

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 2, 2019 AGENDA**

Subject:	Type:	Submitted By:
ADOPT MUNICIPAL CODE SECTION 93.060 DESIGN GUIDELINES AND SPECIFICATIONS FOR WIRELESS FACILITIES	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	TOMMY PROUHET ASSISTANT TO THE CITY ADMINISTRATOR

SYNOPSIS

An ordinance has been prepared for Council to consider adoption of an addition to the Municipal Code regarding Design Guidelines and Specifications for wireless facilities.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

Increased demand for the limited space within the City’s right-of-way requires that the City of La Vista address the visual impact, space requirements, and safety of utility and communications equipment located along roadways and on other City-owned property. After reviewing best practices of other cities across the country, and with guidance from local government organizations and the City Attorney, staff drafted and recommends approval of a set of *Design Guidelines for the Installation of Wireless Facilities in Public Right-of-Way*. A corresponding section of the Municipal Code must be created indicating adoption of said Guidelines.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO ADOPT AND CODIFY OFFICIAL DESIGN CRITERIA AND SPECIFICATIONS FOR THE INSTALLATION OF WIRELESS FACILITIES INCLUDING BUT NOT LIMITED TO NETWORK NODES AND NODE SUPPORT POLES AS SECTION 93.060 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA

Section 1. That the Official Design Criteria and Specifications for the Installation of Wireless Facilities including but not limited to Network Nodes and Node Support Poles is hereby adopted, enacted and codified as Section 93.060 of the La Vista Municipal Code.

Section 93.060 OFFICIAL DESIGN CRITERIA AND SPECIFICATIONS FOR THE INSTALLATION OF WIRELESS FACILITIES INCLUDING BUT NOT LIMITED TO NETWORK NODES AND NODE SUPPORT POLES

The Mayor and City Council of the city by ordinance or resolution shall establish, and from time to time shall add to, subtract from, or modify as determined necessary or appropriate, design criteria and specifications for the collocation or installation of all wireless facilities including but not limited to network nodes and node support poles, and related use of or work in right of way, and when such design criteria and specifications have been adopted, or from time to time added to, subtracted from, or modified, and filed with the City Clerk, they shall be the official design criteria and specifications of the city and shall be incorporated into and known as the Design Guidelines for the Installation of Wireless Facilities in Public Right-of-Way. Such design criteria and specifications shall be effective with respect to all collocations, installations, applications, and proposals for collocation or installation, of wireless facilities including but not limited to network nodes or node support poles, and related use of or work in right of way, on or after January 1, 2019, unless a different date is specified from time to time by the Mayor and City Council. All wireless facilities including but not limited to network nodes and node support poles, and related use of or work in right of way, in the city, and the areas outside the city limits and within the city's extraterritorial jurisdiction, shall conform with the Design Guidelines for the Installation of Wireless Facilities in Public Right-of-Way.

Section 2. Repeal of Conflicting Provisions. Any conflicting provision of any previously enacted ordinance is hereby repealed.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with applicable law.

PASSED AND APPROVED THIS 2ND DAY OF JANUARY, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk