

City of Coral Gables, FL

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Section 5-2007. Public safety and City communications.

A. City telecommunications facilities and wireless services. The City may reasonably require appropriate space on towers and structures for location of City communications facilities as necessary for the City's internal communications, public safety, or public purposes as determined by the City for the health, safety and welfare of the City's residents.

1. The City reserves the right to negotiate with an applicant for a telecommunications tower for space on the proposed telecommunications tower as may be determined by the City and the applicant. If such negotiations do not result in an agreement, the parties shall submit such dispute to mediation under terms to which the parties shall agree.

2. The City may reasonably require a developer or property owner seeking approvals from the City to permit the City without charge to the City to locate City communications facilities on their building, on another structure, or on their property to allow for the provision of City public safety or internal communications.

3. All developers or property owners allowing wireless facilities on their buildings, on other structures, or on their property that requires the City's approval shall reserve on their structure or property sufficient space as reasonably specified and required by the City to accommodate City telecommunications facilities.

4. The City may reasonably require a developer or property owner seeking approvals from the City to permit service providers to locate telecommunications facilities on their buildings, on another structure, or on their property with reasonable compensation to allow for the provision of personal wireless services within the City limits.

B. Interference with City telecommunications facilities. To the extent not inconsistent with applicable law, all service providers of and owners of telecommunications facilities, buildings, or property within the City shall comply with the following:

1. No telecommunications facility, building, or structure shall interfere with any public frequency or City telecommunications facilities. Any service provider that causes interference with any public frequency or the operations of City telecommunications facilities, shall, after receiving notice, rectify the interference immediately.

2. The City shall not issue a building permit for any proposed building that will interfere with City telecommunications facility or public frequency unless such building complies with this Division.

3. Telecommunications corridor.

a. All plans for buildings to be built having a height of fifty-five (55) feet or greater and located within a designated telecommunications corridor as shown on the telecommunication transmission corridors map shall be reviewed by the Building and Zoning Department and/or the Technical Services division of the Police Department to determine the proposed building's impact on communications transmission. If the City's determination is that the proposed building will interfere with communications transmission, then the building plans shall be required to include facility space, at no cost to the City, for telecommunications equipment as specified subsection (c) and the expenses of such equipment shall be the responsibility of the building owner or developer.

b. All plans for buildings having a height greater than one-hundred fifty (150) feet and located within designated telecommunication corridors shall be required to include facility space, at no cost to the City, for telecommunication equipment as specified in subsection (c) and the expenses of such equipment shall be the responsibility of the building owner or developer.

c. When telecommunication facility space for antennas and radio equipment is required, such space shall:

- i. Be provided on the rooftop for antennas.
- ii. Be provided within the building and be air-conditioned for radio equipment.
- iii. Be accessible twenty-four (24) hours per day.
- iv. Be sized in accordance with user requirements to meet the needs of the equipment operations and maintenance.
- v. Be subject to all easements, covenants, and agreements necessary to address peripheral issues associated with the enactment of these provisions and as further stipulated in the City Code, Ordinance No. 2961.
- vi. Not be counted in Floor Area Ratio (F.A.R.) calculations if said space is used by, or set aside for, the City.
- vii. Include all necessary vertical access to roof-mounted equipments.

4. In the event that the telecommunications facility interferes with City telecommunications facilities, it shall be the responsibility of the service provider that creates the interference to make all necessary repairs and/or accommodations to alleviate the problem at its expense. The City shall be held harmless in this occurrence.

5. In the event that the service provider interferes with City telecommunications facilities, once it rectifies the interference, it shall, within thirty (30) days, file a

report with the City by a Florida professional engineer experienced in design of telecommunications systems that includes, but is not limited to, the source of the interference, how the interference was rectified, and service provider's plans on preventing such interference from occurring in the future.

6. To the extent not inconsistent with applicable law, if the service provider refuses to rectify interference within twenty-four (24) hours of receiving notice, said violation shall be considered a zoning violation and all applicable remedies thereto may be imposed for such violation. The City may, in addition to the foregoing, file a complaint with the FCC for resolution and/or seek an injunction and pursue other actions including criminal sanctions against the service provider pursuant to Florida law, including but not limited to Florida Statutes, §§ 843.025 and 843.165. Any person who is found to have violated this Division shall be subject to sanctions as provided by applicable law.

7. The installation of a Bi-Directional Amplifier ("BDA") by a private property owner shall not interfere with any City frequency. All applicants for permits for new buildings or structures after the adoption of this Division shall disclose, as a condition of approval, the existence of any BDA to be installed in the building. In the event the BDA is installed subsequent to completion of construction, the developer or property owner of the building or structure shall be required to disclose the existence of the BDA. The disclosure is necessary to allow the City to conduct tests to ensure that the BDA does not interfere with City communications.

8. A BDA, whether installed in new or existing buildings or structures, shall contain as the address, telephone number, and facsimile number of a contact person. The owner of the building shall be responsible for ensuring that accurate contact information remains located on the outside of the BDA. Failure to attach this contact information shall be considered a violation of the City's Code and all applicable remedies thereto may be imposed for such violation on the owner.

9. Existing buildings or structures that already have or may install a BDA are not required to disclose its existence, although it is encouraged that the BDA be disclosed to local law enforcement. Once the City, however, identifies a BDA in an existing building or structure that is interfering with City communications, the operator of the BDA will be notified using the contact information. The operator shall be responsible for stopping the BDA from interfering with City communications within 24 hours. The preferred form of notice from the City shall be sending a notice of interference via facsimile and providing the operator 24 hours from the facsimile transmission to cease the interference. The operator shall acknowledge in writing that it has received the notice, and such response shall include a statement regarding what the operator is doing to rectify the situation, no later than 12 hours after receipt of the notice. If the operator fails to respond to the notice, the City shall consider this a violation of the City Code and all applicable remedies thereto may be imposed for such violation. In addition to

any penalties the City may impose on the operator, the City shall also have the right to terminate the BDA 24 hours from the time noted on the facsimile transmission of the notice to the operator. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service or terminated. If the facsimile number is not working for whatever reason, the City shall telephone the contact person. The operator shall be responsible for ensuring that this number is answered or that the City's call is returned. If the operator does not respond within 12 hours after the call is received, the City shall consider this non-responsiveness a violation of the City Code and all applicable remedies thereto may be imposed for such violation. In addition to any monetary penalties the City may impose on the operator, the City shall also have the right to terminate the BDA 24 hours from the call to the operator. As a courtesy, the City may send a letter via regular U.S. Mail that the BDA will be terminated to the address provided on the contact information. The City's failure to send this notice via regular mail shall have no legal effect on the City's right to terminate the BDA for interference with City communications. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service.

10. If the BDA fails to have the appropriate contact information, the City shall attempt to contact the building owner or management company of the building or structure. The City shall have the right to terminate the BDA 24 hours after attempting to contact the building owner or Management Company. The City shall not be responsible for any damage to the BDA should it be required to be taken out of service or terminated.

11. The City's building official shall have the authority to authorize disconnection of electric service to a building, structure, or telecommunications facility in case of emergency where necessary to address an immediate hazard to life or property. The building official shall notify the electric utility and whenever possible the owner of the building, structure, or telecommunications facility of the decision to disconnect prior to disconnecting and shall notify the owner in writing as soon as practical thereafter.
