ORDINANCE NO. 11-16

ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM UPON THE APPROVAL OF ANY APPLICATION FOR CONSTRUCTION OF AND/OR MODIFICATIONS TO FACILITIES WITHIN THE RIGHTS-OF-WAY OF THE CITY OF PAINESVILLE UNTIL 145 DAYS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Painesville wishes to establish a new Ordinance for management of its public rights-of-way; and

WHEREAS, there have been both technological advancements and legal developments and the City staff has determined that they need time to review and make major additions to its regulations to address issues relating to the siting of wireless facilities and utilities in a way that addresses local concerns, new standards, and policies as determined by a utilities facilities plan which will provide the public with access to utility and wireless services, and complies with federal and state law; and

WHEREAS, in order to complete this review, develop a utilities facilities plan/ordinance, and permitting process; a temporary moratorium is imposed upon any approval of applications for access to the City's rights-of-way for one hundred forty-five days (145) from the effective date of this Ordinance; and

WHEREAS, it is imperative to move forward with this Ordinance so that the moratorium can be in effect as soon as possible, all for the preservation of the public peace, health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That Council and the Administration shall not formally act upon any applications for collocation, construction and/or modification of poles, towers, non-tower supporting structures, antennas, base stations, equipment cabinets, underground vaults and transmission equipment in the rights-of-way for a period of one hundred forty-five days (145) days from the effective date of this Ordinance.

SECTION 2. That this moratorium shall not affect vested rights established pursuant to previously filed, fully complete and approved applications.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that, except as otherwise provided by Section 121.22 of the Ohio Revised Code, all deliberations of this Council and of any of its committees that resulted in such formal action were
in meetings open to the public in compliance with all legal requirements.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the inhabitants of this city, and for the further reasons as set forth in the preamble herein above; WHEREFORE, this Ordinance shall take effect and be in force from and immediately upon its passage.

PASSED: September 19, 2016

PAUL W. HACH, II
President of Council

ATTEST:

LYNN WHITE
Acting Clerk of Council