

**A RESOLUTION OF THE CITY OF LILBURN, GEORGIA  
IMPOSING A MORATORIUM BARRING THE ISSUANCE OF  
PERMITS AND BARRING THE ACCEPTANCE OF  
APPLICATIONS FOR PERMITS FOR WIRELESS  
COMMUNICATION DEVICES AND FACILITIES IN CITY  
RIGHT OF WAY**

**WHEREAS**, the emergence of personal communication services, the increased number of cell providers and the growing demand for better coverage have spurred requests for new installation of wireless communication devices and facilities within the City's right of way; and

**WHEREAS**, the City's current regulations were adopted at a time when communications devices and facilities were primarily limited to antennas mounted on cell towers; and

**WHEREAS**, there are now a variety of complementary and alternative technologies such as distributed antenna system ("DAS"), networks and other small cell systems which use components that could be installed on much smaller structures within the City's right of way; and

**WHEREAS**, the City has received a number of inquiries regarding the installation of small cell system components within the City's right of way; and

**WHEREAS**, the Federal Telecommunications Act preserves the authority of the local governments over reasonable nondiscriminatory decisions regarding the placement, construction and modification of wireless telecommunication infrastructure; and

**WHEREAS**, the Mayor and City Council desire to consider adopting an ordinance regulating the installation of wireless communication devices and facilities in the City's right of way consistent with state and federal law and regulations; and

**WHEREAS**, the preparing of such an ordinance for the Mayor and City Council's consideration requires additional time; and

**WHEREAS**, the Mayor and City Council find that imposing a moratorium will preserve and maintain the status quo, while allowing the City sufficient time to prepare and adopt an ordinance regulating the installation of wireless communication devices and facilities in the City right of way; and

**WHEREAS**, the Mayor and City Council finds that imposing a moratorium is reasonably necessary, the least restrictive means available, and a legitimate and reasonable exercise of the City's police power, and in the best interest of the public health, safety and welfare of the City's citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LILBURN, GEORGIA, AS FOLLOWS:**

1. The Mayor and City Council do hereby impose a moratorium barring the issuance of permits and barring the acceptance of applications for permits – whether in the form of utility permits or any other form of regulatory permit – for the installation of wireless communication devices and facilities in the City’s right of way.
2. The moratorium imposed by this Resolution shall terminate on February 10, 2020, unless terminated or extended by the Mayor and Council prior to that date.
3. This Resolution shall be effective upon approval by the Mayor and City Council.

**SO RESOLVED** this 9th day of December, 2019.

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JOHNNY CRIST, Mayor

ATTEST:

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Melissa Penate, City Clerk