

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 18<sup>th</sup> day of June, 2019, the following Ordinance:

**ORDINANCE NO. 3003**

**AN ORDINANCE OF THE CITY OF GULFPORT, MISSISSIPPI  
ADOPTING DESIGN GUIDELINES FOR WIRELESS COMMUNICATIONS  
FACILITIES AND INFRASTRUCTURE IN THE CITY OF GULFPORT, MISSISSIPPI**

**WHEREAS**, the development, installation, expansion, siting, and construction of wireless communications facilities on or along the Rights-of-Way and on public and private properties located in the City of Gulfport, Mississippi (“City”) can have significant impacts upon: (1) the aesthetic values and character of the City; (2) safe use and passage on or along the Rights-of-Way by the public; and (3) properties and property values in the City in the areas where such structures or facilities are placed; and

**WHEREAS**, Section 21-37-3 of the Mississippi Code, Annotated, authorizes the governing authority of a municipality to exercise full jurisdiction in the matter of Rights-of-Way; and

**WHEREAS**, the City seeks to provide a uniform and comprehensive set of design guidelines associated with the development, installation, siting, and construction of wireless communications facilities in the City; and

**WHEREAS**, the adoption of such guidelines, in conjunction with the adoption of ordinances that regulate the development, installation, siting, and construction of such facilities and in association with the existence of such types of regulations, procedures, and standards associated with these facilities and infrastructure, will permit wireless communications providers to enhance the provision of personal wireless service, while also promoting and protecting the public welfare, health, safety, and interests of the City and its citizens, as well as the City’s visual resources and aesthetic quality, and further promoting uniform coordination, management, and upkeep of the City’s Rights-of-Way and properties; and

**WHEREAS**, understanding the effect this Ordinance has on the safeguarding of Rights-of-Way and public safety and for the provision of uninterrupted services associated with public safety and other activities important for the efficient, timely, and safe operation of the City and movement of its citizens and visitors, the Governing Authority for the City of Gulfport, Mississippi additionally finds that the adoption of this Ordinance is needed for the immediate and temporary preservation of the public peace, health, and safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the Governing Authority of the City of Gulfport.

**SECTION 2.** That the “Design Guidelines for Wireless Communications Facilities and Infrastructure in the City of Gulfport, Mississippi,” attached hereto and incorporated herein as Exhibit “A,” are hereby adopted by the City’s Governing Authority as guidelines associated with the development, design, installation, expansion, siting, and construction of wireless communications facilities and related infrastructure on or along Rights-of-Way and on public and private properties located in the City of Gulfport.

**SECTION 3.** That the Director of the City of Gulfport’s Department of Urban Development, and his or her designee(s), is hereby authorized to implement and oversee application of these “Design Guidelines” in conjunction with the permitting and approval processes associated with wireless communications facilities and related infrastructure in the City of Gulfport, including, but not limited to, “Small Cell Technology Facilities” and associated infrastructure, and to, with the assistance of the City Attorney, update these Design Guidelines as needed or otherwise found appropriate.

**SECTION 4.** To provide for the immediate and temporary preservation of the public peace, health and safety, this Ordinance shall be in full force and become effective immediately upon its passage by unanimous vote and enactment according to law and shall be spread on the minutes of the Gulfport City Council. The Ordinance shall be published according to law and, for failure to pass unanimously, shall take effect thirty (30) days after the date of passage.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Pucheu, seconded by Councilmember Roland, and was adopted by the following roll call vote:

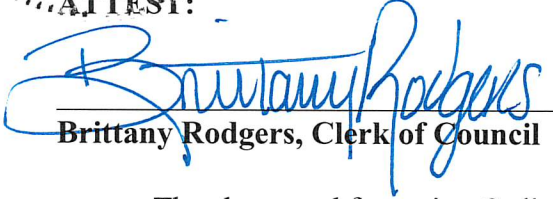
<b><u>YEAS:</u></b>	<b><u>NAYS:</u></b>	<b><u>ABSENT:</u></b>
Casey	None	Flowers (out of room)
Roland		
Holmes-Hines		
Walker		
Sharp		
Pucheu		

WHEREUPON the President declared the motion carried and the Ordinance adopted, this

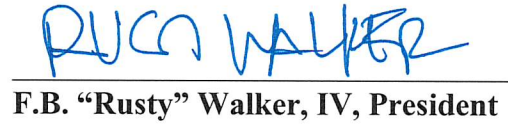
the 18<sup>th</sup> day of June, 2019.



ATTEST:

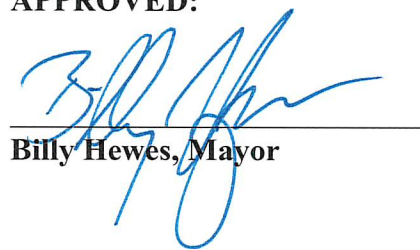
  
Brittany Rodgers, Clerk of Council

ADOPTED:

  
F.B. "Rusty" Walker, IV, President

The above and foregoing Ordinance having been submitted to and approved by the Mayor,  
this the 19<sup>th</sup> day of June, 2019.

APPROVED:

  
Billy Hewes, Mayor