CORAL GABLES COMMUNICATIONS RIGHT OF WAY ORDINANCE
CURRENT PROPOSED ORDINANCE RECEIVED 01-16-2019
TABLE OF MAJOR VIOLATIONS OF STATE AND FEDERAL LAW

***Please note that Page References refer to the Ordinance version provided the Industry on 1-16-2019**

Ordinance Section # & page reference	Ordinance language	Statute language it violates	Notes
Permanent Performance Bonds **Section 70-79(b)(8) –registration requirement referencing Section 70-79(d)** **See also related provisions in Sections 70-81(c)(3)(a)(4) at p.95 and (c)(3)(d) at p.96** **See also related provision in Section 70-83(o) at p.103**	(d) Permanent Performance Bond to Guarantee Compliance. For an effective registration, a registrant shall file with the City, for City approval, a permanent performance bond in the amount of fifty thousand dollars ($50,000), in the form of a cash deposit or irrevocable letter of credit. Any cash deposit shall be held in a City account. The letter of credit shall be issued by a financial institution within Miami-Dade County and shall be in a form and issued by a financial institution acceptable to the City Attorney. The permanent performance bond shall be conditioned on the full and faithful performance by the registrant of all requirements, duties and obligations imposed upon the registrant by the provisions of this Ordinance, including but not limited to requirements to restore the public rights-of-way and guarantee such restoration, remove any abandoned communications facilities, pay appropriate compensation to the City, and pay for any damage to City or	Section 202.24: (1) The authority of a public body to require taxes, fees, charges, or other impositions from dealers of communications services for occupying its roads and rights-of-way is specifically preempted by the state because of unique circumstances applicable to communications services dealers. . . . (2)(a) Except as provided in paragraph (c), each public body is prohibited from: 1. Levying on or collecting from dealers or purchasers of communications services any tax, charge, fee, or other imposition on or with respect to the provision or purchase of communications services. (b) For purposes of this subsection, a tax, charge, fee, or other imposition includes any amount or in-kind payment of property or services which is required by ordinance or agreement to be paid or furnished to a public body by or through a dealer of communications services in its capacity as a dealer of communications services, regardless of whether such	In the past Legislative Session, an amendment to Section 202.24, F.S. was passed (HB 7087) which prohibits the provision for security funds by the City. As such, any provision for a security fund or other bond that is maintained in perpetuity must be deleted from the Ordinance as a condition for the placement of facilities in the public rights-of-way ("ROW"). The inclusion of such a fund violates both the no "other imposition" requirements of Section 202.24, F.S., as well as the no "exactions" prohibition in Section 610.103, F.S.

	other facilities in the public rights-of-way.	amount or in-kind payment of property or services is: 1. Designated as a sales tax, excise tax, subscriber charge, franchise fee, user fee, privilege fee, occupancy fee, rental fee, license fee, pole fee, tower fee, base-station fee, security fund, or other tax or fee. . . .	
Historic Preservation **Section 70-84(c) at pp. 105-06**	(c) Any proposed material amendments to the City Plan, including but not limited to, the closing of streets and any developments that would affect such City Plan, shall be in accordance with the procedures set forth in Article 3, Division 11, Section 3-1104 of the Zoning Code, as amended, notwithstanding any provisions in Article 3 to the contrary.	An authority may enforce pending local ordinances, administrative rules, or regulations applicable to a historic area designated by the state if the intent to adopt such changes has been publicly declared on or before April 1, 2017.	The City's Resolution 2017-240 adopted August 29, 2017 commences the process of historic designation of the City's original 1921 plan and hence does not fall within the statutory protection since such area was not publicly declared on or before April 1, 2017 as it relates to regulating the placement of small wireless facilities.
Section 70-84(d) at p. 106	(d) If a registrant seeks to place or to maintain a communications facility in a proposed location within the public rights-of-way that would constitute a material amendment to the City Plan, the registrant shall apply for and obtain appropriate approval, including but not limited to, a Special Certificate of Appropriateness from the City pursuant to Article 3, Division 11, Section 3-1104 of the City Zoning Code, as amended, at the registrant's		Ordinance requirement that HPB approval is a condition precedent to placement of communications facilities within the public rights-of-way subject to payment of fees violates 337.401(7) prohibition on permit fees if the applicant pays CST tax and 337.401(7)(d) shot clock and FCC shot clock limits.

	expense, prior to submitting a permit application. A registrant shall apply for such approval or Special Certificate of Appropriateness, as applicable, concurrently with or prior to submitting an application for a permit. The applicant shall be responsible for all application fees of general applicability for such approval or Special Certificate of Appropriateness. The city manager shall deny an application for a permit if the registrant does not obtain the approval or a Special Certificate of Appropriateness that is required pursuant to the Zoning Code. If a permit is not required for such communications facility pursuant to this Ordinance, the registrant shall apply for and obtain appropriate approvals from the City, including if applicable, a Special Certificate of Appropriateness, prior to the placement of such facility in historic property within the public rights-of-way.		
Exemptions from Permitting & Limitations **Section 70-80(a) p.82**	(a)(Last Sentence) The City may issue a blanket permit to cover certain activities, such as routine maintenance and repair activities, that may otherwise require individual permits or may impose lesser requirements.	Section 337.401(7)(e)1 provides that "[a]n authority may not require approval or require fees or other charges for: 1. Routine maintenance.	No permit may be required for routine maintenance under Section 337.401(7)(e)(1), F.S.

Section 70-80(b)(2) p.83 **Section 70-80(b)(4) p.83**	(b)(2) In addition, a registrant shall not disrupt trees or tree roots when placing or maintaining a communications facility in the public rights-of-way		Further, the disruption of tree roots is overly broad. "Disruption of trees" is very broad. ROW occupants need to be able to perform tree trimming to keep trees out of lines and equipment and would comply with any code requirements applicable to trees and tree root protection. See also related provision in Section 70-83(i) at p.101-102 which should be subject to Section 82-35 Code of Ordinances. Additionally, the Industry suggested the addition of an exemption for wireline attachments made to existing Utility Poles in the communications space as these types of installations have historically been exempt from permitting.
Mandatory Pre-Application Meeting **Section 70-81(a) & (b)(2) p.85-86** **See also Section 70-81(b)(18) at p.89 requiring a pre-application meeting for consolidated permit applications**	(a) Pre-application meeting. To minimize issues related to a permit application, prior to applying for a permit ,to the extent no [sic] prohibited by applicable law based on the facilities proposed to be placed in the public rights-of-way, a registrant shall conduct a pre-submittal meeting with the City to discuss the registrant's plans and network goals for placing or maintaining facilities in the public rights-of-way including all City permits that may be required based on the nature of the registrant's proposed work in the public rights-of-way. A registrant is encouraged to be prepared	Section 337.401(7)(d) requires, *inter alia,* that "An authority shall accept applications for permits and shall process and issue permits subject to the following requirements: 8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. Note that the shot clock can be as long as 90 days if the negotiations provision is invoked as described in 337.401(7)(d)4.	While the Industry appreciates the value of a pre-submittal meeting, any mandatory requirement is an improper attempt to review an application outside the mandatory review time frames outlined in Section 337.401(7)(d), F.S. *See also* Sept. 2018 *Declaratory Ruling* at ¶ 145-46 (noting that the shot clock is not tolled for pre-application meetings). In addition, to the extent the City seeks information regarding the registrant's business plan or the City requires proof of need of justification for the proposed location, the Industry objects as such

	to discuss its network needs and planned locations, design of facilities and other issues that may arise under this Ordinance. The City shall undertake efforts to accommodate a registrant's request for a pre-submittal meeting within ten (10) business days of a request. At a registrant's request, the City, in its sole discretion, may waive the requirement of a pre-submittal meeting for good cause based on the scope of the proposed permit and registrant's compliance with this Ordinance. In no event shall the requirement of a pre-submission meeting that is not prohibited by applicable law be waived for a consolidated permit application. Even if a pre-submittal meeting may not be required under applicable law, registrants are strongly encouraged to engage in a pre-submittal meeting. A pre-submittal meeting, whether required herein or voluntary on the part of a registrant shall not commence the time frames provided herein for City review of an application.		information exceeds the scope of authority delegated pursuant to 337.401(7).

Extension of Shot-Clocks by virtue of State of Emergency Declaration Section 70-81(c)(1) at p.90-91 **Or for purposes of ARB approval Section 70-81(b)(17)(b) (last sentence) p.89-90** **Or for purposes of Historic Preservation Board issuance of a certificate of appropriateness. See Section 70-84(d) at p. 105-106**	(1) Time periods within this subsection may be extended for the period of time impacted by a force majeure event or by a declared State of Emergency by the City or Governor of the State that impacts the City ("force majeure extension"). If an applicant opposes a force majeure extension pursuant to this subsection, it shall notify the City within 24 hours of such extension becoming effective or the applicant shall be deemed to have consented to the extension. (b)(16)(b) [Last sentence] or has been reviewed by the City's Board of Architects (Architectural Review Board), as may be required pursuant to this Ordinance.	Section 337.401(7)(d) requires, *inter alia,* that "An authority shall accept applications for permits and shall process and issue permits subject to the following requirements: 8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. Note that the shot clock can be as long as 90 days if the negotiations provision is invoked as described in 337.401(7)(d)4.	The City cannot unilaterally extend the review timeframes established by Section 337.401(7), F.S. For example, the State of Emergency for the Zika Virus continued for a period of 540 days. This includes any reviews that go beyond the building permit review process that also introduce subjective evaluation i.e. ARB review. Note: Section 70-81(c)(1)(c) must also be corrected to be consistent with the statutory language of calculating the 60-day review time period.
Or for purposes of an administrative appeal Section 70-81(c) (4) at p. 99	(4) Appeals. (a) Final, written decisions of a designee of the city manager, including but not limited to, a decision suspending, revoking, or denying a permit, denying a registration, denying a renewal of a registration, suspending, or terminating a registration or denying	See Section 337.401(7)(d)8., Florida Statues	The city must take its "final action" within the FCC's shot clock timeframes to avoid violating the law. The appeal described here, coupled with a requirement to exhaust administrative remedies, violates state and FCC's shorter shot clocks. All required reviews, actions and appeals comply with the 60-day shot clock. see New Cingular Wireless PCS, LLC v. Town of Stoddard,

	a request for a waiver, or imposing costs or a fine, are subject to appeal to the city manager. A decision to deny a permit is not final if the applicant has resubmitted a revised application in an effort to cure the bases for denial within thirty (30) days of being notified of such denial, in which case the City shall review the revised application and grant or deny it within thirty (30) days. An appeal must be filed with the city clerk with the appeal fee as established in the City fee ordinance, within thirty (30) days of the date of the final, written decision to be appealed. An applicant shall waive any appeal that is not timely filed as set forth herein. The city manager shall hear the appeal or may appoint a hearing officer to consider the appeal. The decision on appeal shall be based on the information submitted previously to the City and no new information shall be considered. Subject to a force majeure event, the hearing shall occur within thirty (30) days of the receipt of the appeal, unless waived by the applicant, and a written decision shall be rendered within twenty (20) days of the hearing. (b) An appeal from a decision of the City Manager or a hearing officer		853 F. Supp. 2d 198, 203-04 (D.N.H. 2012) (quoting the Shot Clock Ruling at 14008 ¶ 38 in holding that a local government must not simply "take some action on an application" but must take final action before the time expires)

