

RESOLUTION NO. 2019 - 23

RESOLUTION ADOPTING GUIDELINES FOR SMALL CELL FACILITIES; WITHIN THE CITY OF INDEPENDENCE, BUCHANAN COUNTY, IOWA.

WHEREAS, the Federal Communications Commission (“FCC”) has adopted a declaratory ruling and order (“Order”) that imposes new and significant limitations on the City’s ability to regulate small cell facilities within its rights of-way and upon its infrastructure, including but limited to limitations on fees, and the institution of deadlines for acting on permit applications; and

WHEREAS, the Order permits municipalities to establish guidelines governing the aesthetics, undergrounding, and spacing of small cell facilities to be installed within its rights-of-way; and

WHEREAS, the Order is effective April 15, 2019; and

WHEREAS, there is attached to this Resolution proposed Small Cell Guidelines for the City of Independence, Iowa, which as amended from time to time, will apply to all applications to install small cell facilities within the City’s rights-of-way and upon its infrastructure; and

WHEREAS, preserving as much local authority as is permitted by state and federal law over the installation of small cell facilities in the City’s rights-of-way and upon its infrastructure is critical to effective right-of-way management.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, IOWA, AS FOLLOWS:

SECTION 1: *Adoption of Small Cell Guidelines:* The City Council approves and adopts the Small Cell Guidelines attached to this Resolution.

SECTION 2: *Publication:* The City Clerk is hereby directed to publish the Small Cell Guidelines by posting the same to the City’s website, or by other means, at the earliest possible opportunity.

SECTION 3: *When Effective.* This Resolution shall be effective upon its passage and approval as provided by law.

RESOLUTION NO. 2019-23 was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 8th day of April, 2019.


Record of Voting:

Ayes: Scharff, O’Loughlin, Hanna, Vaughn, Kurtz, and Hayward.

Nays:

Absent: Hill.

RESOLUTION NO. 2019-23 declared passed and adopted by the Mayor on this 8th day of April, 2019.



Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:



Jeena Lynch, ICMC, City Clerk/Treasurer of the City of Independence, Iowa