening, repairs, installation, construction, or reconstruction by or for the city, of any city road within the right-of-way in which the provider has constructed any facility, the provider shall locate, move, remove, or relocate such facility as may be required for the public convenience as and whenever specified by the city and at the provider’s own expense. The same duty to locate, move, remove, or relocate applies if a facility is determined to be unreasonably interfering in any way with the convenient, safe, or continuous use of the right-of-way, or with the maintenance, improvement, extension or expansion of the public road, pursuant to F.S. § 337.403, as amended. Relocation required for private developers will be reimbursed by the developer, as such is not a city project.

(2) When relocation is required under this section, city-owned and maintained facilities must be given priority in establishing new facilities alignments within the right-of-way.

(3) The term “locate” as used above in subsection (b)(1):

a. Applies only to underground facilities.
b. Requires exposure of an underground utility facility so that the location can be accurately surveyed in compliance with applicable topographic land survey standards.

c. In lieu of exposing an underground utility facility, as referenced in the above section (b), underground detection devices may be used to accurately locate the facility as long as the same survey standards are met.

d. Requires timely performance of facility owner to supply location information within ninety (90) days from written notice from the city.

e. Requires location data to be supplied in writing, drawings, graphic, or computer files. All data must be certified by a professional land surveyor indicating location information meets land survey standards.

(4) Nothing in this chapter prohibits facility owners from contracting with other qualified firms for performance of these activities.

(5) If a person fails to commence removal or relocation of its facilities as designated by the city, within the time specified in the city's removal order, or if a person fails to timely complete such removal, including all associated restoration of the right-of-way, the city has all rights of action specified under F.S. § 337.403, as amended, including, but not limited to, removal of the facilities at the permittee's cost and expense, by another person, city staff or its contractor; and all available remedies under the sureties, at law or equity.

c) Temporary raising or lowering, relocation and removal. A provider shall temporarily raise or lower its facilities to accommodate temporary encroachments or movements in, on, over, or across the public rights-of-way subject to the following:

(1) Upon request of any person holding a valid building or moving permit from the city granting permission for such temporary encroachment or movement, the person requesting the temporary raising or lowering of facilities shall be responsible for the following:

a. Any costs associated with the temporary raising or lowering of facilities; and
b. Contracting and coordinating with the provider, in advance of the temporary encroachment/movement, to ensure the temporary relocation of the provider's facilities is completed in a timely and cooperative manner.

(2) The city is neither subject to, nor liable for any such expense performed by the city or its contractors.

(3) In the event the city requires a provider to adapt or conform any portion of such provider's communications facilities, or in any way to alter, temporarily or permanently relocate or to change any portion of same to enable any other person to use a public rights-of-way, such provider must be reimbursed by the person desiring or prompting such change for any loss, cost or expense caused by or arising out of such change, alteration or relocation.

Sec. 132-9. - Abandoned facilities.

(a) A provider who abandons a facility in the public right-of-way shall notify the city manager, or designee, within ninety (90) days.

(b) The city may direct the provider by written notice to remove all or any portion of such abandoned facility, where feasible, at the provider's sole expense if the city determines that the abandoned facility interferes with the public health, safety or welfare, which includes, but is not limited to, a determination that such facility may:

(1) Compromise safety for any right-of-way user;

(2) Prevent another provider from placing or maintaining facilities; or

(3) Create a maintenance condition disruptive to the use of the right-of-way.

(c) In the event that the city manager, or designee, does not direct the removal of the abandoned facility, the provider, by its notice of abandonment, consents to the alteration, use, or removal of all or any portion of the facility by another provider or the city.

(d) If the provider fails to remove all or any portion of an abandoned facility as directed by the city manager, or designee, within a reasonable time-period, the city may perform such removal and charge all costs of the removal against the provider.

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(c) The city may independently establish that a communications facility has been abandoned. In reaching such determination, the city may request documentation and/or affidavits from the provider regarding the active use of the facility. If the provider fails to provide the requested documentation within thirty (30) days, a rebuttable presumption exists that the provider has abandoned the communications facility. If the city manager determines that a facility was abandoned, it may take any of the steps listed above.

Sec. 132-10. - Construction and restoration.

(a) City projects. For work done in advance of or as part of a city project, it is required that prior to the placement or maintenance of facilities in the right-of-way, a provider shall conduct a subsurface utility engineering (SUE) study on the proposed route of construction or expansion, all at provider's expense. A SUE study consists of, at a minimum, completion of the following tasks:

1. Secure all available “as-built” plans, plats and other location data indicating the existence and approximate location of all underground facilities along the proposed construction route;

2. Visibly survey and record the location and dimensions of any above-ground features of all underground facilities along the proposed construction route, including but not limited to manholes, value boxes, utility boxes, posts and visible street cut repairs;

3. Plot and incorporate the data obtained from completion of the tasks described above on the provider’s proposed street maps, plan sheets, and computer aided drafting and design (CADD) files, or in such other electronic format as maintained by the provider which is acceptable to the city manager, or designee;

4. Determine and record the presence and approximate horizontal location of all underground facilities in the right-of-way along the proposed system route utilizing surface geophysical designating techniques such as electromagnetic, magnetic and elastic wave locating methods;

5. Where system design and the location of underground facilities appear to conflict on the updated system route maps, plans and Computer Aided Design
and Drafting (CADD) (or acceptable alternative) files, utilize non-destructive
digging methods, such as vacuum excavation, at the critical points identified to
determine as precisely as possible, the horizontal, vertical and spatial position,
composition, size and other specifications of the conflicting underground
facilities. A provider shall not excavate more than a 200 millimeter by 200
millimeter (eight inches by eight inches) hole in the right-of-way to complete
this task:

(6) Plot, incorporate and reconcile the data obtained by completion of these tasks
with the updated route maps, system plans and CADD (or acceptable alternate)
files;

(7) Based on all of the data collected upon completion of these tasks, adjust the
proposed system design elevations, horizontal and vertical locations to avoid
the need to relocate other underground facilities;

(8) Copy to city. Upon completion of the SUE, the provider shall record all of the
data collected into a CADD file, or acceptable alternate, compatible with that
used by the city and deliver a copy to the city manager, or designee; and

(9) Qualified firm. All subsurface utility engineering studies conducted pursuant
to this section must be performed by a firm specializing in SUE work that is
approved by the city manager or may be performed by the provider's agents or
employees, if qualified.

(b) Provider Projects.

(1) Coordination of work. Upon request of the city, provider may be required to
coordinate placement or maintenance activities under a permit with any other work,
construction, installation or repairs that may be occurring or scheduled to occur
within a reasonable timeframe in the subject public rights-of-way, and provider
may be required to reasonably alter its placement or maintenance schedule as
necessary so as to minimize disruptions and disturbances in the public rights-of-
way. Within the public rights-of-way, every provider shall make space available
in its trench and/or conduit to other providers consistent with the federal
requirements of 47 U.S.C. § 224. Every provider shall utilize existing conduits.

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pathways and other facilities whenever possible, and shall not place or maintain any new, different, or additional poles, conduits, pathways and other facilities whenever possible, whether in the public rights-of-way or on privately-owned property, until written approval is obtained from the city or other appropriate governmental authority and, where applicable, from the private property owner.

(2) **Protection of facilities.** A provider shall not place or maintain its facilities so as to interfere with, displace, damage or destroy any facilities, including but not limited to, sewers, gas or water mains, storm drains, pipes, cables or conduits of the city or any other person’s facilities lawfully occupying the rights-of-way.

(3) **Least disruptive technology.** All construction or maintenance of facilities must be accomplished in the manner resulting in the least amount of damage and disruption of the right-of-way, subject to economic and technical feasibility.

(4) **As-built.** Upon completion of each permitted construction activity, the provider shall provide the city with accurate “as-built” drawings of the facilities as installed, in accordance with Section 132-12 of the Code of Ordinances.

(5) **Right-of-way restoration.** A provider shall, at its own cost and without delay, restore (replace/repair) the public right-of-way to its original condition, in compliance with the minimum city technical standards, after completion of placement or maintenance of its facility(ies) therein. If the provider fails to commence such restoration within thirty (30) days following the completion of such placement and/or maintenance and complete such work within ninety (90) days, the city may perform such restoration and charge the costs of the restoration to the provider in accordance with F.S. § 337.402, as amended. The provider shall, to the satisfaction of the city, maintain and correct any restorations made pursuant hereto, for a period of 18 months following the date of its completion. Upon written notice from the city regarding any failure to comply with this subsection, failure to remedy within thirty (30) days of such notice will be sufficient grounds for denial of any future rights-of-way permits for the placement and/or maintenance of communications facilities.

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The provider is responsible for any damage resulting from placement or maintenance of its facilities. This responsibility covers not only city property, but facilities lawfully placed or maintained by other providers, and includes damage caused by service interruptions or failure of the provider's facilities to function properly.

Sec. 132-11. - Provision and filing of as-built surveys.

Within sixty (60) days after completion of any placement of a communications facility in the public rights-of-way, the provider shall submit to the city the as-built survey(s), at its expense, showing the final location of such facility in the public rights-of-way, to the city. For maintenance of a communications facility which alters the configuration and/or location of such facility as depicted/described in the as-built survey on file with the city, then a new as-built survey must be filed. Such survey(s) will be filed with the city and included as part of the right-of-way permit record that was issued for the work performed. Failure of the provider to submit the required as-built survey(s) in a timely manner may cause the subject permit to be revoked and is sufficient grounds for the city to deny the issuance of any future right-of-way permits to the provider.

Sec. 132-12. - Enforcement of permit obligations.

(a) Work done without a permit.

(1) Emergency situations.

a. Each provider shall immediately notify the city manager, or designee, of any event regarding its facilities which it considers to be an emergency. The provider may proceed to take whatever actions are necessary in order to respond to the emergency. The provider may be required to obtain an "After-the-fact" permit within ten (10) business days following the emergency work or submit revised as-built drawings, where excavation is required.

b. In the event that the city becomes aware of an emergency regarding a provider's facilities, the city shall attempt to contact the local representative of each provider or person affected, or person potentially affected by the emergency. In any event, the city manager, or designee,
may take whatever reasonable action it deems necessary in order to respond to the emergency, the provider whose facilities occasioned the emergency will bear the cost of such reasonable actions.

c. Except for acts of willful misconduct or gross negligence, and to the extent permitted by applicable law, neither the city nor its officials, consultants, agents, or employees have any liability to the provider for any claims, damages, costs, expenses, or losses resulting from the city's breakage, removal, alteration, or relocation of any facility which arose out of or in connection with any emergency situation or in the sole discretion of the city manager, or designee, deemed necessary to facilitate any public works project, public improvement, alteration of a city structure, change in the grade or line of any public right-of-way, or the elevation of any public right-of-way, or was found by the city commission to be in the best interest of the health, safety or general welfare of the public.

(2) Non-emergency situations. Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must subsequently obtain a permit, pay five (5) times the normal fee for said permit (if applicable), pay five (5) times all the other fees required by the Code of Ordinances, deposit with the city the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

Sec. 132-13. - Inspections, enforcement, stop work orders, and revocation of permit.

(a) Inspection, stop work orders.

(1) Within one (1) week prior to the time the work under any permit hereunder is to commence, the provider shall notify the city manager, or designee, to ensure a mutual agreement as to the work to be done.

(2) Within one (1) week of the time the work under any site specific permit hereunder is completed, the provider shall notify the city manager, or designee.
(3) The provider shall make the work site available to the city's inspector and to all others authorized by law for inspection at all reasonable times during the execution and upon completion of the work.

(4) The city's inspector may issue an order to the provider for correction of any work that does not conform to the applicable standards, permit conditions or codes. Failure to correct the violation may result in the issuance of a red tag or be cause for revocation of the permit.

(5) Work on any facility within the right-of-way that is being done contrary to the provisions of this chapter, or the terms and conditions of the permit, may be immediately stopped upon the following conditions:
   a. in an emergency situation that may have a serious effect on health or safety;
   b. when irreversible or irreparable harm may result, in the reasonable opinion of the city manager, or designee, and immediate cessation of the activity is necessary to protect the public and the right-of-way. The city shall provide written notice to the provider or the person performing the work, and the notice must state the conditions under which work may be resumed. Verbal notice will be sufficient in emergencies and written notice will follow. Written notice must be by hand delivery, electronic or standard mail, and may be posted at the job site, and given to the person performing the work and/or provider. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order must state the reason for the order and the conditions under which the cited work will be permitted to resume. Where an emergency exists, verbal notice by the city manager, or designee, will be sufficient to require the stoppage of work; or
   c. any person who actively continues any work after having been served with a stop work order, except such work as that person is directed by the city to remove a violation or unsafe condition, will be subject to

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penalties as provided in section 1-14. The city retains all available legal remedies to abate the work.

(6) The inspection or permitting by the city of work under this chapter shall not be construed as a warranty of the adequacy of performance or of the accuracy of information provided in the permit application by the provider. The provider retains full responsibility for information provided and the provider retains full responsibility for work performed at all times.

(b) Revocation of permits.

(1) Permittee held permits issued pursuant to the Code of Ordinances is a privilege and not a right. The holder of a permit does not possess a vested right to maintain its facilities in a particular location, nor may the rights of the provider be construed to be an interest in real property of a property right subject to constitutional protection.

(2) The city reserves the right, as provided herein, to revoke any permit, without refunding any fees, in the event of a substantial breach of the terms and conditions of any statute, ordinance, rule or regulations or any condition of the permit. A substantial breach by providers includes, but is not limited to the following:

a. The violation of any material provision of the permit;

b. Any misrepresentation or fraud made or committed in the application for a permit or registration process;

c. Failure to promptly renew the registration or the ineffectiveness of registration;

d. The failure to maintain the required sureties or insurance;

e. The failure to obey a city directive to correct, relocate or remove an installation or facility in order to address a condition identified in this chapter; and

f. Suspension or revocation of a required federal or state certification or license.
(3) Except in an emergency which could endanger health or safety, the city manager, or designee, shall issue a written notice to the provider of the breach, which must include the corrective actions to be taken by the provider and the time allowed for corrective action. In an emergency, no notice is required, and the city may take all such steps it deems necessary to safeguard the public.

(4) In addition, the city can pursue all other lawful actions, including the filing of a complaint with the public service commission, the filing in any appropriate court for an injunction seeking enforcement of the terms of this chapter or the permit or to enjoin any use of the right-of-way.

Sec. 132-14. - General restrictions on city.

Pursuant to F.S. § 337.401(7), as amended, the city shall adhere to the requirements set forth below, regarding applications for right-of-way permits for small wireless facilities and micro-wireless facilities, subject to this chapter. Refer to additional requirements set forth in the respective sections noted below.

(a) Small wireless facilities collocation application for collocation on existing, non-city poles (refer also to section 132-17).

1. The city may not directly or indirectly require a wireless provider applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the city, including reserving fiber, conduit, or pole space for the city;

2. A wireless provider applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate said applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified in the small wireless facilities collocation application;

3. The city may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole; and

4. The city may not limit the placement of small wireless facilities by minimum separation distances; however, the city may require reasonable spacing requirements for ground-mounted equipment.

