



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 01-18

City Council

2/8/2018

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** Ashton J. Hayward, III, Mayor

**SUBJECT:**

PROPOSED ORDINANCE NO. 01-18 REGULATING THE USE OF PUBLIC RIGHT-OF-WAY BY WIRELESS COMMUNICATIONS FACILITIES AND INFRASTRUCTURE BY SERVICE PROVIDERS

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 01-18 on second reading.

AN ORDINANCE CREATING ARTICLE VII, SECTION 11-4-182 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; REGULATING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY WIRELESS COMMUNICATIONS FACILITIES AND INFRASTRUCTURE BY SERVICE PROVIDERS; AUTHORIZING THE ADMINISTRATIVE PROMULGATION OF IMPLEMENTING RULES AND REGULATIONS CONFORMING TO THE PROVISIONS OF THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT OF 2017; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The technological evolution of the wireless communications industry continues to impact local governments by placing greater demands upon the use of public rights-of-way. In response, the 2017 Florida Legislature adopted the Advanced Wireless Infrastructure Deployment Act, establishing a process for local governments to follow when a service provider requests use of the public right-of-way, and allowing the adoption of local rules and regulations for the placement of facilities which conform to the provisions of the new law. The Proposed Ordinance, if adopted, will allow the City of Pensacola to implement rules and regulations to achieve the degree of regulation that the new law permits for local governments.

**PRIOR ACTION:**

January 11, 2018 - City Council voted to approve Proposed Ordinance No. 01-18 on first reading.

October 12, 2017 - City Council approved Ordinance No. 29-17, providing for a 120 day moratorium on the permitting of collocation of small wireless or micro wireless facilities.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**CITY ATTORNEY REVIEW:** Yes

12/29/2017

**STAFF CONTACT:**

Eric W. Olson, City Administrator  
Derrick Owens, Public Works Director

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 01-18
- 2) Ordinance No. 29-17
- 3) Sec. 337.401 (7), Florida Statutes, Advanced Wireless Infrastructure Deployment Act

**PRESENTATION:** No