

ORDINANCE NO. 2001-6

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, IMPOSING A MORATORIUM THROUGH OCTOBER 11, 2001 UPON ALL REAL PROPERTY WITHIN THE TOWN OF SOUTHWEST RANCHES INCLUDING ALL RIGHTS-OF-WAY AND EASEMENTS AS WELL AS ANY RIGHTS GRANTED BY FRANCHISE, FOR THE PLACEMENT OF ANY WIRELESS SERVICE TOWERS AND OTHER SERVICE FACILITIES OF ANY NATURE, INSTALLATION OF ALL LINES, CABLES AND FIBERS OF ANY NATURE, OTHER THAN THOSE NEEDED BY FLORIDA POWER AND LIGHT FOR THE INSTALLATION AND MAINTENANCE OF ELECTRIC SERVICE, SOUTHERN BELL FOR TELEPHONE SERVICE, AND COMCAST CABLE OR A SIMILAR SATELLITE PROVIDER OF TELEVISION SERVICE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 8, 2001, the Town Council approved Resolution 2001-29 authorizing the engagement of Craven Thompson and Associates, Inc. to prepare a Comprehensive Land Use Plan for the Town; and

WHEREAS, on March 23, 2001 the Town Manager and Craven Thompson and Associates met with officials of the State of Florida's Division of Community Affairs ("DCA") to discuss among other items the location of wireless service towers; and

WHEREAS, the Town may have to review applications for wireless service tower permits and licenses, which may violate the Comprehensive Land Use Plan and the DCA's recommendation; and

WHEREAS, the Town Council of the Town of Southwest Ranches based on the recommendations of the DCA and Craven and Thompson, is considering a process for the drafting of appropriate legislation regulating the application of communication technology in

compliance with the Federal Telecommunications Act of 1996 where it is anticipated that said legislation will be considered and adopted no later than October 11, 2001;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That it is deemed to be in the best interest of the health, safety and welfare of the citizens of the Town of Southwest Ranches that a moratorium be imposed through October 11, 2001 upon all real property within the Town, including but not limited to any and all rights-of-way and easements, as well as any rights granted by franchise as to the placement of any wireless service facilities of any nature including the issuance of permits for the placement, licenses, installation, construction and modification thereof.

Section 3: That it is deemed to be in the best interest of the health, safety and welfare of the Citizens of the Town of Southwest Ranches that a moratorium be imposed through October 11, 2001 upon all lands within the Town, including but not limited to any and all rights-of-way and easements, as well as any rights granted by franchise as to the installation of all lines, cables and fibers of any nature, whether above or below ground, including the issuance of any permits for the placement, installation, construction and modification thereof.

Section 4: That the moratorium imposed by Sections 2 and 3 of this Ordinance will not apply to Florida Power and Light electrical lines, Southern Bell telephone lines, Comcast Cable lines or a similar Satellite or cable television service provider and similarly situated legally authorized providers continue to operate their business within the Town, but that they be

restricted to the use of standard and traditional technology of a nature similar to the technology in use by then as presently provided.

Section 5: This moratorium shall be automatically extinguished upon the adoption of a wireless service tower site plan ordinance.

Section 6: **Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7: **Severability.** If any word, phrase, clause, sentence, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 8 **Effective Date.** This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 12th day of April, 2001.

PASSED AND ADOPTED ON SECOND READING this 26th day of April, 2001.

Mecca Fink, Mayor

Attest:

Arielle Haze Tyner, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff, J.D., Town Attorney