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(b) Small wireless facilities collocation application for new non-city utility pole to support small wireless facilities (refer also to section 132-17). The applicable requirements are set forth in subsection (a) above.

(c) Small wireless facilities collocation application for collocation on city pole (refer also to section 132-17). Refer to the requirements set forth in subsection (a) above.

Sec. 132-15. - Permits required and duration.

(a) Permits required.

(1) Pursuant to the requirements of this chapter, any use of the public rights-of-way requires a right-of-way permit, with the exception of the activities specified below:

a. Emergency actions, with the city reserving authority to require an alter-the-fact permit;

b. Routine maintenance and/or repair of communications facilities and/or utility poles authorized to be located within the public rights-of-way;

c. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or

d. Installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cable strung between existing utility poles in compliance with applicable codes by or for a provider authorized to occupy the rights-of-way and who is remitting taxes pursuant to F.S. § 202.19, as amended.

(2) Notwithstanding this section, the city may require a right-of-way permit for work that involves excavation (regardless of time needed to perform such activity) or closure of a sidewalk and/or vehicular lane(s).

(3) Emergency action. Any person who performs work in the public rights-of-way in connection with an emergency action without a permit shall immediately notify the city of the emergency action. The person shall cease all work immediately upon completion of emergency action. The person shall also cease all work immediately upon receipt of a city stop work order determining the...
situation does not involve an emergency or that the emergency action is no longer warranted.

(b) Permit duration. Unless revoked by the city pursuant to this chapter, canceled or withdrawn by the wireless provider applicant, or otherwise modified by a court of law with jurisdiction over such matters, a right-of-way permit issued pursuant to this chapter will remain effective for a maximum of one (1) year. Extensions of time beyond the initial one (1) year period may be requested by the wireless provider applicant and granted in no more than three (3) month increments, at the discretion of the city manager or designee.

Sec. 132-16. - Permit Procedures.

(a) Generally.

(1) Pursuant to the requirements of this chapter, F.S. § 337.401, as amended, and applicable federal law, providers may place and maintain wireless facilities, small wireless facilities, and micro-wireless facilities within public rights-of-way, subject to the specific permit requirements and procedures.

(2) Prior to submitting a consolidated small wireless facilities collocation application, unless otherwise determined by the city, the wireless provider applicant is invited to schedule and attend a pre-application meeting with the city, in order to determine the scope of the request, efficient processing schedule, and what documentation will be necessary to support said application.

(b) Permit for collocation of small wireless facilities on existing non-city utility pole. As part of any permit application to collocate a small wireless facility application on an existing non-city utility pole, a wireless provider applicant shall include with the small wireless facility collocation (SWFC) application submittal, at a minimum, the information described below. SWFC applications that propose replacing existing non-city poles, will be accepted and processed by the city, in accordance with subsection (c) below.

(1) Minimum application submittal requirements. No permit shall be issued unless a wireless provider applicant submits a written application to the city, in accordance with this chapter. A SWFC application for a permit shall be filed
in the form and manner specified by the city, (such as in an electronic form acceptable to the city) and contain such information as may be required by the city, including, at a minimum, the information contained in this section. The city may require the wireless provider applicant to provide such additional information as the city deems necessary to complete its review of a requested permit. Pursuant to F.S. § 337.401(7)(d)(2), as amended, the city shall not require a wireless provider applicant to provide more information than is necessary to demonstrate compliance with applicable codes. At a minimum, the wireless provider applicant shall submit the following information in its application:

a. The name, address, electronic mail address, and phone number (cellular number if available) of the wireless provider applicant who is requesting the permit and written evidence that such wireless provider applicant has legal authority to place, maintain, or remove the equipment or facilities covered by the requested permit in the public rights-of-way and will own and/or control all such equipment and facilities after completion of construction;

b. A description of the facilities/equipment, dimensions, and proposed locations of all equipment and facilities covered by the requested permit;

c. The specific location, depth, dimensions, and length of each proposed new or replacement duct, conduit, or other underground facility and the specific location, depth, dimensions, and height of any utility pole covered by the requested permit, to the extent necessary to demonstrate compliance with applicable codes;

d. A description of the manner in which the work covered by the requested permit is to be undertaken (i.e., proposed construction methods and techniques) and a proposed date for commencement of work and an estimate of the time required to complete all such work.

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e. A city-approved maintenance-of-traffic plan for vehicular, bicycle, and pedestrian traffic in the area to be affected by the proposed work (including a construction schedule and completion date);
f. Proof of insurance, acknowledgment of indemnification, and construction bond(s);
g. Identification and description of any utility or other distribution or transmission system to which any equipment or facility covered by the requested permit is to be connected or attached;
h. Sufficient specificity demonstrating compliance with the Florida Building Code, most current edition, specifically including but not limited to terms of compliance with the high velocity zone criteria specified therein;
i. The global positioning system (GPS) coordinates of the proposed facility. The GPS coordinates must be based on the reading from a handheld mobile GPS unit set to Datum NAD 83 and WGS 84. GPS coordinates based on Google Earth or similar software application may be used where areas of shading occur due to overhead canopy. GPS coordinates must be provided in decimal degrees at a six (6) decimal point precision;
j. Engineering drawings signed and sealed by a structural engineer, which depict:
   1. Details and specifications that demonstrate compliance with applicable codes;
   2. Public rights-of-way in the affected area of the proposed construction;
   3. A survey of locations of all existing equipment and facilities in the area of proposed construction;
   4. All equipment and facilities to be installed and/or removed;
   5. The routes of all transmission and distribution lines to be installed or removed; and
6. The sites of all other equipment and facilities to be installed or removed in the public rights-of-way.

k. Proof of pole attachment agreement and/or letter of authorization for pole attachment from pole owner or authorized agent;

l. Payment of all uncontested money past due to the city for:
   1. Prior and current construction permits issued to applicant;
   2. Any loss, damage, or expense suffered by the city as a result of applicant's prior construction in the right-of-way or any emergency actions taken by the city; and
   3. Any use agreement, license, or franchise issued to the applicant.

m. Photographic or video documentation of the pre-construction condition of the public rights-of-way in the area by the proposed work;

n. A restoration plan and a good faith estimate of the cost of restoration of the public rights-of-way. Such good faith estimate may be accepted by the city manager, or designee, unless the city determines such estimated costs are not representative of the actual costs of the restoration of the public rights-of-way. Estimates of the cost to restore the public rights-of-way shall include all costs necessary to restore the public rights-of-way to its original condition, in compliance with minimum city technical standards. Such good faith estimate may include, but are not to be limited to, costs to restore the paving, curbs/gutters, sidewalks, multi-purpose trails, and landscaping. All planted or naturally occurring shrubbery or vegetation, including sod and/or other ground cover, damaged or destroyed during work in the public rights-of-way must be replaced. Any tree pruning and/or removal approved as part of the permit must not be considered damage or impairment to be restored to the original condition, provided the provider complies with the approved mitigation plan and American National Standards Institute (ANSI) pruning standards, as applicable; and

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Design standards. The wireless provider applicant shall provide a
description of and sufficient details and specifications to demonstrate
compliance with design standards to be utilized to minimize the visual
impacts, in accordance with section 132-17.

Application quantity. A wireless provider applicant seeking to collocate
small wireless facilities may, at said applicant's discretion, file a
consolidated SWFC application and receive a single permit for the
collocation of up to 30 small wireless facilities.

Decision and notice for application submittal completeness. Within
fourteen (14) days after receiving a SWFC application, the city shall
determine and notify the wireless provider applicant by electronic mail as
to whether said application is complete:
   a. If the SWFC application is deemed incomplete, the city shall
      specifically identify the missing information.
   b. If the SWFC application includes multiple small wireless
      facilities, the city may separately address small wireless facility
      collocations for which incomplete information has been received.
   c. A SWFC application is deemed complete if the city fails to
      provide notification to the wireless provider applicant within
      fourteen (14) days of the application filing date.

Decision and notice for application (permit issuance/denial). A SWFC
application must be processed on a nondiscriminatory basis, and is subject
to the following:
   a. A complete SWFC application is deemed approved if the city fails
      to approve or deny the application within sixty (60) days after
      receipt of the application.
   b. If the SWFC application includes multiple small wireless
      facilities, the city may separately address small wireless facility
      collocations which are denied.

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unchanged.
c. The city shall notify the wireless provider applicant of approval or denial by electronic mail. If the SWFC application is denied, the city shall specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the wireless provider applicant by electronic mail. The date the electronic mail is sent will be the date of denial.

d. If the city does not use the 30-day negotiation period provided in subsection (e) below, the parties may mutually agree to extend the 60-day application review period. The city manager, or designee, shall grant or deny the SWFC application at the end of the extended period.

e. The wireless provider applicant may cure the deficiencies identified by the city and resubmit the SWFC application within thirty (30) days after notice of the denial is sent to the wireless provider applicant. The city shall approve or deny the revised SWFC application within thirty (30) days after receipt of application or it will be deemed approved. Any subsequent review will be limited to the deficiencies cited in the denial.

(5) Alternative location. Within fourteen (14) days after the date of filing the SWFC application, the city may request that either the proposed location of a small wireless facility be moved to another location in the rights-of-way and placed on an alternative city utility pole (refer to "make ready" provisions), support structure, or request the wireless provider applicant to construct a new utility pole. The city and the wireless provider applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for thirty (30) days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the wireless provider applicant, the wireless provider applicant must notify the city of such acceptance and the application will be deemed granted for any new location(s) for which there is agreement. If an agreement is not reached, the wireless provider

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applicant must notify the city of such non-agreement and the city must grant or deny the original SWFC application within ninety (90) days after the date said application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

(6) Permit review criteria.

a. The city shall approve a SWFC application and issue a right-of-way permit to a wireless provider applicant once said applicant has demonstrated compliance with the following nondiscriminatory, objective criteria and applicable codes:

1. The height of a small wireless facility is limited to ten (10) feet above the existing utility pole upon which the small wireless facility is to be collocated.

2. The height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same rights-of-way, measured from existing grade. Within 500 feet in any direction of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the city shall limit the height of the utility pole to 50 feet;

3. The small wireless facilities collocation application must demonstrate compliance with applicable codes, as defined in this chapter, and design standards set forth in section 132-17.

4. The SWFC application demonstrates compliance with the requirements set forth in sections 132-22, 132-23, and 132-24 for insurance indemnification, and construction bonds, if applicable.

5. Airport airspace protections. The small wireless facilities collocation application includes evidence of and statement that any structure to be installed pursuant to this chapter must comply with F.S. ch. 333, as amended, and federal regulations pertaining to airport airspace protections.

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b. The city may deny a proposed collocation of a small wireless facility in the public rights-of-way, if the proposed collocation:

1. Materially interferes with the safe operation of traffic control equipment;
2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes, as specified in Land Development Code Sec. 6.21;
3. Materially interferes with compliance with the Americans with Disabilities Act (ADA) or similar federal or state standards regarding pedestrian access or movement;
4. Materially fails to comply with the 2017 Florida Department of Transportation Utility Accommodation Manual, as amended; or
5. Fails to comply with criteria set forth in subsection (6), Permit Review Criteria above, applicable codes, or design standards set forth in section 132-17.

(c) Permit for new non-city utility pole to support small wireless facilities. As part of any permit application to place a new non-city utility pole to support the collocation of a small wireless facilities, a wireless provider applicant shall provide a SWFC application that includes, at a minimum, the information described below. Applications that propose replacing existing non-city poles, will be accepted and processed by the city, in accordance with this section.

1. Minimum application submittal requirements. No permit will be issued unless a wireless provider applicant submits application to the city, in accordance with this chapter. An application for a permit must be filed in accordance with submittal requirements set forth in subsection (6) below and include the following additional information:

   a. As part of the required construction plans, the survey must also include all utility poles located in the same right(s)-of-way as the proposed pole(s), identifying the height of the existing pole(s) as measured from existing grade, within 500 feet in any direction; and
b. A SWFC application from a wireless infrastructure provider must include an attestation by an officer of the registrant that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider, to provide service, within nine months after the date the application is approved.

(2) Application quantity. An application to collocate small wireless facilities on a new non-city pole will be limited to one new pole per application, unless otherwise determined by the city during the pre-application conference or in writing.

(3) Decision and notice for application submittal (completeness). Refer to subsection (b)(3) above.

(4) Decision and notice for application (permit issuance/denial). Refer to subsection (b)(4) above.

(5) Alternative location. Within fourteen (14) days after the date of filing the SWFC application, the city may request that the proposed location of a small wireless facility be moved to another location in the rights-of-way and placed on an alternative city utility pole (refer to “make ready” provisions set forth in subsection (d)(7) below, or support structure, or request the wireless provider applicant to place a new utility pole. The city and the wireless provider applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for thirty (30) days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the wireless provider applicant, the wireless provider applicant must notify the city of such acceptance and the SWFC application will be deemed granted for any new location(s) for which there is agreement. If an agreement is not reached, the wireless provider applicant must notify the city of such non-agreement and the city must grant or deny the original SWFC application within ninety (90) days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
(6) Permit review criteria.

a. The city shall approve an application and issue a right-of-way permit to a wireless provider applicant once said applicant has demonstrated compliance with the following nondiscriminatory, objective criteria and applicable codes:

1. The height of a small wireless facility is limited to ten (10) feet above the utility pole upon which the small wireless facility is to be collocated;

2. The height of a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same rights-of-way, measured from existing grade, within 500 feet in any direction of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the city shall limit the height of the utility pole to 50 feet;

3. The application demonstrates compliance with applicable codes, as defined in this chapter, and design standards set forth in section 132-17;

4. The application demonstrates compliance with the requirements set forth in sections 132-22, 132-23, and 132-24 for insurance, indemnification, and construction bonds; and

5. Airport airspace protections. The application includes evidence of and statements that any structure to be installed pursuant to this chapter complies with F.S. ch. 333, and federal regulations pertaining to airport airspace protections.

b. The city may deny a proposed collocation of a small wireless facility in the public rights-of-way, if the proposed collocation:

1. Materially interferes with the safe operation of traffic control equipment.
2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes, as specified in Land Development Code Sec. 6.21;

3. Materially interferes with compliance with the Americans with Disabilities Act (ADA) or similar federal or state standards regarding pedestrian access or movement;

4. Materially fails to comply with the 2017 Florida Department of Transportation Utility Accommodation Manual, as amended; or

5. Fails to comply with criteria set forth in subsection (6), Permit Review Criteria above, applicable codes, or design standards set forth in section 132-17.

(d) Permit for collocation of small wireless facilities on city pole. As part of any permit application to collocate small wireless facilities on a city pole, a wireless provider applicant shall provide a permit application that includes, at a minimum, the information described below:

(1) Minimum application submittal requirements. No permit will be issued unless a wireless provider applicant submits a written application to the city, in accordance with this subdivision. An application for a permit must be filed in accordance with the submittal requirements set forth in subsection (b)(1) above.

(2) Application quantity. An application must be limited to the quantity set forth in subsection (b)(2) above.

(3) Decision and notice for application submittal (completeness). The city shall determine and notify the wireless provider applicant by electronic mail pursuant to the time frames set forth in subsection (b)(3) above.

(4) Decision and notice for application (permit issuance/denial). An application will be processed on a nondiscriminatory basis, subject to the following:

a. Complete application is deemed approved if the city fails to approve or deny the application within sixty (60) days after receipt of the application.

b. If the application includes multiple small wireless facilities, the city may separately address small wireless facility collocations which are denied.

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c. The city shall notify the wireless provider applicant of approval or denial by electronic mail. If the application is denied, the city shall specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to said applicant by electronic mail. The date the electronic mail is sent will be the date of denial.

d. If the city does not use the 30-day negotiation period provided herein, the parties may mutually agree to extend the 60-day application review period. The city manager, or designee, shall grant or deny the application at the end of the extended period.

e. The wireless provider applicant may cure the deficiencies identified by the city and resubmit the application within thirty (30) days after notice of the denial is sent to the wireless provider applicant. The city shall approve or deny the revised application within thirty (30) days after receipt of the application is deemed approved. Any subsequent review will be limited to the deficiencies cited in the denial.

(5) Alternative location. Within fourteen (14) days after the date of filing the application, the city may request that the proposed location of a small wireless facility be moved to another location in the rights-of-way and placed on an alternative city utility pole (refer to “make ready” provisions set forth in subsection (7), below, support structure, or request the wireless provider applicant to place a new utility pole. The city and the wireless provider applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for thirty (30) days after the date of the request. At the conclusion of the negotiation period, if alternative location is accepted by the wireless provider applicant, said applicant must notify the city of such acceptance and the application will be deemed granted for any new location(s) for which there is agreement. If an agreement is not reached, the wireless provider applicant must notify the city of such non-agreement and the city must grant or deny the original application within ninety (90) days after the date the application was filed.
was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

(6) Permit review criteria.

a. The city shall approve an application and issue a right-of-way permit to a wireless provider applicant once said applicant has demonstrated compliance with the following nondiscriminatory, objective criteria, applicable codes, and applicable make-ready provisions (refer to subsection 2, below):

1. The height of a small wireless facility is limited to ten (10) feet above the existing utility pole upon which the small wireless facility is to be collocated;

2. The height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same rights-of-way, measured from existing grade, within 500 feet in any direction, of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the city shall limit the height of the utility pole to 50 feet;

3. The application demonstrates compliance with applicable codes, as defined in this chapter, and design standards set forth in section 132-17;

4. The application demonstrates compliance with the requirements set forth in sections 132-22, 132-23, and 132-24 for insurance, indemnification, and construction bonds; and

5. Airport airspace protections. The application includes evidence of and statement that any structure to be installed pursuant to this chapter complies with F.S. ch. 333, and federal regulations pertaining to airport airspace protections.
(7) City make-ready provisions.

a. Pursuant to F.S. § 337.401(7)(f)(5)(b), as amended, for a city-owned utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make-ready work under 47 U.S.C. § 224 and implementing regulations. The good faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement, if necessary.

b. Pursuant to F.S. § 337.401(7)(f)(5)(c), as amended, for a city-owned utility pole that does not support an aerial facility used to provide communications services or electric service, the city shall provide a good faith estimate, for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within sixty (60) days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within sixty (60) days after written acceptance of the good faith estimate by the wireless provider applicant.

c. Make-ready alternative. Alternatively, pursuant to F.S. § 337.401(7)(f)(5)(c), as amended, the city may require the wireless provider applicant seeking to collocate small wireless facility to provide a make-ready estimate, at said applicant’s expense, for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The city may not condition or restrict the manner in which the wireless provider applicant obtains, develops, or provides the estimate or conducts the make-ready work, subject to usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole remains the property of the city.

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d. Pursuant to F.S. § 337.401(7)(D)(5)(d), as amended, the city shall not require more make-ready work than is required to meet applicable codes and/or industry standards. Fees for make-ready work will not include costs related to pre-existing damage or prior noncompliance. Fees for make-ready work, including any pole replacement, will not exceed annual costs or the amount charged to communication services providers, other than wireless services providers, and will not include any consultant fee or expense.

e. The city may reserve space on city utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the city utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole must accommodate the future public safety use.

(8) Collocation of small wireless facilities on city utility poles is subject to the following requirements:

   a. The city shall not enter into an exclusive arrangement with any person for the right to attach equipment to city utility poles.

   b. The rates and fees for collocations on city utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.

(9) The city may deny a proposed collocation of a small wireless facility in the public rights-of-way, if the proposed collocation:

   a. Materially interferes with the safe operation of traffic control equipment;

   b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes, as specified in Land Development Code Sec. 6.21;

   c. Materially interferes with compliance with the Americans with Disabilities Act (ADA) or similar federal or state standards regarding pedestrian access or movement.

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d. Materially fails to comply with the 2017 Florida Department of Transportation Utility Accommodation Manual, as amended; or
e. Fails to comply with criteria set forth in subsection (6) above, applicable codes, or design standards set forth in section 132-17.

Sec. 132-17. - Design standards.

(a) **Purpose and intent.** Above ground and underground facilities, communication facilities, utility poles, and associated facilities and equipment must be designed in such a manner to ensure such facilities and poles are placed in locations that do not interfere with the safe operation of traffic control equipment and movement of the traveling public. These facilities and poles must be designed to maximize compatibility with the affected area (a 500-foot radius of the proposed location) and to minimize any negative visual impact on that area. Pursuant to F.S. § 337.401(7), as amended, the following design standards must apply, unless waived pursuant to section 132-19.

(b) **General placement requirements within public rights-of-way.**

1. **Above ground facilities, communication facilities, utility poles, and associated ground mounted facilities and equipment.** Such facilities and equipment must not create any safety hazard(s) or physical or visual obstruction to vehicular, bicycle, and/or pedestrian traffic.

2. **Communications facilities placement within public rights-of-way.** Communications facilities must be placed between the property line and the curb line of all streets and must not be within the roadway recovery area. Underground cables, where required, must have consistent alignment parallel with the edge of pavement, a 36-inch depth of cover for the paved portion of roadways, a 24-inch to 30-inch depth of cover in all areas except the paved portion of roadways, and must have a two-foot horizontal clearance from other underground utilities and their appurtenances.

3. **Grounding rods and pull boxes.** The grounding rod may not extend above the top of sidewalk and must be placed in a pull box, and the ground wire between the pole and the ground rod must be inside an underground conduit. All pull boxes must be vehicle load bearing, comply with Florida Department of

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Transportation (FDOT) Standard Specification 635 and be listed on the FDOT Approved Products List. A concrete pad must be installed around all pull boxes not located in the sidewalk. No new or replacement pull boxes must be located in pedestrian ramps.

(4) Signs. No signs may be permitted on or attached to communications facilities or utility poles in public rights-of-way, unless otherwise required by federal or state law. Any existing facility or structure that lawfully supports signs may continue to support such signs, as otherwise permitted by city code or state or federal law, as amended.

(5) Other associated ground mounted facilities and equipment. Ground-mounted equipment for small wireless facilities must be located within a ten (10) foot radius of the utility pole supporting such facility and, if possible, in areas with existing foliage or other aesthetic features to obscure the view of the ground-mounted equipment. The ground-mounted equipment must use wrap or paint that is similar to the pole color. If the city has a planned future project to replace facilities or equipment in the subject public rights-of-way, the replacement facilities or equipment proposed in the application or SWFC application must conform to the city's updated design, material, and color.

(6) Separation from driveways and hydrants. Communications facilities and utility poles must be located at least three (3) feet from a driveway apron and at least four (4) feet from a fire hydrant.

(7) New and replacement utility poles: general, city-wide placement and maintenance standards.

a. New utility poles, where permitted, must be placed between the property line and the curb line of all streets and may not be within the roadway recovery area. The lowest wire on any of such poles, placed in any public rights-of-way open to vehicular, bicycle, and/or pedestrian traffic, may not be less than eighteen (18) feet from the ground and, whenever telephone and electric power wires cross each other, wires must cross and be maintained in accordance with the National Electrical Code, the.
National Electrical Safety Code and the "Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines" established by the Department of Commerce, Bureau of Standards of the United States, as amended;

b. New utility poles, where permitted, must be made of the similar design, material, and color as other utility poles within the same public right-of-way (within 500 feet in any direction along that right-of-way). When poles within this radius are predominantly light poles, the new utility pole shall provide a lighting fixture of similar sheathing and shielding design, color, and height relative to other poles unless waived by the City. Where no utility poles exist within the aforementioned right-of-way, black enamel/paint-clad metal or concrete poles are required, and such poles are generally preferred throughout the city, as applicable;

c. All applications to place new poles shall include a full color photo-simulation showing the proposed new pole, facility, and/or wireless support structure installed in accordance with the application from the point of view of properties adjacent to the proposed site;

d. Newly-installed poles, towers and wireless communications facilities should be located in areas with existing foliage or other aesthetic features to the extent possible in order to obscure the view of the pole, tower or wireless communications facility.

e. Landscaping, in a manner and degree approved by the City, shall be required to mitigate the visual impact of a new wireless communications facility, its supporting structure and all equipment associated therewith. The registrant and permittee shall be responsible for maintaining and replacing or expanding if needed as determined by the City, landscaping, shielding views of the wireless communications facility, its supporting structure and equipment.

f. New poles, where permitted, must adhere to the protection and pruning standards, as set forth in Land Development Code Sec. 22.10, located in...
the public rights-of-way and/or on private property. A provider shall not prune, remove, or irreversibly damage any protected tree, as defined in Land Development Code Sec. 22.11 through 22.14, unless such activity is authorized by a permit issued by the city.

g. Replacement utility poles must be of similar design, material, and color of the existing pole being replaced; however, black enamel/paint-clad metal or concrete poles, are preferred. The replacement pole must be located in approximately the same location as the existing pole. When the predominant or ancillary purpose of the replaced pole is to provide street or pedestrian lighting, the replacement utility pole shall provide a lighting fixture of similar sheathing and shielding design, color, and height relative to other poles unless waived by the city. The replacement pole must continue to serve its primary function. If the city has a planned future project to replace utility poles in the subject public rights-of-way, the replacement poles proposed in the application or small wireless facilities collocation application must conform to the city’s updated design, material, and color:

h. At-grade facilities, aerial wiring facilities and utility poles in the right-of-way shall comply with undergrounding requirements of the city that prohibit above ground structures in the right-of-way, as applicable; and

i. Guidance for location. The city strongly encourages:

1. Utility poles should be placed equal distance between existing utility poles, if any, within the right-of-way;

2. For placement within residential-zoned districts. At grade facilities and utility poles should be placed either at the common property line of the parcels that abut the right-of-way or another location that demonstrates the least impact to access such parcels. At grade facilities and utility poles should be placed such that the view from principal structures within the residential districts are not significantly impaired; and
3. Non-residentially zoned districts. At grade and utility poles should be placed either at the common property line of the parcels that abut the right-of-way or another location that demonstrates the least impact to access such parcels.

(c) General stealth design requirements within public rights-of-way city-wide.

1. The small wireless facility, electric meters and disconnect switches may be mounted on the exterior of the pole and must be concealed with use of shrouds that are similar to the pole color and texture;

2. No exposed wires, cables, conduits, etc., attached to poles; preferred if such are placed internal to pole, but if not possible then such attachments must be concealed with use of shrouds that are similar to the pole color and texture;

3. Other components, such as back-haul, where housed above-ground, must be placed within a cabinet box, or other such container that are concealed with durable materials or paint that are similar to the pole color or includes other imagery in context with the location of equipment (i.e., imagery of vegetation, architectural/geometrical patterns, or equivalent); and

4. Unless otherwise provided by state or federal laws or regulations, a small wireless facility is prohibited from having any type of light, lighted signal, or illumination.

Sec 132-18. - Waiver of objective design standards for small wireless facilities.

(a) Objective design standards provided in section 132-17 may be waived by the city manager or designee, upon the wireless services provider demonstrating to the city, that the objective design standards are not reasonably compatible for the particular location of a small wireless facility or that the objective design standards impose an excessive expense. The objective design standards may also be waived to comply with 47 U.S.C. § 332 pertaining to gap in coverage.

(b) A request for a waiver must be filed contemporaneously with the SWTC application. The request for waiver must contain each section or subsection for which a waiver is being sought. A request for a waiver must include a detailed explanation, which supporting engineering or other data, as to why a waiver from the requirements of this

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chapter is required. For waivers based on 47 U.S.C. § 332, the request for waiver must demonstrate that denial of the SWFC application will result in a significant gap in a wireless service provider’s coverage, and that the proposed facility is the least intrusive means for closing that gap within said wireless service provider’s network.

(c) In granting any waiver, the city may impose conditions to the extent the city concludes such conditions are necessary to minimize any adverse effects of the proposed small wireless facility within a 500 foot radius of the proposed location, or to protect the health, safety, and welfare of the public.

(d) The city shall grant or deny a request for a waiver within forty-five (45) days after receiving such request.

Sec. 132-19. - Administratively approved uses.

The following use may be approved by the city manager, or designee after conducting an administrative review:

(a) Located antennas on existing structures or towers consistent with the terms of below:

1. Antennas on existing non-tower structures. Any antenna which is attached to an existing non-tower structure shall be approved by the city manager, or designee, as an accessory use to any commercial, institutional, or multifamily structure of eight (8) or more dwelling units, provided:
   a. The antenna does not extend more than thirty (30) feet above the highest point of the structure;
   b. The antenna complies with all applicable FCC and FAA regulations; and
   c. The antenna complies with all applicable building codes.

Sec 132-20. - Appeals.

Any person adversely affected by a decision of the city manager, or designee, in the permitting, enforcement or interpretation of any of the terms or provisions of this chapter may appeal that decision to the city commission. Such appeal must be taken by filing written notice with the city manager, or designee, with a copy to the city clerk, within thirty (30) days after the decision of the city manager, or designee. Each appeal must be accompanied by a payment in sufficient amount to cover the cost of publishing and mailing notices of hearings. Failure to file
such appeal constitutes acceptance of the permit and any conditions thereof or the denial of the application. Where a notice of appeal to the city manager, or designee, is not timely filed as provided in this section, such right to appeal is waived.

Sec. 132- 21. - Insurance.

(a) A provider shall provide, pay for, and maintain with companies satisfactory to the city, the types of insurance described in this section. All insurance must be from responsible companies duly authorized to do business in the state and having a financial rating in Best’s Insurance Guide of B+ Class VI A-Class VII or better. All liability policies must provide that the city is an additional insured as to such provider’s operations in the public rights-of-way and must provide the severability of interest provision. The required coverages must be evidenced by properly executed certificates of insurance on forms furnished by the official. Certified copies of the policies required by this section are acceptable in lieu of such certificates of insurance and must be furnished at the time of application to the official within five (5) days of the city’s request therefore. Renewal certificates must be provided to the city at least ten (10) days prior to the expiration of the current coverages. The certificates must be manually signed by the authorized representative of the insurance company. Thirty (30) days advanced written notice by registered or certified mail must be given to the city of any cancellation intent not to renew or reduction in the policy coverages. Provider shall also notify risk management within twenty-four (24) hours after the receipt of any notices of expiration, cancellation, non-renewal or material management. Companies issuing the insurance policies must have no recourse against the city for payment or premiums or assessments or for any deductibles which are the sole responsibility and risk of the provider. The policy clause “other insurance” will not apply to any insurance coverage currently held by the city, to any such future coverage, or to the city’s self-insured retentions of whatever nature.

(b) The limits and types of coverage of insurance required will not be less than the following:

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(1) **Commercial general liability insurance.** Commercial general liability insurance must be written on ISO Occurrence Form CG 00 01 or an equivalent substitute form to cover liability arising from premises and operations, independent contractors, products, and completed operations, personal and advertising injury, blanket contractural, and XCU exposures, unless waived by the city. Completed operations liability coverage must be maintained for a minimum of one (1) year following the cessation of the placement of communications facilities in the public rights-of-way. The combined bodily injury and property damage limit must not be less than $5,000,000.00 each occurrence and annual aggregate and must apply specifically to the provider’s activities in the public rights-of-way.

(2) **Automobile liability insurance.** Automobile liability insurance must be maintained in accordance with the laws of the state as to the ownership, maintenance, and use of all owned, non-owned, leased and hired vehicles. The combined bodily injury and property damage limit must not be less than $5,000,000.00 each accident.

(3) **Workers’ compensation/employer’s liability insurance.** Workers’ compensation insurance must cover all employees engaged in work for the provider in accordance with the laws of the state. The employer’s liability limit must not be less than $500,000.00 disease each employee, $500,000.00 disease aggregate and $500,000.00 each accident.

(c) Notwithstanding the foregoing, a provider may provide such coverage through an actuarially sound and prudent self-insurance program that is satisfactory to the city.

Sec. 132-22. - Construction bond.

(a) The city may require a construction bond in compliance with F.S. 337.401, as amended, to secure restoration of the postconstruction rights-of-way to the preconstruction condition.

(b) The construction bond must be limited to not more than 18 months after the construction to which the bond applies is completed.
(c) For any financial obligation required by an authority allowed under this section, the city shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, provided that a claim against the financial instrument may be made by electronic means, including by facsimile.

(d) A provider of communications services may add an authority to any existing insurance policy, or other relevant financial instrument, and the authority must accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the authority is a party. An authority may not require a communications services provider to indemnify it for liabilities not caused by the provider, including liabilities arising from the authority’s negligence, gross negligence, or willful conduct.

Sec. 132-23. - Indemnification.

(a) By reason of the acceptance of a registration or a permit under this chapter, the city does not assume liability for injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the city; or for claims or penalties of any sort resulting from the installation, placement, maintenance, and/or operation of communication facilities by registrants or activities of registrants.

(b) To the fullest extent permitted by state law, a registrant shall defend, indemnify, and hold the city, or its agents, harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, placement, installation, maintenance, repair or operation of its communications facilities, whether any act or omission complained of is authorized, allowed, or prohibited by a permit, inspection of plans or work by the city, except to the extent that such claims are caused by the sole negligence or willful misconduct of the city. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant or to the city, and the registrant, in defending any action on behalf of the city, shall be entitled to assert in any action every defense or immunity that the city could assert in its own behalf. The provisions of this section include, but are not limited to, the city's

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reasonable attorneys' fees incurred in defending against any such claim, suit, or proceeding(s).

(c) The city agrees to notify the registrant, in writing, within thirty (30) days of the city receiving notice, of any issue it determines may require indemnification.

(d) This indemnification obligation is not limited in any way by a limitation of the amount or type of damages or compensation payable by or for the registrant under workers' compensation, disability, or other employee benefit acts, or the acceptance of insurance certificates required under this chapter, or the terms, applicability, or limitations of any insurance held by the registrant.

(e) The registrant shall investigate, handle, respond to, provide defense for, and defend any such claims at its sole expense and shall bear all other costs and expenses related thereto, even if the claim is groundless, false, or fraudulent, and if called upon by the city, the registrant shall assume and defend not only itself but also the city, in connection with any such claims and any such defenses shall be at no cost or expense whatsoever to the city, provided the city retains the right to select counsel of its own choosing. The city may not settle or compromise any matter for which a registrant is obligated to indemnify without the prior written consent of the registrant. The registrant shall not unreasonably withhold such consent.

(f) The city does not waive any rights against the registrant, which it may have because of this indemnification, or because of the acceptance by, or the registrant's deposit with the city of any of the insurance policies required by this chapter for registration.

(g) This indemnification by the registrant applies to all damages and claims for damages of any kind suffered regardless of whether such insurance policies have been determined to be applicable to any such damages or claims for damages.

(h) Nothing contained in this section will be construed or interpreted as denying to either party any remedy or defense available to such party under the laws of the State of Florida or as a waiver of sovereign immunity beyond the waiver provided in F.S. § 768.285, as amended.

(i) The indemnification requirements under this section and this chapter will survive and be in full force and effect after the termination or cancellation of a registration.

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Sec. 132-24. - Reservation of rights.

The city hereby expressly reserves all of the following rights:

(a) To exercise its municipal home rule powers, now or hereafter, to the fullest extent allowed by law with regard to the access, use and regulation of the public rights-of-way.

(b) To amend this chapter as it finds necessary in the lawful exercise of its municipal authority.

(c) To adopt or enact by resolution or ordinance, in addition to the provisions contained herein and in any existing applicable ordinances, such additional reasonable regulations as city commission finds necessary in the exercise of the city's police powers.

(d) To exercise the power of eminent domain, consistent with applicable federal and state law, to acquire property that may include that property owned or leased by a communications service provider.

(e) As and when deemed necessary by city commission to be in the interest of the city or its residents, to abandon portions of the public rights-of-way within the proper exercise of its municipal authority and without notice to or the consent of any communications service provider. The city will not be responsible for any costs, damages, loss or other expense to the communications services provider as a result of the city's abandonment of any public rights-of-way.

(f) To place and maintain, and franchise or permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other types of facilities, cables or conduits, and to do, and to permit to be done, any underground and overheard installation or improvement that may be deemed necessary or proper by the city in the public rights-of-way occupied by any communications service provider.

(g) Without limitation, the right to alter, change, or cause to be changed, the grading, installation, relocation, or width of any public rights-of-way within the city limits and within said limits as the same may from time to time be altered.

(h) To require a reseller to register in accordance with section 132-5 to the extent such reseller wants the right to place or maintain facilities in the public rights-of-way. Any person using or leasing facilities owned by a registered communications services

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provider is not, therefore, entitled to any rights to place or maintain communications facilities in the public rights-of-way, unless such person registers with the city.

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CITY OF ST. PETE BEACH
NOTICE OF PUBLIC HEARING

The City of St. Pete Beach City Commission will consider the adoption of the following Ordinance on August 11, 2021 at 5:00 p.m., or soon thereafter in the City Commission Chambers:

ORDINANCE 2021-09

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR THE REPEAL OF ORDINANCE 2019-15 AND ORDINANCE 2004-44 RELATING TO WIRELESS COMMUNICATION TOWERS AND ANTENNAS AND CHAPTER 138 - WIRELESS COMMUNICATION TOWERS AND ANTENNAS IN ITS ENTIRETY; THE AMENDMENT OF CODE OF ORDINANCES; CHAPTER 138 - COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; SECTION 138-1 - PURPOSE; SECTION 138-2 - DEFINITIONS; SECTION 138-3 - REGISTRATION; SECTION 138-4 - PERMIT FOR ANTENNA OR TOWER IN CITY RIGHTS-OF-WAY; SECTION 138-5 - PERMITTING REQUIREMENTS FOR SMALL WIRELESS FACILITIES; SECTIONS 138-6 - PERMITTING REQUIREMENTS FOR NEW COMMUNICATIONS FACILITIES, WIRELESS FACILITIES, AND WIRELESS SUPPORT STRUCTURES, AND SECTION 138-7 - ACCESSORY EQUIPMENT PROVIDING FOR THE ADOPTION OF CODE OF ORDINANCES; SECTION 138-8 - DESCRIPTION OF TEMPORARY OR PERMANENT OCCUPATION OF COMMUNICATION FACILITIES IN THE RIGHT-OF-WAY; SECTION 138-9 - ABANDONED FACILITIES; SECTION 138-10 - CONSTRUCTION AND RESTORATION; SECTION 138-11 - PREVAIL AND PROFILES OF AS-BUILT SURVEYS; SECTION 138-12 - ENFORCEMENT OF PERMIT ELIGIBILITY; SECTION 138-13 - INSPECTIONS, ENFORCEMENT, STOP WORK ORDERS, AND REVOCATION OF PERMITS; SECTION 138-14 - GENERAL RESTRICTIONS ON CITY RIGHTS-OF-WAY; SECTIONS 138-15 - PERMITS REQUIREMENTS AND RESTRICTIONS; SECTION 138-16 - PERMIT PROCEDURES; SECTION 138-17 - PERMUT STANDARDS; SECTIONS 138-18 - WEP或 DIRECT DESIGN STANDARDS FOR SMALL WIRELESS FACILITIES; SECTION 138-19 - A DISCRIMINATORY APPROVED USES; SECTION 138-20 - APPEAL; SECTIONS 138-21 - INVADELEMENT SECTIONS 138-22 - CONSTRUCTION WORK; SECTIONS 138-23 - PERMISSIONS; SECTIONS 138-24 - RECIPROCITY OF RIGHTS; PROVIDING FOR CORRECTION, CONFLICTS, SEVERABILITY; CORRECTION OF SCRIVENERS'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

PUBLIC HEARING LOCATION:
St. Pete Beach City Hall
City Commission Chambers, 155 Corey Avenue, St. Pete Beach, FL 33706

NOTE: The above-scheduled public hearing may be continued from time to time pending adjournment. Any written comments that are received on the subject relative will become part of the official record. Any person who desires to appear at any section of the City Commission with respect to any matter considered at this hearing will receive a notice of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made. The record includes the testimony and evidence upon which the appeal is based. To view the file on the Ordinance, please contact the City Clerk's Office located at City Hall, 155 Corey Avenue, St. Pete Beach, FL 33706 - (727) 321-8001. Americans with Disabilities Act: Section 38.26, Accessibility of public hearings to people with physically handicapped in accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a hearing should contact City Hall at (727) 367-7235 no later than forty-eight (48) hours prior to the hearing for accommodation.

8/11/2021 08:00:00 AM

August 11, 2021 8:28 am (GMT -4:00) Powered by TECNAVIA
STATE OF FLORIDA
COUNTY OF Pinellas

Before the undersigned authority personally appeared Jean Miliotes who on oath says that he/she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida, that the attached copy of advertisement, being a Legal Notice in the matter RE: ORDINANCE 2021-09 was published in Tampa Bay Times: 8/11/21 in said newspaper in the issues of Baylink Pinellas.

Affiant further says the said Tampa Bay Times is a newspaper published in Pinellas County, Florida and that the said newspaper has hereunto been continuously published in said Pinellas County, Florida each day and has been entered as a second class mail matter at the post office in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature of Affiant

Sworn to and subscribed before me this 08/11/2021

Signature of Notary Public

Personally known X or produced identification

Type of identification produced

JESSICA ATTARO
Commission # GG 306666
Expires March 29, 2023
SIGNED THE BUDGET NOTARY SEAL

CITY OF ST. PETE BEACH
NOTICE OF PUBLIC HEARING

The City of St. Pete Beach City Commission will consider adoption of the following Ordinance on August 24, 2021 at 6:00 p.m. or soon thereafter in the City Commission Chambers:

ORDINANCE 2021-09

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE REPEAL OF ORDINANCES 1997-18 AND ORDINANCES 2004-44 RELATED TO WIRELESS COMMUNICATION TOWERS AND ANTENNAS AND CHAPTER 132 - WIRELESS COMMUNICATION TOWERS AND ANTENNAS IN ITS ENTIRETY; THE AMENDMENT OF CODE OF ORDINANCES CHAPTER 132 - COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; SECTION 132-1 - PURPOSE; SECTION 132-2 - DEFINITIONS; SECTION 132-3 - REGISTRATION; SECTION 132-4 - PERMIT FOR ANTENNA OR TOWER IN CITY RIGHTS-OF-WAY; SECTION 132-5 - PERMITTING REQUIREMENTS FOR SMALL WIRELESS FACILITIES; SECTION 132-6 - PERMITTING REQUIREMENTS FOR NEW COMMUNICATIONS FACILITIES - WIRELESS FACILITIES, AND WIRELESS SUPPORT STRUCTURES; AND SECTION 132-7 - ACCESSORY EQUIPMENT; PROVIDING FOR THE ADOPTION OF CODE OF ORDINANCES SECTION 132-8 - DISPOSITION, OR TEMPORARY RELOCATION OF COMMUNICATION FACILITIES IN THE RIGHT-OF-WAY; SECTION 132-9 - ABANDONED FACILITIES; SECTION 132-10 - CONSTRUCTION AND RESTORATION; SECTION 132-11 - PROVISION AND FILING OF AS BUILT SURVEYS; SECTION 132-12 - ENFORCEMENT OF PERMIT OBLIGATIONS; SECTION 132-13 - INVESTIGATIONS, ENFORCEMENT, STOP WORK ORDERS, AND REVOCATION OF PERMIT; SECTION 132-14 - GENERAL RESTRICTIONS ON CITY; SECTION 132-15 - PERMITS REQUIRED AND DURATION; SECTION 132-16 - PERMIT PROCEDURES; SECTION 132-17 - DESIGN STANDARDS; SECTION 132-18 - WAIVER OF OBJECTIVE DESIGN STANDARDS FOR SMALL WIRELESS FACILITIES; SECTION 132-19 - ADMINISTRATIVELY APPROVED USES; SECTION 132-20 - APPEALS; SECTION 132-21 - INSURANCE; SECTION 132-22 - CONSTRUCTION BOND; SECTION 132-23 - INDEMNIFICATION; SECTION 132-24 - RESERVATION OF RIGHTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

PUBLIC HEARING LOCATION:
St. Pete Beach City Hall – City Commission Chambers, 155 Corey Avenue, St. Pete Beach, FL 33706.

NOTE: The above-scheduled public hearing may be continued from time to time pending adjournment. Any written comments that are received on the subject matter will become part of the official record. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this hearing will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. To view the file on this Ordinance, please contact the City Clerk’s Office located at City Hall, 155 Corey Avenue, St. Pete Beach, FL 33706 - (727) 363-8201. Americans with Disabilities Act; Florida Statutes Chapter 286.26. Accessibility of public hearings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a hearing should contact City Hall at (727) 363-2720 no later than forty-eight (48) hours prior to the hearing for assistance.

8/12/2021

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