

CODE County of BROWARD, FLORIDA
Codified through Ord. No. 1999-22, enacted May 25, 1999. (Supplement No. 87)

PART II CODE OF ORDINANCES
Chapter 21 MISCELLANEOUS OFFENSES AND PROVISIONS
ARTICLE VIII. TELECOMMUNICATIONS

Sec. 21-125. Intent.

It is the intent of this article to ensure the uninterrupted operation of Broward County's public safety, law enforcement, other emergency-related and county operational telecommunications networks. Broward County's telecommunications networks are essential to the health, safety, and welfare of Broward County by providing communications for law enforcement activities, for emergency medical treatment, for fire suppression, for carrying on the business of government, and for providing communications in time of hurricane and other disasters. The construction or erection of high-rise structures in Broward County have in the past resulted in the need for Broward County to relocate its telecommunications facilities or to provide additional facilities at a substantial cost to the public. This article is intended to require that persons or entities constructing or erecting structures in Broward County do so in a manner which does not interfere with Broward County's telecommunications networks or provide the appropriate facilities necessary to eliminate that interference.

(Ord. No. 88-34, § 1, 7-12-88)

Sec. 21-126. Violation.

It shall be a violation of the Broward County Code of Ordinances for a property owner, lessee, licensee, contractor, or a government entity not otherwise exempt by law, to erect a building or other structure, or portion thereof, or cause a building or other structure, or portion thereof, to be erected or constructed in a manner that creates interference with Broward County's public safety, law enforcement, other emergency-related and county operational telecommunications networks. For purposes of this article, a facility shall be considered part of Broward County's law enforcement, public safety, other emergency-related and county operational telecommunications networks if it is existing or if it is a part of Broward County's long range comprehensive radio communications plan approved by the board of county commissioners, and shall include among other facilities those municipal sites serviced by Broward County's telecommunications system.

Each day a building or structure, or portion thereof, constructed or erected after the effective date of this article (July 29, 1988), creates such interference, shall constitute a separate violation.

(Ord. No. 88-34, § 1, 7-12-88)

Sec. 21-127.Nuisance.

It has been determined by the Board of County Commissioners of Broward county that the construction or erection of a building or structure in a manner which interferes with Broward County's law enforcement, public safety, other emergency-related and county operational telecommunications networks constitutes a nuisance because it threatens the health, safety, and welfare of the residents and visitors to Broward County. In addition to any other remedies or enforcement procedures provided herein, Broward County may seek an injunction to restrain such a nuisance.

(Ord. No. 88-34, § 1, 7-12-88)

Sec. 21-128. Review procedure.

(a)To ensure compliance with this article any person or entity intending to construct or erect a structure within Broward County, or to cause a structure to be erected or constructed that is higher than fifty (50) feet should seek a review of the proposed structure by the Broward County Telecommunications Group.

(b)The Broward County Telecommunications Group shall provide an applicant with a determination whether a proposed structure will interfere with the Broward County public safety, law enforcement, other emergency-related or county operational telecommunications networks within thirty (30) days of the date a complete application for such a determination is submitted.

(c)If the Broward County Telecommunications Group determines that interference will result from the erection or construction of the proposed structure, the structure may still be erected or constructed without violating this article if the following conditions are met:

(1)If the erection or construction of the proposed structure will interfere with the existing telecommunications system, the developer shall provide for appropriate easements and facilities to ensure the continued satisfactory operation of the telecommunications system at no cost to the county. Such facilities shall become part of the Broward County's telecommunications network and shall be operated and maintained by Broward County.

(2)If the proposed structure will interfere with facilities that are a part of Broward County's long range comprehensive radio communications plan approved by the board of county commissioners, but that are not yet existing, the structure may be erected or constructed if the developer conveys an easement to Broward County that will allow the erection, or construction and maintenance of telecommunications facilities necessary to prevent interference with such proposed facilities. In appropriate cases the county may in its discretion accept an agreement to convey an easement and a reservation for the easement. Such an easement or agreement to convey an easement shall lapse unless used for such telecommunications

facilities within five (5) years of the date of the easement or agreement. Any facilities installed within such easement shall become part of Broward County's telecommunications network and shall be maintained by Broward County.

(d) Appeals: The decision of the telecommunications group regarding the obligations of the developer under subsection (c) above may be appealed to the board of county commissioners for a determination of whether the conditions imposed are appropriate with reference to the impact of the development upon the Broward County telecommunications system. Such an appeal shall be requested in writing within thirty (30) days of the date that the telecommunications group issues its written findings.

(Ord. No. 88-34, § 1, 7-12-88)

Sec. 21-129. Penalty.

Violations of the provisions of this article shall be punishable as provided by law.

In addition, this article may also be enforced by the Broward County Code Enforcement Board, as appropriate, and fines may be levied by that board in accordance with chapter 162, Florida Statutes, as amended from time to time.

(Ord. No. 88-34, § 1, 7-12-88)

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