

ORDINANCE NO. 2017-297

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE SUBMITTAL, PROCESSING, AND ISSUANCE OF ANY PERMIT FOR LOCATION OF WIRELESS COMMUNICATION FACILITIES AND TELECOMMUNICATION TOWERS AND ANTENNAS FOR A PERIOD OF ONE HUNDRED EIGHTY (180) DAYS FROM THE DATE OF ADOPTION OF THIS ORDINANCE; PROVIDING FOR THE GEOGRAPHIC AREA COVERED; PROVIDING FOR THE DURATION OF MORATORIUM AND EXTENSION THEREOF; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Hillsboro Beach, Florida provides municipal services to its citizens, including regulation and licensing of businesses and issuance of permits; and

WHEREAS, the Town of Hillsboro Beach is currently reviewing its wireless telecommunications ordinances relating to towers, antennas and similar facilities to protect the public health, safety and welfare; and

WHEREAS, the Town is considering revised regulations with regards to said Facilities to ensure that various Town ordinances comply with applicable federal and state laws; and

WHEREAS, the State of Florida has adopted legislation codified as Section 337.401, F.S., which regulates the placement of telephone, telegraph, or other communication service lines or poles within the public rights-of-way and regulations regarding same; and

WHEREAS, new wireless technologies may require improvements that have not been contemplated by the Town in the management and control of the Town's public rights-of-way; and

WHEREAS, the Town Commission has noted the potential for rapid deployment of such wireless communication facilities and the need for time to review, consider, and modify the processes for adoption and implementation of regulations pertaining to the deployment of such wireless communication facilities and telecommunication towers and antennas and in the public rights-of-way and to evaluate the extent that the existing regulations are effectively regulating the deployment of such facilities; and

WHEREAS, the ordinance is adopted pursuant to the Town's Home Rule Powers as set forth in Florida Statute Chapter 166; and

WHEREAS, during the temporary moratorium period, the Town Commission directs that the Town Consultants and Town Attorney expeditiously study and develop a comprehensive strategy, for the Commission's consideration of appropriate amendments to Town of Hillsboro Beach Code of Ordinances and the Town's Land Development Code to ensure compliance with state and federal law relating to telecommunication facilities as described above;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HILLSBORO BEACH, FLORIDA THAT:

Section 1. The WHEREAS clauses are incorporated herein, are true and correct, and represent the Commission's legislative findings and intent regarding the necessity of a temporary moratorium.

Section 2. During the time the temporary moratorium is in effect, the Town will not accept applications for permits to place or maintain any communications facility in the rights of way as they may be located in the Town of Hillsboro Beach.

Section 3. The temporary moratorium established in this ordinance shall be effective in the corporate and municipal boundaries of the Town of Hillsboro Beach.

Section 4. The temporary moratorium set forth in this ordinance shall take effect immediately upon the effective date of this ordinance and shall terminate one hundred eighty (180) days after the said effective date. The Town will accept no applications of any form nor issue any permits of any form relating to the placement or installation of wireless communication facilities and telecommunication towers and antenna as defined by law within the Town's rights-of-way, in order to allow staff time to undertake a thorough analysis of the Town's current regulations, State and Federal laws and to carefully review, consider, and process for adoption and implementation, reasonable non-discriminatory rules and regulations regarding same. The Town Commission may extend the temporary moratorium established in this ordinance by enactment of an ordinance one (1) time for a period not to exceed ninety (90) days upon a finding by the Town Commission set forth in the ordinance that the problems giving rise to the need for the temporary moratorium established herein continue to exist.

Section 5. That should any section or provision of this ordinance or any portion thereof any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 6. That this ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 13th DAY OF SEPTEMBER, 2017.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 14 DAY OF NOV, 2017.

By: Deborah L Tarrant
Deborah L. Tarrant, Mayor

ATTEST:
By: William M Serda
William "Mac" Serda, Town Manager