

ORDINANCE

#19-17

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF DUBLIN TO REGULATE WIRELESS FACILITIES AND ANTENNAS; TO SET AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and Council are vested with substantial powers, rights, and functions to generally regulate the use of the municipal street system of the City of Dublin; and

WHEREAS, the legislature of the State of Georgia has passed an act known as the Georgia Streamlining Wireless Facilities and Antennas Act, O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), which addresses the placement of small wireless facilities in the public rights of way of the City;

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUBLIN HEREBY ORDAIN AS FOLLOWS:

SECTION ONE:

There is hereby added a new Article IX entitled "Wireless Facilities and Antennas" to Chapter 20, "Streets and Sidewalks" of the Code of Ordinances of the City of Dublin which shall read as follows:

"DIVISION 1. – PURPOSE AND COMPLIANCE

Section 20-400. – Authority. O.C.G.A. §32-4-92(a)(10) authorizes the City of Dublin, Georgia (the "City") to establish reasonable regulation for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic, and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. §253(c) provides that the City has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act, O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights of way of the City.

Section 20-401. – City's Best Interest. The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specification, and reasonable conditions regarding placement of small wireless facilities, poles in the public rights of way. These requirements, specification, and conditions are adopted in order to protect the public health, safety, and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.

Section 20-402. – Objective. The objective of this Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance, and other features of nearby land uses, protects the integrity of historic, cultural, and scenic resources, and does not harm residents' quality of life.

DIVISION 2. – DEFINITIONS

Section 20-403. – Definitions. Unless defined below, terms used in this Ordinance shall have the meanings given them in O.C.G.A. §36-66C-2.

Section 20-404. – Amendments. In the event that any federal or state law containing definitions used in this Ordinance is amended, the definition in the referenced section, as amended, shall control.

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