

AN ORDINANCE ENACTING SECTION 1048.15, “DESIGNATION AND CONTROL OF MUNICIPAL ELECTRIC UTILITY FACILITIES”, OF THE STREETS, UTILITIES, AND PUBLIC SERVICES CODE; AND DECLARING AN EMERGENCY

WHEREAS, the cellular telecommunications industry is deploying small cell facilities to aid in its provision of wireless service and desires to use municipally-owned poles and support structures in the public right-of-ways of municipalities upon which to install small cell facilities; and

WHEREAS, other providers of utility and communication services have and will continue to seek to use municipally-owned poles and support structures for deployment of their equipment and facilities; and

WHEREAS, it is necessary for the City of Hudson, having a municipal electric utility known as Hudson Public Power (“HPP”), to define and designate which poles and support structures in the public right-of-ways and utility easements of the City are under the custody and control of HPP so as to regulate the use of those poles and support structures in the best interests of the public health, safety and general welfare of the City and its citizens and to prohibit and limit the use of those poles and structures where the City deems necessary; and

WHEREAS, HPP owns, controls, operates and maintains the electric and broadband utility poles, traffic signal poles, street light poles, and other such support structures and related facilities located in the public right-of-ways in the City of Hudson.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. New Section 1048.15, “Designation and Control of Municipal Electric Utility Facilities”, of the Streets, Utilities, and Public Services Code, of the Codified Ordinances of the City of Hudson is hereby enacted to read as follows:

“SECTION 1048.15

DESIGNATION AND CONTROL OF MUNICIPAL ELECTRIC UTILITY FACILITIES

- (a) All poles and other support structures located in the public right-of-way and utility easements, including but not limited to electric utility and broadband poles, street and sidewalk lighting poles (decorative or otherwise), poles supporting traffic signals, and poles used to support equipment for the transmission or distribution of electricity and broadband communications, are poles, structures or facilities owned, controlled and/or operated by Hudson Public Power, a municipal electric utility of the City of Hudson (hereinafter referred to as “HPP Assets”).
- (b) No person, corporation, company, entity, agent of any entity, wireless service provider or operator, cable provider, video service provider, or any other entity shall

attach any equipment or facilities to any HPP Assets without first obtaining an express written agreement from Hudson Public Power to do so which agreement shall be properly authorized and executed by the City Manager.

- (c) The City Manager may make and enforce additional rules and regulations as may be deemed necessary for the safe, economical and efficient management and protection of HPP Assets in the best interests of the health, safety and general welfare of the municipality and its citizens.”

Section 2. 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 that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and for the further reason that it is immediately necessary to adopt regulations to ensure that HPP Assets are not subjected to being used by persons and entities other than the municipality and its municipal electric utility without first obtaining the authority for that use from HPP and the City Manager as provided for in this Ordinance; wherefore, this Ordinance shall go into effect immediately upon its passage, provided it receives the affirmative vote of five (5) members of Council elected thereto, except that six (6) affirmative votes shall be required if all members of Council are present at the meeting at which it is passed; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

PASSED:

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 18-64 was duly passed by the Council of said Municipality on _____, 2018.

Elizabeth Slagle, Clerk of Council