



Sedgwick County...
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Sedgwick County

525 North Main Street 3rd
Floor
Wichita, KS 67203

Legislation Details (With Text)

File #: 19-222 **Version:** 1 **Name:**

Type: Consent **Status:** Consent Agenda

File created: 3/4/2019 **In control:** Board of Sedgwick County Commissioners

On agenda: 3/20/2019 **Final action:**

Title: A resolution to amend Chapter 22, Article II of the Sedgwick County Code Regarding Utility Permits. All districts.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Utility Permit Code Resolution, 2. Redline of Utility Permit Code

Date	Ver.	Action By	Action	Result
3/20/2019	1	Board of Sedgwick County Commissioners	Approved on the Consent Agenda	Pass

A resolution to amend Chapter 22, Article II of the Sedgwick County Code Regarding Utility Permits. All districts.

Recommended action: Approve and sign the resolution.

Background: Beginning in 2016, K.S.A 66-2019 allowed the placement of wireless telecommunications facilities in the public right of way. The Board of County Commissioners approved Resolution No. 139-2016 which implemented modifications to the existing county code to regulate this new usage of the right of way. The revised code did not include any aesthetic requirements for the placement of these facilities.

In 2018, the Federal Communications Commission issued Declaratory Ruling FCC 18-133 which would restrict local governments from imposing aesthetic requirements on wireless telecommunications facilities unless they are in place prior to April 12, 2019.

The County Counselor’s Office, Public Works and Metropolitan Area Planning Department have prepared code modifications that provide for reasonable requirements on the presentation, appearance or function of wireless telecommunications facilities in the right of way. The code changes also provide a process for public input for certain facilities.

Alternatives: Take such action as the Board deems appropriate.

Financial Considerations: There are not additional costs to the County resulting from the adoption of this resolution.

Legal Considerations: Any changes to local codes that implement aesthetic requirements must be in place prior to April 12, 2019. The resolution will need to be approved prior to that date in order for the county to be able to enforce the new aesthetic requirements. The County has the authority to make changes pursuant to K.S.S. 19-101 et. seq. Approval requires a simple majority vote.

Policy Considerations: N/A

Outside Attendees: None

Multimedia Presentation: N/A