

ORDINANCE NO. 240

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
ADOPTING A THIRTY DAY EXTENSION TO A MORATORIUM ON
ACCEPTANCE AND PROCESSING OF NEW FRANCHISE
APPLICATIONS FOR SERVICE PROVIDERS OF
TELECOMMUNICATIONS AND CABLE TELEVISION SERVICES
WITHIN THE CITY OF SHORELINE**

WHEREAS, the State Legislature passed ESSB 6676 in the 2000 Regular Session, effective June 8, 2000, establishing uniform requirements for local franchising of telecommunications and cable television providers ("Service Providers"); and

WHEREAS, moratoria are authorized by ESSB 6676 Section 5 to address local concerns regarding siting issues so long as they do not exceed guidelines developed by the FCC, state and local government, and the wireless industry, which suggest a 180 day duration; and

WHEREAS, Ordinance 237 was adopted May 8, 2000 approving a sixty-five day moratorium on new franchise and right-of-way permits for Service Providers; and

WHEREAS, the City requires additional time to study and implement franchise permitting regulations and development standards for telecommunication improvements within the City's rights-of-way;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact. The City Council adopts the following findings of fact:

- a. The State Legislature adopted ESSB 6676 during the 2000 session, effective June 8, 2000, requiring that municipalities permit Service Providers to site facilities within local rights-of-way.
- b. The City's practice has been to require all entities who want to install facilities in the right-of-way to first obtain a franchise under Chapter 12.25 SMC. Size, type and location of facilities have been negotiated through this process.
- c. The City did not have sufficient time to adopt regulations for right-of-way permitting of wireless facilities before the effective date of ESSB 6676, and without these regulations in place, the City's inability to set controls would be injurious to the public welfare.
- d. The City's moratorium adopted by Ordinance 237 was necessary for the study and review of land use regulations for Service Providers.
- e. The City has been actively revising its GMA development regulations. A delay in adoption of the development code has created a need to extend the moratorium extension so that proper amendments to the code could be made.
- f. An moratorium extension until August 11, 2000 is needed to allow final review of right-of-way regulations of Service Providers before the Planning Commission and City Council.

Section 2. Moratorium Extended. The term of Ordinance 237 creating a moratorium upon the acceptance of applications for new franchises and right-of-way permits for telecommunication or cable television service as those terms are defined in ESSB 6676 § 1, 2000 Reg. Sess. is extended to August 11, 2000.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

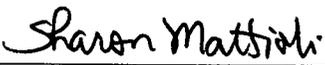
Section 4. Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper and the Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JUNE 26, 2000.



Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Ian R. Sievers
City Attorney

Date of Publication: June 29, 2000
Effective Date: July 4, 2000