

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2018-11 Passed July 17, 2018

AN ORDINANCE AMENDING CHAPTER 949 OF THE CODE OF ORDINANCES FOR SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES IN THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY

WHEREAS, the Ohio General Assembly has adopted revisions to the Ohio Revised Code that require Ohio municipal corporations to approve small cell facilities and wireless support structures that are in compliance with certain criteria; and

WHEREAS, Council passed Ordinance 2018-07 to provide regulations for small cell facilities and wireless support structures within the City of Brookville.

WHEREAS, Council desires to authorize the City Manager to adopt additional design standards as deemed necessary by the City Manager for small cell facilities and wireless support structures within the City of Brookville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: The Council of the City of Brookville hereby amends Section 949.05.2 of the Code of Ordinances to add the following provision:

949.05.2(D) The City Manager shall have authority to adopt additional design and siting standards for the design and installation of small cell facilities and wireless support structures in the City of Brookville, provided said additional design and siting standards promulgated by the City Manager are consistent with state and federal law, and the provisions of this Chapter. In the event of any conflict between design and siting standards promulgated by the City Manager and the standards articulated in Chapter 949 of the Code of Ordinances, the standards set forth in Chapter 949 shall take precedence over any standard promulgated by the City Manager.


SECTION II: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and all deliberations of this Council were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: This Ordinance is hereby declared to be an emergency measure that is necessary for the immediate preservation of the public peace, health, safety or welfare for the reason that it is necessary for this Ordinance to be effective prior to August 1, 2018 when Ohio law authorizing small cell facilities takes effect. Therefore, this Ordinance shall take effect immediately upon passage of this Ordinance as provided by the Charter of the City of Brookville, Ohio.

PASSED this 17th day of July 2018.

ATTEST:


Meghan Wheeler, Clerk


David E. Seagraves, Mayor

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Ordinance No. _____ Passed _____, 20_____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2018-11, passed by the Council of the City of Brookville, Ohio, on the 17th day of July 2018.


Meghan Wheeler, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2018-11 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 18th day of July 2018 to the 17th day of August 2018, both days inclusive.


Meghan Wheeler, Clerk