Dear (INSERT LEGISLATOR NAME):

We write today in opposition to the Ohio General Assembly Senate Bill 331 (SB 331), titled “Regulate dog sales and license pet stores” aka the Petland Bill passed December 7, 2016. Prior to the Bill’s passage, during the lame duck session, provisions were inserted into the legislation stripping a municipality's ability to regulate small cell facilities including: their placement, construction, modification and maintenance in the public right-of-way (ROW). Governor Kasich signed the bill on December 19, 2016, and it will take effect March 21, 2017.

The City of Mason understands the desire for small cell facilities to be strategically deployed within an area to improve coverage and reliability of cellular networks and to support the deployment of next generation 5G networks. Having adequate and dependable cell phone coverage is significant to the community. However, the deployment of this equipment must also take into consideration safety, right-of-way obstruction and aesthestics based upon the individual needs of a community. In 2016, Mason City Council passed zoning ordinance modifications in order to regulate the amount, location, design and impacts of these facilities. Unfortunately, SB 331 now removes most local control of small cell facility deployment and specifically prohibits municipalities from:

* Applying zoning regulations to small cell wireless applications;
* Evaluating the availability of alternative locations;
* Precluding placement of equipment in or near residential areas;
* Limiting the duration of any permit;
* Imposing separation or spacing requirements between antennae and equipment;
* Enacting any moratorium on the filing, consideration or approval of applications; or

The bill stipulates a municipality may not refuse to provide access to its own wireless support structures, poles or facilities in the ROW, if a wireless provider wishes to use those structures or poles. Once an application is submitted, municipalities have 90 days (60 days for existing facility upgrades) to act or it is deemed automatically approved.

The efforts of the wireless industry and the State’s approval of these efforts have removed basic zoning control from local authorities. The State’s blanket legislation ignores home rule authority and gives wireless providers complete and uncontrolled access over the Mason community.

We respectfully ask that you consider our strong objections to Senate Bill 331 and its disregard for local government. We ask that you repeal Senate Bill 331 immediately and allow residents to determine what is best for their individual communities.

Sincerely,