

City of Willoughby Hills

ORDINANCE NO. 2019-65

AN ORDINANCE AMENDING SECTIONS 1379.05 AND 1379.07 OF CHAPTER 1379 – SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES WITHIN THE RIGHT-OF-WAY, OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND REPEALING CONFLICTING LEGISLATION.

WHEREAS, the State of Ohio has approved legislation that will allow for telecommunications companies to begin outfitting all of its communities with small cell facilities and structures that will allow for 5G technology – the “G” stands for “generation,” as in the next generation – will provide for greater wireless speed and response, and more connectivity; and

WHEREAS, the State of Ohio has allowed its communities to set up limited guidelines for small cell devices; each community has until August 1, 2018 to approve its guidelines.

WHEREAS, on July 23, 2018, Administration requested that Council prepare small cell legislation and design guidelines as soon as possible so that the City is ready when the new law takes effect; and

WHEREAS, Ordinance No. 2018-18 was adopted on July 26, 2018 establishing a new Chapter 1379 – Small Cell Facilities and Wireless Support Structures within the Right-of-Way; and

WHEREAS, upon further review of the ordinance, Council wishes to correct two section references found in Section 1379.05 and a scrivener’s error referencing the number of days in Section 1379.07.

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

SECTION 1. Existing Section 1379.05(A)(1) AND 1379.05(F)(2) are hereby established to read and provide as follows:

“1379.05 APPLICATION REVIEW TIMEFRAMES AND PROCESS

(A) Permit Application Review Timeframes.

- (1) Eligible Facilities Request (Type I). The City shall process Eligible Facilities Requests in accordance with Ohio Revised Code, 47 C.F.R. 1.40001, and ~~§§99.20 through 99.29~~ **§§1379.01 through 1379.10** herein not later than sixty days after the date of filing by an entity of a completed application.

(F) Consolidated application for multiple small cell facilities and/or wireless support structures.

- (2) In the case of a consolidated application, the fees provided for in Section 4939.0316 of the Ohio Revised Code and ~~§99.23~~ **§1379.04** may be cumulative. However, the City, at its discretion may opt to reduce such fees in order to encourage consolidated application submittals.”

SECTION 2. Existing Section 1379.07(N)(1) is hereby established to read and provide as follows:

“1379.07 STANDARD CONDITIONS OF PERMIT APPROVAL

(N) Removal of small cell facilities is use discontinued or abandoned.

- (1) In the event that the use of a small cell facility and/or wireless support structure is discontinued, the owner shall submit a written notice to the City of tis intent to discontinue use and the date when the use shall be discontinued. If the small cell facility and/or wireless support structure is not removed within ~~3645~~ **365** days of discontinued use, the small cell facility shall be considered abandoned and the City may remove it at the owner’s expense.”

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. This Ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED: September 12, 2019

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this 15 day of September, 2019

Approved by the Mayor

September 17, 2019

ATTEST:

Victoria Ann Savage
Victoria Ann Savage
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor