

# Communication and Utilities in Town Rights-of-Way

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Presented by:

Darby Delsalle, AICP, Director of Planning

Lorenzo Cobiella, Esq., Assistant Town Attorney

# What: Revision to Article II, and creation of Article III

A Framework to Manage the Town's Rights-of-Way

Utilities (noncom)	Communication Facilities
<ul style="list-style-type: none"><li>•  Gas</li><li>•  Water</li><li>•  Sewer</li><li>•  Electricity</li></ul>	<ul style="list-style-type: none"><li>•  Cable</li><li>•  Telephone</li><li>•  Wireless</li></ul>

# What: Revision to Article II, and creation of Article III

This Ordinance:

- Removes Communication Facilities from Article II
- Updates Utility Provisions
- Creates Article III dedicated to Communications Facilities

# Why Now:

- State of Florida adopts HB 687
- Amending Statute 337.401 regarding Small Cell Facilities in the public rights-of-way



# Why Now:

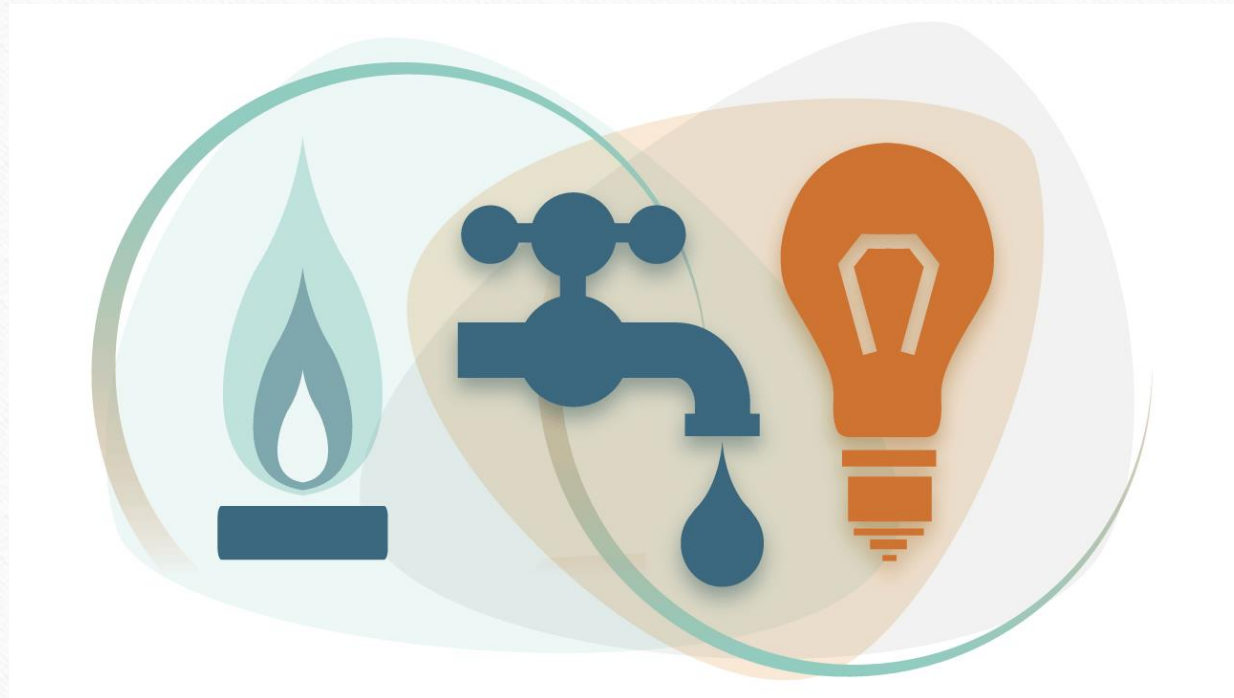
- Town Code must comply with new statute
- Opportunity to update Town's rights-of-way code





## ARTICLE II. UTILITIES

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# Article II

## Introduction

- A framework for regulating Noncommunication Utilities in the ROW
- Does not prevent individual franchise agreements



# DIVISION 1

- ✓ Intent
- ✓ Definitions





## DIVISION 2.

### Registration:

- Proper insurance
- Indemnification and hold-harmless
- Participate in defense of claims

### Security Fund for RoW Restoration:

- Damage caused by a utility
- Failure to complete work
- Abandonment of a project or facility

**\$50,000**



# DIVISION 3.

- Requires Permit.
- MOT Plan.
- Compliance with the Florida Building Code
- Minimum standards
- Repair and maintenance of the Rights-of-Way
- Construction bond for larger projects



# DIVISION 4.

- ✓ Enforcement Provisions
- ✓ Appeal Provisions
- ✓ Fines



## DIVISION 5.

- Abandonment Provision
- Provides for removal of an abandoned facility

Ensures the ROW is clear of any unused and unnecessary equipment



# ARTICLE III. TELECOMMUNICATIONS

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# ARTICLE III. INTRODUCTION

- A framework for the regulation of Communication Facilities in the RoW
- Comply with State and Federal Law

