

CITY OF MARGATE, FLORIDA

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 687 AND SENATE BILL 596, WHICH PREEMPTS LOCAL GOVERNMENT CONTROL OF TAXPAYER-OWNED RIGHTS OF WAY FOR SMALL AND MICRO WIRELESS COMMUNICATIONS INFRASTRUCTURE; AND PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, Senate Bill 596 and House Bill 596 would create the Advanced Wireless Infrastructure Deployment Act (hereinafter "Act") to provide a process for access and use of public rights-of-way for installation of small wireless communications infrastructure; and

**WHEREAS**, the Act would prohibit the City of Margate ("City") from considering zoning, land use, aesthetic ordinances or any public safety protections and limit local government review to uniform building, fire, electrical, plumbing, or mechanical codes; and

**WHEREAS**, the Act would require the City to allow small wireless facilities up to sixty feet in height or no more than ten feet above the tallest existing utility pole that is within 500 feet of a small wireless facility; and

**WHEREAS**, the Act would prohibit the City from limiting the placement of small wireless facilities by minimum separation distances, which could cause a proliferation of unsightly equipment; and

**WHEREAS**, the Act would prohibit the City from requiring the placement of small wireless facilities on any specific utility pole and would therefore prohibit the City from preventing installation of these facilities on decorative lighting poles along Margate Boulevard and other areas of the City; and

**WHEREAS**, the Act would prohibit the City from requiring a wireless provider to reserve fiber, conduit, or pole space for use by the City and would therefore prevent the City from utilizing its own property for public safety wireless

communication facilities, decorative or informational banners, or any other use; and

**WHEREAS**, the Act does not address the responsibility or liability of wireless providers installing small wireless facilities within the City, therefore exposing the City to unlimited future liability costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

**SECTION 1:** The foregoing "**WHEREAS**" clauses are ratified and confirmed to be true and correct and are made a part of this Resolution.

**SECTION 2:** That the City Commission of the City of Margate expresses its opposition to Senate Bill 596 and House Bill 596 for access and use of public rights-of-way for installation of small wireless communications infrastructure, and urges all members of the Florida Legislature to oppose these bills.

**SECTION 3:** That the City Clerk is directed to send a copy of this Resolution to the Governor of the State of Florida, the Speaker of the Florida House of Representatives, the President of the Florida Senate, the Florida League of Cities, the Broward League of Cities, all municipalities in Broward County, and the Board of County Commissioners for Broward County.

**SECTION 4:** This Resolution shall become effective immediately upon adoption.

PASSED, ADOPTED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
JOSEPH J. KAVANAGH  
CITY CLERK

\_\_\_\_\_  
MAYOR TOMMY RUZZANO

RECORD OF VOTE

Caggiano	_____
Simone	_____
Peerman	_____
Schwartz	_____
Ruzzano	_____