ORDINANCE NO. 2279 (2019)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RENEWING THE INTERIM REGULATIONS RELATED TO WIRELESS COMMUNICATIONS FACILITIES ADOPTED BY ORDINANCE NO. 2273; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Federal Communications Commission (FCC) recently adopted a Declaratory Ruling, Order and Regulation, which imposes limitations on the processing and review of all permits associated with the deployment of small wireless facilities; and

WHEREAS, such regulations required the City of Bothell to have procedures in place on or before January 14, 2019, with the ability to adopt additional aesthetic standards on or before April 14, 2019; and

WHEREAS, on January 8, 2019, the Bothell City Council adopted Ordinance No. 2273 establishing interim regulations related to wireless communication facilities, which became effective January 13, 2019; and

WHEREAS, in accordance with RCW 36.70A.390 and RCW 35A.63.220, Ordinance No. 2273 provided that the interim regulations would remain in effect for a period of six (6) months from the effective date of the ordinance or until adoption of permanent regulations, whichever was sooner; and

WHEREAS, the City has diligently pursued revising the code to address the issues that led to the adoption of the interim regulations, but additional time is needed to draft a permanent ordinance; and

WHEREAS, the Community Development Director has recommended that the interim regulations set forth in Ordinance No. 2273 be extended to enable completion of the drafting of the final amendments; and

WHEREAS, the circumstances which led to the adoption of the interim regulations in Ordinance No. 2273 continue to exist today and will continue existing until final regulations are adopted to adequately process and review applications for small wireless facilities; and

WHEREAS, unless the interim regulations are extended to allow the completion of the drafting and adoption of permanent regulations, the City may receive a small wireless facility application and have no way to process it, thus negatively impacting the City’s citizens; and
WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 authorize the City to renew the interim regulations for an additional period of six (6) months provided that a public hearing is held; and

WHEREAS, the Bothell City Council held a public hearing on the renewal on July 2, 2019, and after considering all the testimony received, finds that it is prudent to renew the interim regulations adopted by Ordinance No. 2273 for a period of six (6) additional months, in order to complete the needed work and adopt permanent regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1.  CLASSIFICATION. This ordinance, and the interim regulations set forth in Ordinance No. 2273 renewed hereby, are of an interim and temporary nature and shall not be codified. The codifier is authorized and directed to insert a note at the end of each code section of the BMC amended by Ordinance No. 2273 to read as follows:

“This Section has been temporarily amended as provided Ordinance No. 2273 of the City of Bothell, as renewed by Ordinance No. ______. These ordinances may be found at http://weblink.bothellwa.gov/weblink.”

The codifier may use alternative wording to advise readers of the existence of the interim amendments adopted by Ordinance No. 2273 and renewed by this ordinance, with the approval of the City Clerk.

Section 2.  FINDINGS. In support of the renewal approved by this ordinance, the Bothell City Council adopts the recitals set forth in Ordinance No. 2273 as well as the above recitals of this Ordinance.

Section 3.  RENEWAL OF INTERIM REGULATIONS. The interim regulations adopted by Ordinance No. 2273 of the City of Bothell, passed by the Bothell City Council on January 8, 2019, and effective on January 13, 2019, are hereby extended and renewed and made effective for a period of six (6) months from the effective date of this ordinance, unless sooner replaced by permanent regulations adopted by subsequent ordinance. The interim amendments shall automatically expire six (6) months from the effective date of this ordinance, unless further renewed.

Section 4.  TRANSMITTAL TO DEPARTMENT OF COMMERCE. Pursuant to RCW 36.70A.106, a copy of this ordinance was transmitted to the Department of Commerce.

Section 5.  SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such
invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 6. EFFECTIVE DATE. This ordinance shall take effect five (5) days after its publication, or publication of an approved summary thereof consisting of the title, in the City's official newspaper, or as otherwise provided by law.

Section 7. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

APPROVED:

[Signature]

ANDREW J. RHEAUME
MAYOR

ATTEST/AUTHENTICATED:

[Signature]

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

[Signature]

PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: June 27, 2019
PASSED BY THE CITY COUNCIL: July 2, 2019
PUBLISHED: July 8, 2019
EFFECTIVE DATE: July 13, 2019
ORDINANCE NO.: 2279 (2019)
SUMMARY OF ORDINANCE NO. 2279 (2019)

City of Bothell, Washington

On the 2nd day of July, 2019, the City Council of the City of Bothell passed Ordinance No. 2279 (2019). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RENEWING THE INTERIM REGULATIONS RELATED TO WIRELESS COMMUNICATIONS FACILITIES ADOPTED BY CITY OF BOTHELL ORDINANCE NO. 2273; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: June 28, 2019
PASSED BY THE CITY COUNCIL: July 2, 2019
PUBLISHED: July 8, 2019
EFFECTIVE DATE: July 13, 2019
ORDINANCE NO.: 2279 (2019)