

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2016 – 183

By: Mayor Perciak and All Members of Council

A RESOLUTION DECLARING AND IMPOSING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF APPROVALS, LICENSES AND/OR PERMITS FOR THE CONSTRUCTION, RECONSTRUCTION OR USE OF WIRELESS TELECOMMUNICATION FACILITIES AND WIRELESS TELECOMMUNICATION TOWERS IN THE CITY'S PUBLIC RIGHT-OF-WAY, FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW FOR THE ESTABLISHMENT OF NEW AND/OR REVISED REGULATORY MEASURES FOR THE USE OF THE CITY'S PUBLIC RIGHT-OF-WAY AND TO ADDRESS TECHNOLOGICAL ADVANCES IN THE WIRELESS COMMUNICATION INDUSTRY, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Constitution of the State of Ohio and Ohio Revised Code, municipalities have the right to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, the City of Strongsville has the right to establish regulations for the use, placement and construction of various structures and devices in the public right-of-way; and

WHEREAS, the City of Strongsville has established regulations for the orderly placement and construction of wireless communication facilities and wireless telecommunication towers within its municipal borders; and

WHEREAS, it has become apparent recently that technological advances in the wireless communication industry, particularly as they relate to the use, placement and construction of structures and devices within the City's public right-of-way, could necessitate changes in and to the Codified Ordinances to keep pace with the advances in technology; and

WHEREAS, as such, a reasonable period of time to prepare and enact such changes is desirable and necessary for the City's Administration to undertake a review of all applicable codes and regulations statewide and within the City in order to make recommendations, if required, to City Council for that purpose; and

WHEREAS, Council deems it to be in the best interests of the community and for the protection and preservation of the public health, safety and welfare to adopt a moratorium on the acceptance and issuance of approvals, licenses and/or permits for

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the construction, reconstruction, use or change of use of wireless communication facilities and wireless telecommunication towers in the City's public right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Council hereby imposes a moratorium on the acceptance of any applications and the granting of building permits or certificates of occupancy, or approval of any site plans for any construction, reconstruction, use or change of use of any wireless telecommunication facility and wireless telecommunication tower in the City's public right-of-way, for a period not to exceed six (6) months from the effective date of this Resolution, in order to allow the City Administration, City Council and Planning Commission to review applicable Ohio and City statutes, codes and regulations relative to such uses and develop new and/or revised regulatory measures for the City's public right-of-way, if required.

Section 2. That for the purpose of this Resolution, "wireless telecommunication facility" shall have the same meaning as that term is defined in Section 1273.02(i) of the Strongsville Codified Ordinances.

Section 3. That for the purpose of this Resolution, "wireless telecommunication tower" shall have the same meaning as that term is defined in Section 1273.02(j) of the Strongsville Codified Ordinances.

Section 4. That no applications shall be accepted and building permits, certificates of occupancy, approval of site plans, or approval of any other permits shall not be granted to anyone who intends to use or devote any area of any public right-of-way for the construction, reconstruction, use or reuse of any wireless telecommunication facility or wireless telecommunication tower for the duration of the moratorium.

Section 5. That the moratorium shall be in effect for a period of six (6) months from the effective date of this Resolution or until changes are enacted to amend the Codified Ordinances of the City of Strongsville, to address these issues, or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council, and any of its committees, that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 7. That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is immediately necessary in order to afford the City a sufficient period of time to properly research and address the issues

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associated with the use of the public right-of-way by the wireless telecommunication industry. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

[Signature]

 President of Council

Approved: [Signature]

 Mayor

Date Passed: September 19, 2016

Date Approved: September 20, 2016

| | <u>Yea</u> | <u>Nay</u> |
|------------|-------------------------------------|--------------------------|
| Carbone | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Daymut | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| DeMio | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Dooner | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Schonhut | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Short | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Southworth | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Attest: [Signature]

 Clerk of Council

RES
 ORD. No. 2016-183 Amended: _____
 1st Rdg. 09-19-16 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

 Pub Hrg. _____ Ref: _____
 Adopted: 09-19-16 Defeated: _____