- Franchise agreements NOT PERMITTED
- All providers must be treated EQUALLY



# DIVISION 1

- ✓ Intent
- ✓ Definitions



## DIVISION 2.

Registration:	Security Fund for RoW Restoration:
<ul style="list-style-type: none"><li>• Proper insurance</li><li>• Indemnification and hold-harmless</li><li>• Participate in defense of claims</li></ul>	<ul style="list-style-type: none"><li>• Damage caused by a utility</li><li>• Failure to complete work</li><li>• Abandonment of a project or facility</li></ul> <div data-bbox="1561 1129 2076 1322">\$50,000</div>



# DIVISION 3 Part I.

## In General

- Requires Permit.
- MOT Plan.
- Compliance with the Florida Building Code
- Minimum standards
- Repair and maintenance of the Rights-of-Way
- Construction bond for larger projects



# DIVISION 3 Part II

## Small Cell Facilities

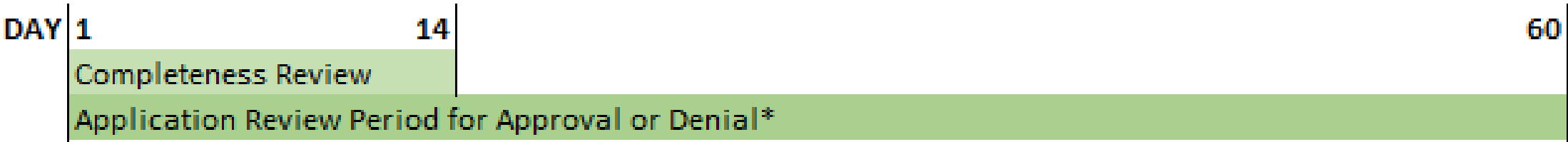
- Creates Review Periods
  - “**Shot Clocks**”
- Provides options as to location and design
  - Stealth and Concealment
  - Alternative location suggestions
  - Maximum Pole Height





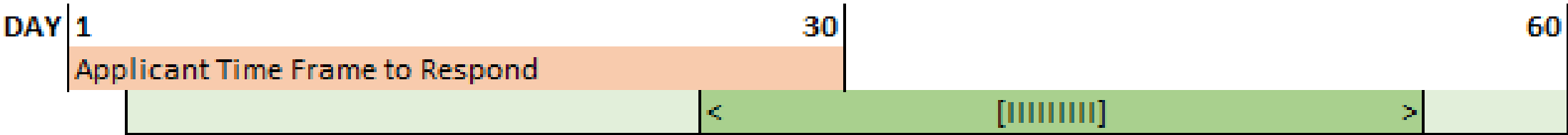
# Shot Clocks – Part I

## STANDARD REVIEW SHOT CLOCK



\* Town and applicant may mutually agree to extend Application Review Period

## DENIED APPLICATION PROCEDURE



Sliding Scale: Town must respond with 30 days of applicant's resubmittal



# DIVISION 3.

## Denial of Application

### **Application may be denied if:**

- Safe operation of Traffic Control Equipment is compromised
- Site lines and clear zones are obstructed by the pole or equipment
- ADA standards are violated
- Noncompliance with 2010 editions of the FDOT Utility Accommodation Manual
- Non Compliance with other applicable safety code

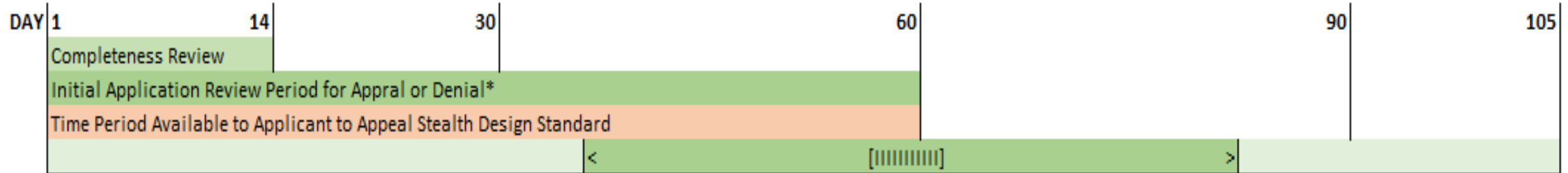


# Shot Clock – Part II

## TOWN REQUEST FOR ALTERNATE LOCATION SHOT CLOCK



## APPLICANT APPEAL OF STEALTH DESIGN



Sliding Scale: Town must respond with 45 days of Applicant's Appeal









# DIVISION 4.

- ✓ Enforcement Provisions
- ✓ Appeal Provisions
- ✓ Fines



## DIVISION 5.

- Abandonment Provision
- Provides for removal of an abandoned facility

Ensures the ROW is clear of any unused  
and unnecessary equipment



# DIVISION 6

## Tax and Fees.

Cannot charge:	May Charge:
<ul style="list-style-type: none"><li>• Building Permit Fee</li><li>• Registration Fee</li></ul>	<ul style="list-style-type: none"><li>• \$150 per Town pole</li><li>• Up to \$500 per linear mile of cable, conduit, strands or fibers.</li><li>• Fee to be collected annually</li></ul>

