

## RESOLUTION NO. 179-16

### A RESOLUTION OPPOSING A LEGISLATIVE PROPOSAL PRESENTED TO THE GENERAL ASSEMBLY CONCERNING SMALL CELL WIRELESS FACILITIES WHICH WOULD REMOVE LOCAL CONTROL OF THE PUBLIC RIGHT OF WAY AND MUNICIPAL INFRASTRUCTURE, AND DECLARING AN EMERGENCY

- WHEREAS:** Telecommunications companies have proposed legislation which seeks to amend Ohio Revised Code Chapter 4939 to effectively eliminate the authority of municipalities to regulate small cell wireless facilities and related equipment on public property and in public rights of way (“ROW”); and
- WHEREAS:** It is expected that the legislative proposal will be brought before the General Assembly before the close of the current Session; and
- WHEREAS:** The proposal is extremely broad and would give telecommunications companies and financial speculators nearly unrestricted access to any municipal structure that can support a wireless antenna – street lights, stop signs, water towers, public right of way, utility poles, etc. – and prohibit municipalities from recovering their costs in many cases; and
- WHEREAS:** The proposal raises serious safety and security concerns for Ohio municipalities and will result in the proliferation of new utility poles within the public ROW; and
- WHEREAS:** The legislation would apply only to municipalities and not townships, counties, the State of Ohio, or any other political subdivision and would not apply to investor-owned utilities; and
- WHEREAS:** Adoption of the legislative proposal would take decisions about the safety and aesthetics of municipal ROW and public properties out of the hands of local officials who answer directly to residents, and instead allow such decisions to be made by entities with no local ties; and
- WHEREAS:** The legislative proposal is unconstitutional because it violates the home rule amendment to the Ohio Constitution set forth in Article XVIII, Section 3; and
- WHEREAS:** This Council strongly opposes the legislative proposal and urges the members of the Ohio Legislature to stop this measure or at least fully and carefully vet it through a legislative hearing process so that stakeholders have a reasonable opportunity to express their concerns.