CITY OF BRYAN
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ACTION FORM
BRYAN CITY COUNCIL

Meeting Date (?) 09/06/2016

Subject Matter* (?) Temporary Moratorium on the installation of above-ground wireless communications facilities
This must match rolling agenda entry

Department of Origin* INFORMATION TECHNOLOGY

Submitted By* Bernie Acre

Type of Meeting* ○ BCD ◉ Special ○ Regular

Classification* ○ Public Hearing ○ Consent ○ Statutory ◉ Regular

Ordinance* ○ None ◉ First Read ○ Second Read ○ First & Only Read

Strategic Initiative* ☑ Public Safety ☑ Economic Development ☑ Quality of Life ☑ Service ☑ Infrastructure

Agenda Item Description* Adopt an Ordinance implementing a temporary moratorium on the on the submission, acceptance, processing, and approval of any application for a permit or license for the installation of above-ground wireless communications facilities in the public rights-of-way or on public or private property.

Summary Statement* The City of Bryan currently has pending applications for the installation of above-ground wireless communications facilities, consisting of seven (7) separate permits for 200 foot poles and thirteen (13) separate permits for 45 foot poles to be installed in the public rights-of-way within the City of Bryan. The City of Bryan also anticipates a growing number of new applications for similar above ground Wireless Communications Facilities to be installed in the public rights-of-way and on public or private property within the City.

Currently, the City of Bryan does not allow the installation of above-ground Wireless Communications Facilities, including but not limited to antennae, poles and other support structures in public rights-of-way within the City. The Code of Ordinances does not contain regulations specifically designed to address the unique legal and/or practical issues that arise in connection with such above-ground wireless telecommunications facilities installed in the public rights-of-way or on public property. The existing provisions of the City Code are inadequate and time is needed to review, study, and revise the City Code to fully take into account the impacts related to the timing, location, and manner of construction of the above-ground Wireless Communication Facilities by multiple telecommunication providers, small cell and DAS providers within the public rights of way as well as other public and private property, including the public health, safety, and welfare concerns of pedestrian and vehicular traffic.

The purpose of this request for Temporary Moratorium is to: (1) review existing ordinances, federal and state law; (2) establish uniform and comprehensive standards and regulations for the permitting, development, siting, installation, design, operation, and maintenance of above-ground wireless telecommunications facilities in the City's public right-of-way and on public and private property, along with comprehensive set of zoning requirements for antennas and wireless communications; (3) to provide standards necessary (a) for the preservation of the public right-of-way in the city for the maximum benefit and use of the public, (b) promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives of the City of Bryan's Comprehensive Plan, and (c) provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations; and (4) revise land use ordinances in order to provide clarity and regulation.

Staff Analysis & Recommendation*	There is presently a lack of standards and regulations in the Bryan Code for above-ground wireless facilities in the public rights-of-way or on public property. The substantial number of pending and anticipated applications by telecommunications providers and small cell and DAS infrastructure providers for such above-ground wireless communication facilities in the public rights-of-way, and on public and private property present a current and immediate threat to the public health, safety, and welfare. It is necessary and proper for the good government, peace or order of the City of Bryan to implement a Temporary Moratorium on the submission, acceptance, processing, and approval of any new or pending applications for the installation of above-ground wireless communications facilities within the City of Bryan. Staff recommends the immediate implementation of the Ordinance is necessary to preserve and protect public health, safety, and welfare.
Options*	(In Suggested Order of Staff Preference) 1. Adopt attached ordinance. 2. Allow the installation of above-ground wireless communications facilities in the public rights-of-way, and on public and private property without the adoption of specific regulations and procedures. 3. Recommend alternatives to the attached moratorium, which may require consideration at a future City Council meeting.
Funding Source*	No funding needed.
Attachments	ORDINANCE Moratorium on Wireless Communications Facilities in the ROW and on Public Property.pdf 85.14KB Please detail attachments and note attachments available for viewing in City Secretary's Office: 1. Proposed Ordinance regarding Moratorium on Wireless Communications Facilities in the ROW and on Public Property (PDF)
Dept. Head Signature	
Deputy City Manager Signature	
City Manager Signature	
City Attorney Signature	