RESOLUTION NO. 2013-02-08

STATE OF GEORGIA
COUNTY FULTON

A RESOLUTION TO REQUEST THE GEORGIA LEGISLATURE OPPOSE HOUSE BILL 176

WHEREAS, the Mayor and City Council of the City of Sandy Springs are charged with the protection of the public health, safety, and welfare of the citizens of Sandy Springs, Georgia ("City"); and

WHEREAS, the installation, expansion, maintenance, and aesthetics of telecommunications towers can have significant impacts upon adjacent properties, property values, and the public health, safety, and welfare of citizens in nearby properties; and

WHEREAS, the Federal Telecommunications Act authorizes the City to regulate the placement of wireless telecommunication towers and facilities through proper zoning procedures, so long as wireless service coverage is not prohibited; and

WHEREAS, Federal Telecommunications Act allows local governments to provide for reasonable regulations over the location, expansion, height, and maintenance of telecommunications structures; and

WHEREAS, the City has adopted an ordinance containing certain requirements for applicants to obtain a wireless support structure use permit, which ensures adequate wireless coverage while preserving the health, safety, and welfare of the citizens of the City, as well as preserving the aesthetic and historic nature of certain areas in the City; and

WHEREAS, the Georgia Legislature has introduced HB 176, the Mobile Broadband Infrastructure Leads to Development (BILD) Act, which would significantly restrict the reasonable regulations afforded to the City in regulating telecommunications structures; and

WHEREAS, HB 176 would prevent a local government from considering the applicant's need for a proposed new wireless support structure and/or wireless facility; and

WHEREAS, HB 176 would prevent a local government from considering the applicant's need for a proposed expansion of an existing wireless support structure and/or wireless facility; and

WHEREAS, HB 176 would prohibit consideration of co-location opportunities available to applicant; and

WHEREAS, HB 176 would significantly restrict, if not prevent, the City from imposing height limitations on any new or existing wireless support structure within the City limits; and

WHEREAS, HB 176 would limit the City's ability to charge fees for inspection and review of applications for any new or existing wireless support structures; and

WHEREAS, HB 176 would significantly restrict, if not prevent, the City from imposing zoning

procedures to regulate the size of existing wireless support structures and wireless facilities; and

WHEREAS, HB 176 would prevent the City from requiring reasonable surety requirements to ensure that abandoned or unused wireless support structures or unused wireless support structures are removed, a direct impediment to the public health, safety, and welfare of the citizens of the City; and

WHEREAS, HB 176 would prevent the City from determining reasonable rental rates for siting wireless support structures on publicly owned property; and

WHEREAS, HB 176 would prevent the City from setting a reasonable inspection or application review fee for a proposed new wireless support structure and/or wireless facility.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs, Georgia while in regular session on February 19, 2013, at 6:00 p.m. as follows:

> The Mayor and City Council of the City of Sandy Springs, as stewards of the public health, safety, and welfare of the citizens of Sandy Springs, encourage the Georgia Legislature to oppose HB 176, since it unnecessarily restrains a local government's ability to impose reasonable regulations as the siting, expansion, and maintenance of wireless support structures and/or wireless facilities.

RESOLVED this the 19th day of February, 2013.

Approved:

Eva Galambos

Eva Galambos, Mayor

Attest:

Michael Casey

Michael Casey, City Clerk

(Seal)