



Legislation Text

File #: 170179., **Version:** 2

AMEND REGISTRATION REQUIREMENTS FOR USE OF PUBLIC RIGHTS-OF-WAY COMMUNICATIONS SERVICES PROVIDERS AND WIRELINE USERS (B)

Ordinance No. 170179

An ordinance of the City of Gainesville, Florida repealing and replacing Article VI, Chapter 23, of the City Code and setting forth requirements for the registration, permitting, insurance coverage, indemnification, construction bonds, security funds, force majeure, abandonment, liability, warranties and compensation for placing or maintaining communications service facilities and wireless support structures in the public rights-of-way; providing for severability, repealing clauses; and an effective date.

The City Commission adopt the proposed ordinance.

This is the first of several ordinances the City staff will bring forward to address the changing technology and in particular the placement or collocation of wireless telecommunication facilities within the City's rights-of-way. This proposed ordinance, if adopted, would amend Chapter 23, Article VI, Registration Requirements for Use of Public Rights-of-Way by Communications Services Providers and Wireline Users of Rights-of-Way (Registration Ordinance). The current Registration Ordinance was last amended in 2001. While the current Registration Ordinance does require registration and insurance by a telecommunication provider, it does not include registration for wireless telecommunication providers. The current Registration Ordinance should be amended to sufficiently address the placement and maintenance of wireline and wireless communications facilities or wireless support structures in the City's rights-of-way. Additional property management requirements will provide protection of both public assets and private assets within the rights-of-way. The proposed Registration Ordinance will increase the ability of the City to protect publicly owned rights-of-way and the utilities within it by requiring registrants to provide a map identifying the location of their infrastructure, by requiring the registrant to indemnify the City if the registrant damages property while installing or repairing the facilities. The proposed Registration Ordinance still requires the registrant to maintain insurance but it also requires registrant to provide a construction bond while working in the rights-of-way, and security funds to protect damage to the rights-of-way and to utilities within the rights-of-way. It also provides remedies to the City if a facility is abandoned.

This ordinance will repeal the moratorium on the undergrounding of wireless telecommunication facilities within the public rights-of-way, but not on the above-ground placement of wireless telecommunication facilities within the public rights-of-way. Future ordinances will address that issue.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective September 7, 2017. The ordinance will repeal the moratorium (adopted by Ordinances No. 160401 and 160798) for placement of underground facilities within the public rights-of-way, but not for placement of above-ground facilities in the public rights-of-way.