

RESOLUTION NO. 15-18
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCIL MEMBER Belinda Henley ON THE 19th
DAY OF February, 2018.

A RESOLUTION BY THE CENTERVILLE CITY COUNCIL EXTENDING THE MORATORIUM FOR A PERIOD OF SIX MONTHS (180 DAYS) ON THE GRANTING OF ANY CERTIFICATES OF REGISTRATION OR PERMITS ALLOWING THE CONSTRUCTION OR OPERATION OF A SYSTEM OR FACILITY FOR WIRELESS COMMUNICATIONS FACILITIES WITHIN THE CITY OF CENTERVILLE'S PUBLIC RIGHTS-OF-WAY PURSUANT TO CHAPTER 1080 OF THE CITY OF CENTERVILLE MUNICIPAL CODE.

WHEREAS, the City on September 18, 2017, adopted Resolution No. 56-17 imposing a six month (180 day) moratorium on the granting of any certificates of registration or permits allowing the construction or operation of a system or facility for wireless communications with the City's rights-of-way; and

WHEREAS, the current moratorium is set to expire on March 17, 2018; and

WHEREAS, the City of Centerville continues to be vitally concerned with the use of all rights-of-way in the City as such rights-of-way are a valuable, and potentially limited, resource which must be utilized to promote the public health, safety, and welfare of the City; and

WHEREAS, the City has authority under the Laws and Constitution of the State of Ohio, including but not limited to Article 18, Sections 3, 4 and 7, to regulate the rights-of-way which are used by public and private entities; and

WHEREAS, there is currently pending HB 478 in the State Legislature that will overhaul the regulations governing the installation of small cell wireless infrastructure in municipalities' rights-of-way; and

WHEREAS, HB 478 will give guidance to the City as to its regulations; and

WHEREAS, Chapter 1080 of the City's Municipal Code allows for the issuance of Certificates of Registrations for the purpose of either construction or operation of a system within the City's rights-of-way;

WHEREAS, the City of Centerville desires to coordinate the regulations regarding the construction and operation of Wireless Telecommunications Facilities within the City's rights-of-way; and

WHEREAS, for the purposes of this Resolution, "Wireless Telecommunications Facilities" is defined as a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to another wireless telecommunications facility or central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services. This can include the antenna, tower or support structure, equipment and equipment building and any other materials used at the site; and

WHEREAS, the current City regulations do not adequately guide the permitting of the construction and operation of Wireless Telecommunications Facilities within the public rights-of-way; and

WHEREAS, the City Manager and the Public Works Director recommend reviewing and revising the current regulations to conform to the City's goals of providing adequate regulations; and

WHEREAS, a moratorium on the granting of Certificates of Registration for permits which allow for the construction or operation of Wireless Telecommunications Facilities within the City of Centerville' rights-of-way will allow the City time to accomplish these goals after the State's passage of HB 478.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

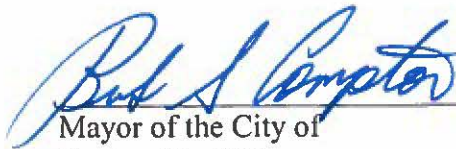
Section 1. Council recognizes the acute nature of the problem faced by the City in the construction and operation of Wireless Telecommunications Facilities within the City's rights-of-way which may disrupt the orderly growth and development of the City and the City's management of public rights-of-way, and seeks a moratorium on the issuance of Certificates of Registration to permit the construction and/or operation of Wireless Telecommunications Facilities within the City's rights-of-way to preserve the public peace, health, safety, and welfare of the citizens of Centerville.

Section 2. The City Manager and Public Works Director hereby recommend continuing the imposed moratorium on the processing of new applications for Certificates of Registration for permits for the construction or operation of Wireless Telecommunications Facilities within the City's rights-of-way. The purpose of this recommendation is so the City may prepare new regulations, if necessary, which will guide the location and operation of

Wireless Telecommunications Facilities in the City's rights-of-way and in compliance with HB 478.


- Section 3. Council seeks to limit the duration of the moratorium and to instruct the City Manager and Public Works Director to immediately investigate, review and recommend comprehensive regulations for the location and operation of Wireless Telecommunications Facilities in the City's rights-of-way within the additional six month (180 day) period of the moratorium.
- Section 4. Council hereby accepts the recommendation of the City Manager, and Public Works Director and hereby imposes a moratorium on the issuance of Certificates of Registration for permits for the construction and operation of Wireless Telecommunications Facilities in the City's rights-of-way for a period of six (6) months (180 days) from the date of passage of this Resolution.
- Section 5. Council further finds that a moratorium for six (6) months (180 days) is reasonable and will allow the City Manager and Public Works Director to propose and initiate action to address the issues outlined herein.
- Section 6. Council hereby directs and orders that no Certificates of Registration for permits for the construction or operation of Wireless Telecommunications Facilities within the City's rights-of-way be accepted or allowed during the six month (180 days) period of this moratorium.
- Section 7. This Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS 19th day of February, 2018.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 15-18, passed by the Council of the City of Centerville, Ohio on the 19th day of February, 2018.


Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney