

ORDINANCE NO. 2017- 151

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
REPEALING ORDINANCE 2017-115 REGARDING AN
ABATEMENT UPON THE ACCEPTANCE AND/OR
PROCESSING OF APPLICATIONS FOR COLLOCATION ON
EXISTING OR CREATION OF NEW UTILITY POLES IN THE
RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS
FACILITIES OR MICRO WIRELESS FACILITIES;
REPEALING ALL ORDINANCES OR PARTS OF
ORDINANCES IN CONFLICT THEREWITH; PROVIDING
FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the state legislature passed a bill (HB 687) amending Florida Statutes Section 337.401, regarding the use of right-of-way for utilities, and more specifically creating regulations called the "Advanced Wireless Infrastructure Deployment Act"; and

WHEREAS, this Bill was signed into law by the Governor, and went into effect on July 1, 2017; and

WHEREAS, this law provides new requirements for municipalities in regards to collocation on existing or creation of new utility poles in the right-of-way to support small wireless facilities or micro wireless facilities; and

WHEREAS, the law allows for some local government regulation in this area, including some existing regulations and certain objective design standards, among others; and

WHEREAS, the City of Tampa staff studied the new law and created new regulations allowed under the law, and the abatement is no longer necessary; and

WHEREAS, a duly noticed public hearing as required by law was held by the City Council of the City of Tampa, at which public hearing all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:**

Section 1. That the aforementioned recitations are true and correct.

Section 2. That Ordinance 2017-115, creating a temporary abatement upon the acceptance and/or processing of applications for collocation on existing or

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1 creation of new utility poles in the rights-of-way to support small wireless facilities or
2 micro wireless facilities is hereby repealed in its entirety.

3
4 **Section 3.** That should a court of competent jurisdiction declare any part of
5 this Ordinance unconstitutional or invalid, the remaining parts hereof shall not, in any
6 way, be affected by such determination as to the invalid part.

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8 **Section 4.** That all ordinances or parts of ordinances in conflict herewith are
9 hereby repealed to the extent of any conflict.

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11 **Section 5.** That this ordinance shall take effect immediately upon becoming a
12 law.

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14 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
15 TAMPA, FLORIDA, ON OCT 26 2017.

16
17 ATTEST:

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19 
20 _____
21 CHAIRMAN/CHAIRMAN PRO-TEM
22 CITY COUNCIL

23
24 
25 _____
26 CITY CLERK/DEPUTY CITY CLERK

27 APPROVED BY ME ON OCT 27 2017

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29 
30 _____
31 BOB BUCKHORN, MAYOR

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33
34 APPROVED AS TO LEGAL
35 SUFFICIENCY BY:

36
37
38 /es/
39 REBECCA M. KERT
40 SR. ASSISTANT CITY ATTORNEY