

**ORDINANCE NO. 237**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ESTABLISHING A MORATORIUM ON ACCEPTANCE AND PROCESSING OF NEW FRANCHISE APPLICATIONS FOR TELECOMMUNICATIONS SERVICE PROVIDERS WITHIN THE CITY OF SHORELINE, AND DECLARING AN EMERGENCY**

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; and

WHEREAS, the City requires additional time to study and implement franchise permitting regulations and development standards for improvements within the City's rights-of-way; 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, an emergency is declared to exist in order to protect the public health, safety and welfare;

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

**Section 1.** Findings of Fact. The "WHEREAS" clauses above shall constitute findings of fact and are incorporated by reference as if fully set forth herein.

**Section 2.** Moratorium Established. A moratorium is hereby established upon the acceptance of applications for new franchises for telecommunication or cable television service as those terms are defined in ESSB 6676 § 1, 2000 Reg. Sess. or the acceptance of applications for permits to utilize the City's right-of-way by any "Service Provider" Ibid. that does not hold a valid City franchise at the time this moratorium is established.

**Section 3.** Term. The moratorium established by this ordinance shall terminate sixty five days after passage unless earlier repealed according to law.

**Section 4.** 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.

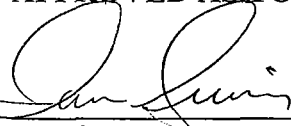
**Section 5. Effective Date.** This ordinance, as a public emergency ordinance necessary for the protection of the public health, safety, and welfare, shall take effect and be in full force immediately upon its adoption.

**PASSED BY THE CITY COUNCIL ON MAY 8, 2000.**

  
\_\_\_\_\_  
Mayor Scott Jepsen

**ATTEST:**

  
\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: May 11, 2000  
Effective Date: May 8, 2000