

RESOLUTION NO. 03 - 17

By: Tim Madison

A Resolution Expressing the City of Bexley's Opposition to the Micro Wireless Facility Provisions of Senate Bill 331 and Agreeing to Work in Cooperation with Other Ohio Municipalities to Challenge the Restriction on the City's Constitutional Home Rule Authority.

WHEREAS, on December 7, 2016, the Ohio General Assembly passed Senate Bill 331, which allows for, among other things, micro wireless facility operators to construct and operate micro wireless facilities in the public right of way and upon City structures within the right of way; and,

WHEREAS, the City of Bexley understands the importance of supporting the deployment of advance wireless services throughout the State and has historically worked with telecommunication providers to offer locations within the City for the installation of telecommunication facilities in a manner that respects the health, safety, and welfare of Bexley citizens, and,

WHEREAS, Bexley City Council believes that the micro wireless facility provisions of Senate Bill 331 ignore the critical rights of the City to exercise its home rule authority by prohibiting and otherwise restricting the City's ability to effectively manage and control its rights of way and its City-owned facilities within those rights of way; and,

WHEREAS, Bexley City Council believes that this law's exemption of townships and counties within Ohio represents an uneven application of the law that provides a distinct advantage to townships and counties in being able to properly regulate their right-of-way for the health, safety, and welfare of all; and

WHEREAS, the City of Bexley supports, and agrees to join, a unified effort by Ohio municipalities to challenge the micro wireless facility provisions of Senate Bill 331 as a legislative strike against the City's constitutional right of home rule.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bexley, County of Franklin, State of Ohio:

Section 1.

That this Council hereby expresses its opposition to the micro wireless facility provisions of Senate Bill 331, passed by the Ohio General Assembly on December 7, 2016, and hereby supports and agrees to cooperate with other Ohio municipalities that stand ready to challenge such provisions as a violation of municipal home rule authority, subject to an acceptable method of allocation of costs that may be determined by and among the group of interested municipalities.

Section 2.

That this Resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed 2/14/, 2017

SUSPENDED 3 READINGS
PASSED 2/14/17



Tim Madison, President of Council

Attest: Bill Harvey, 2017
Bill Harvey, Clerk of Council

Approved: 2/14, 2017

Ben Kessler
Ben Kessler, Mayor

First Reading: February ~~14~~, 2017

Suspended 3 Readings

Passed 2-14-17