	may be appealed to the City Commission within thirty (30) days, by filing a written notice of appeal with the City Clerk with the applicable fee per the City fee ordinance, and providing copies to the city manager and the city attorney. Any appeal not timely filed shall be waived. The notice of appeal shall state the decision which is being appealed, the grounds for appeal, a brief summary of the relief which is sought, and shall be accompanied by a nonrefundable fee established in the City fee ordinance. The City Commission may affirm, modify or, reverse the decision of the city manager. The city manager shall notify any party who has filed a written request for such notification of the date when the matter will be presented to the City Commission. Nothing contained herein shall preclude the City Commission from seeking additional information prior to rendering a final decision. The decision of the City Commission shall be by resolution and a copy of the decision shall be forwarded to the City Manager and the appealing party.		
Limits on Excavation Section 70-83 (h) At p. 101	(h) To avoid continual disruption and degradation to the public rights-of-way, and consistent with a registrant's guarantee of restoration of the public	Section 337.401(1)(a) and (3)(a) provides general access to the public rights-of-way by communications facilities including small wireless facilities.	This is beyond the scope of Section 337.401. The period of time specified (4 years) is also unreasonable and will severely limit the rollout of new technologies in the City. It is

Section 70-83(b) at p. 99-100	rights-of-way, an area of the public rights-of-way that has been subject to excavation and restored shall not be subject to re-excavation until at least four (4) years following the completion of such restoration, to the extent not inconsistent with applicable law. The City may waive this requirement if a subsequent permittee applies for and the City issues a permit that requires the subsequent permittee to restore the public rights-of-way to the original condition. (b) Pursuant to Section 62-63 of the City Code, excavation shall not be allowed in the area encompassing the Miracle Mile and Giralda Avenue Streetscape Project consisting of Miracle Mile from Douglas Avenue to LeJeune Road and Giralda Avenue from Galiano Street to Ponce de Leon Boulevard, unless waived by the City Commission. A registrant seeking to excavate in this area of the public rights-of-way shall be required to obtain a waiver from the City Commission consistent with Section 62-63 of the City Code, prior to submitting an application pursuant to this Ordinance		effectively discriminating against new entrants. The provision also would function as an impermissible moratorium against a subsequent carrier seeking to place facilities in the ROW. Such a moratorium is unlawful on its face in violation of Section 337.401(7)(d)8 and Section 337.401(7)(h), F.S. Furthermore, it is discriminatory in violation of Section 337.401(3), F.S. It is also beyond the scope of applicable codes since it would not be adopted to implement a provision of Section 337.401(7), F.S. There is no provision in Section 337.401(7), F.S. that would support such an action. Further, the City cannot wholesale prohibit the placement of communications services facilities within certain areas of the City. By prohibiting any excavation, the City is effectively prohibiting facilities in the ROW in violation of Section 337.401(3) and (7)(d)3, F.S.

Prohibition of SWFs of Certain Public ROWs **Section 70-85 (b)(14) at pp. 114-115**	a) Consistent with the City's capital improvement Miracle Mile and Giralda Avenue Streetscape Project, as described in Ordinance No. 2017-32, which created Section 62-101 of the City Code, new utility poles for the collocation of small wireless facilities, small wireless facilities and micro wireless facilities shall not be placed within the public rights-of-way on Miracle Mile from Douglas Avenue to LeJeune Road and on Giralda Avenue from Galiano Street to Ponce de Leon Boulevard, unless waived by the City. In conjunction with granting such waiver, the City may require conditions on the permit approving such facility so as to minimize the impact on the Miracle Mile and Giralda Avenue Streetscape Project. b) To accommodate the City's Neighborhood Renaissance Program, which the City has fully funded, new utility poles for collocation of small wireless facilities and ground mounted small wireless facilities shall not be permitted in areas of the public rights-of-way that are subject to improvements, as outlined in the Neighborhood Renaissance Program. The City may prohibit additional communications facilities and	Section 337.401(1)(a) and (3)(a) provides general access to the public rights-of-way by communications facilities including small wireless facilities.	

	excavation in the public rights-of-way where such activities would impede or interfere with the Neighborhood Renaissance Program. Information about the specific projects and locations of the Neighborhood Renaissance Program, as it may be amended, is available on the City's website , or by contacting the City.		
Mandatory undergrounding **Section 70-85(b)(9)a, b and e at pp. 112-113**	(8) Facilities to be installed underground. a) All facilities shall be subject to the City's non-discriminatory undergrounding requirements that prohibit above-ground structures in the public rights-of-way. All new fiber, cable, conduit and similar communications facilities shall be placed underground, to the extent that new utilities other than fire hydrants are required to be located underground, including new electric and communications utilities. b) A registrant shall not place or maintain new utility poles for the collocation of small wireless facilities or small wireless facilities in a location in the public rights-of-way where electric and communications utilities are required to be installed underground, unless waived by the City.	Section 337.401(1)(a) and (3)(a) provides general access to the public rights-of-way by communications facilities including small wireless facilities. Section 337.401(1)(a) makes it clear that wireless communications services facilities are allowed within the ROW. Section 337.401(3) allows the placement of communications facilities in the ROW in a technologically neutral and nondiscriminatory manner	A blanket undergrounding requirement is an effective prohibition of wireless services contrary to 47 U.S.C. § 253 and/or 332(c)(7). It is explicitly mentioned as an example in the FCC's Sept. 2018 Order, *see* ¶ 90. FCC Order was effective Jan 14, 2019.

	c)No utility poles for the collocation of small wireless facilities, micro wireless facilities, ground-mounted small wireless facilities, or small wireless facilities collocated on utility poles shall be placed in a location in the public rights-of-way where the City has determined that existing above-ground electric and communications utilities should be removed and relocated underground, unless waived by the City. The presence of small wireless facilities or micro wireless facilities shall not be a basis not to comply with the City's requirements to convert above ground utilities to underground. To comply with the City's undergrounding requirements, a registrant shall remove its small wireless facilities, micro wireless facilities, and utility poles for collocation of small wireless facilities at its expense within 60 days of being notified by the City that such facilities must be removed. The City shall have the right to remove such facilities at the registrant's expense if the registrant fails to do so, to the		

	extent not inconsistent with applicable law.		
Objective Design Standards **Section 70-85(c)(1) at p. 115**	Definition of ***Stealth Design.*** A method of camouflaging any wireless support structure, antenna, or other communications facility, including, but not limited to, supporting electrical or mechanical equipment, or utility pole which is designed to enhance compatibility with the surrounding neighborhood and be as visually unobtrusive as possible. (c)(1) Intent and purpose. Small wireless facilities in the public rights-of-way and utility poles installed or repurposed in the public rights-of-way for collocation of small wireless facilities shall be designed in such a manner to maximize compatibility and to minimize any negative visual impact on the surrounding neighborhood. The objective design standards contained in this Ordinance regulating the location context, color, stealth design, and concealment of the proposed small wireless facility shall apply, unless waived by the City. A waiver of the objective design standards contained herein may require approval of the City's Board of	Section 337.401(3)(a) provides in relevant part, "it is the intent of the Legislature that municipalities and counties treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or rights-of-way. Rules or regulations imposed by a municipality or county relating to providers of communications services placing or maintaining communications facilities in its roads or rights-of-way must be generally applicable to all providers of communications services. . . . Section 337.401(7)(b)2 provides that the definition of "Applicable Codes" includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements. . . . Section 337.401(7)(b)10 definition of "Small wireless facility" means a wireless facility that meets the following qualifications: a. Each antenna associated with the facility is located inside an enclosure of no	The standards in this subsection should apply to all communications facilities to comply with Section 337.401(a)(3). This is an objection that applies to numerous provisions in this subsection. Presently they only apply to Small Wireless Facilities. Moreover, "compatibility", "as visually unobtrusive as possible" and "negative visual impact" is a wholly subjective standard, not "objective design" as permitted under 337.401(7). Further, to comply with the Sept. 2018 FCC order effective Jan. 14, 2019, "aesthetics requirements are not preempted only if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) published in advance." Order at ¶ 86. Regarding subsection (c)(5)b, Nothing in Section 337.401, F.S. authorizes the City to dictate the type or configuration of the SWFs that are used to provide communications services. Section 337.401(3), F.S. requires the City to be technologically neutral. Nothing in Section 337.401(7), F.S. authorizes any limits or requirements on the type of SWFs that are deployed. For the

Section 70-85(c)(5)b at p. 117 **Section 70-85(c)(5)c at p. 118**	Architects (Architectural Review Board). (c)(5)b If the utility pole for the proposed collocation of a small wireless facility is a light pole, a street light fixture substantially similar in design to the existing street light fixture shall be used to camouflage the small wireless facility such as through replacement of the cobra head with a new cobra head containing the small wireless facility, or a side-mounted light may be replaced with a substantially similarly designed side mounted light containing the small wireless facility. (c)(5)c (c) Slim design of a small wireless facility up to six (6) cu. ft. shall be used wherein the top mounted antenna or small wireless facility does not exceed the diameter of the supporting utility pole at the level of the antenna or small wireless facility attachment by more than six (6) inches, unless waived by the City. A small wireless facility up to six (6) cu. ft. collocated on a utility pole that does not contain an existing side-mounted fixture shall be mounted on the top of the utility pole and shall be finished in the City's standard forest green color	more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures. Section 337.401(7)(d)4, An authority may not limit the placement of small wireless facilities by minimum separation distances.	same reasons, the City may not prohibit placement of SWFs on the mast of light poles. For the same reasons the City may not prohibit placement on the vertical structure supporting a signal light. The City may not require that a light fixture be placed on a pole as part of its stealth requirements. Such a requirement is a violation of the in-kind contribution prohibitions outlined in Section 337.401(7), F.S. The language violates the express provisions of state and federal law by violating the volumetric allowances in Section 337.401(7), F.S. and by discriminating amongst providers who may deploy equipment that can not fit into an existing light fixture. Regarding subsection (c)(5)c, constraining the dimensions and placement of antennas as provided herein may limit a provider's choice of technology, which is impermissible under *New York SMSA v. Clarkstown*, 612 F.3d 97 (2d Cir. 2010). Also the City's dimensional restrictions beyond the volumetric limitations set forth in 337.401(7), Florida Statues violates the statute.

Section 70-85(c)(6)a at p. 118	finish and, to the extent consistent with the technology of the small wireless facility, of metal material to match the utility pole. (c)(6)a (last sentence) Ground-mounted small wireless facilities shall not be located within five hundred (500) feet of another ground-mounted small wireless facility, unless waived by the City.		Regarding subsection (c)(6)a, this language directly violates Section 337.401(7)(d)4 which provides that the City may not limit the placement of SWF by minimum separation distances. By regulating the distance between the accessory equipment, the City is de facto regulating the distance between SWF in violation of state law.
Micro Wireless Facilities **Section 70-80(b)(6) p.83-84**	Prior to placing a micro wireless facility in the public rights-of-way pursuant to this subsection, at least thirty (30) days prior to commencing said work, the registrant shall submit a certification or manufacturer's specifications with the micro wireless facility's dimensions to the City for review for compliance with Section 337.401(7), Florida Statutes and this Ordinance.	(e) An authority may not require approval . . . 3. Installation, placement, maintenance or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes . . .	Advance notice and approval exceeds the scope of Section 337.401(7)(e)(3), F.S., which prohibits any form of "approval" requirement where the permit exemption applies.
Application Content Section 70-81(b)(3)(d) and (e) at pp. 86-87	(d) Distances between the proposed facility and the edge of nearby pavement, sidewalks, driveways, ramps, the nearest residential properties, nearby drainage systems, trees, ground-mounted equipment, smart city technology, fire hydrants, nearby structures in the public rights-of-way, above-grade	Section 337.401(7)(d)2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified [sic] the application.	500' radius is excessive and would include far more information than needed to place the SWF at the particular proposed location in violation of state law that may impact the actual ROW a 25' radius from installation location if facilities placed at-grade or below grade.

