



Legislation Text

File #: 19-2866, **Version:** 1

ITEM: ORDINANCE NO. 2018-10 (SMALL CELL WIRELESS ORDINANCE)

AN ORDINANCE OF THE VILLAGE OF WELLINGTON AMENDING THE VILLAGE CODE BY REPEALING AND REPLACING CHAPTER 23, “COMMUNICATIONS FACILITIES RIGHTS-OF-WAY ORDINANCE”, TO PROVIDE FOR CERTAIN STANDARDS AND REGULATIONS RELATING TO THE LOCATION OF COMMUNICATION FACILITIES AND OTHER STRUCTURES WITHIN THE VILLAGE’S PUBLIC RIGHTS-OF-WAY, CONSISTENT WITH FEDERAL AND STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

REQUEST: Second Reading and Adoption of Ordinance No. 2018-10 repealing and replacing Chapter 23 of the Village Code entitled “Communications Facilities Rights-of-Way Ordinance.”

EXPLANATION: In 2017, the Florida legislature amended Florida Statute 337.401 to limit the ability of municipalities to regulate small cell wireless facilities in public rights of way. The FCC has further regulated state and local government with respect to placing small cell wireless facilities in public rights of way. The FCC regulation became effective on January 14, 2019.

Florida Statute 337.401 allows the Village of Wellington to adopt by ordinance objective design standards and other regulations for advanced wireless infrastructure.

The Village deems it necessary and appropriate to provide for certain standards and regulations relating to the location, placement, design, construction and maintenance of communications facilities and other structures within the Village’s public rights-of-way, and to provide for the enforcement of said standards and regulations consistent with federal and state law limitations on that authority.

It is important for the Village of Wellington to have regulations in place that comply with state and Federal regulations and deadlines.

The First Reading of Ordinance No. 2018-10 was unanimously approved by the Village Council at the March 12, 2019 Regular Wellington Council Meeting.

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: YES **QUASI-JUDICIAL:** NO

FIRST READING: **SECOND READING:** YES

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: NO

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Second Reading and Adoption of Ordinance No. 2018-10 repealing and replacing Chapter 23 of the Village Code entitled “Communications Facilities Rights-of-Way Ordinance.”