	utilities, and other above-grade structures and utilities located above grade within a 500-foot radius of the proposed facility and below-grade structures and utilities located within a 50-foot radius of the proposed facility, if available. Such information may be provided without certification of correctness, to the extent obtained from the City or from third parties. Upon request, the City Manager may modify the 500-foot and 50-foot radius requirements for such distance information for good cause related to the safe and efficient management of the public rights-of-way; (e) For proposed new communications facilities, a sketch showing pavement, sidewalks, driveways, ramps, trees, above-grade utilities, and other above-grade located above-grade structures and utilities located within a 500-foot radius of the proposed facility and below-grade structures and facilities within a fifty (50) foot radius, if available. Such information may be provided without certification of correctness, to the extent obtained from the City or from third parties. Upon request, the City Manager may modify the 500-foot and 50-foot radius requirements for such sketch for good cause related to the safe		

	and efficient management of the public rights-of-way;		
Consolidated Permit exclusion of new poles required for small wireless facilities Section 70-81(b)(19) at p.90	(19) Consolidated permit application. An applicant seeking to collocate multiple small wireless facilities may file a consolidated permit application and receive a single permit for the collocation of up to thirty (30) small wireless facilities. The application must include the information required for an application for each of the proposed collocated small wireless facilities. A consolidated permit application process shall not be available for applications to place utility poles to support the collocation of small wireless facilities, for backhaul facilities, for ground based equipment, or for other communications facilities unless authorized by the City Manager in a pre-submittal meeting. In addition, prior to applying for a consolidated permit to collocate small wireless facilities, the applicant must engage in a pre-submittal meeting with the City if any of the proposed facilities in a consolidated permit application are not exempt from such requirement under applicable law including effective FCC regulations. The City may act on a consolidated permit application in its	337.401(7)(d)(10) allows an applicant to "file a consolidated application and receive a single permit for the colocation up to 30 small wireless facilities." There are numerous provisions throughout the Advanced Wireless Infrastructure Deployment Act that define and regulate the deployment of new poles that support the attachment of a small wireless facility and by extension would requirement a permit for the installation of a new pole as part of the deployment of a communications services node.	Excluding new poles that are necessary for the attachment of small wireless facilities as part of a consolidated permit application violates the long standing legal principal that requires multiple provisions of a law or even separate statutes that relate to the same thing or purpose or subject matter must be construed *in pari materia* to the maximum extent possible to give meaning to further the legislative intent to all provisions of the relevant and applicable laws regulating the subject matter. The City's restrictive and limited construction of the definition of "collocation" and application" ignores the entire purpose of 337.401(7) and 337.401(3) regulating the deployment of communications services facilities.

	entirety or may separately address small wireless facility collocations for which incomplete information has been received or which are granted or denied.		
Sec. 70-79. Registration For Placing Or Maintaining Communications Facilities in the Public Right-Of-Way.; Registration Renewal	(f)(4) Registration Renewal….In connection with a renewal of the registration, the City may request an updated inventory of the registrant's communications facilities within the City public rights-of-way, and as-built plans for such facilities, which the registrant shall promptly provide at its cost. An existing registrant pursuant to Section 70-79 of the City Code shall comply with this Ordinance by the earlier of the following: ninety (90) calendar days from the effective date of this Ordinance, the renewal of a registration as required herein, or prior to applying for a permit	Section 337.401(3)(a), F.S., provides in relevant part that "a municipality or county may require a provider of communications services that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county and to provide the name of the registrant; the name, address, and telephone number of a contact person for the registrant; the number of the registrant's current certificate of authorization…; and proof of insurance or self-insuring status…" Section 610.114(1), F.S. provides in relevant part that a municipality "may not impose on activities of a certificateholder a requirement…[r]egarding the filing of reports and documents other than schematics indicating the location of facilities for a specific site that are provided in the normal course of the municipality's or county's permitting process….shall not be considered related to the use of the public right-of-way…*A municipality or county may not request information concerning the capacity or technical configuration of a certificateholder's facilities*."	This exceeds the materials that the City can require in association with registration under Section 337.401(3), F.S. Furthermore, given the sensitive nature of this information and in light of Florida's broad public records law, we object to the inclusion of any inventory requirement of information that is already available to the City. In addition, this inventory requirement is unlawful as applied to a video service provider under Section 610.114(1), F.S., which prohibits any city from requiring "reports and documents other than schematics indicating the location of facilities for a specific site" in the normal course of permitting, and prohibits the "request [for] information concerning the capacity or technical configuration of a certificateholder's facilities."