

City of



Jerry Duncan
Councilmember
District 6

2 B
2/27/07

February 27, 2007

To: Fresno City Council

From: Councilmember Jerry Duncan 

Subject: Agenda item: **Adopt resolution that would remove controls and regulations by the city for businesses regarding the installation of single site wireless internet connections.**

If Fresno is to emerge as a 21st Century City, it is imperative that we encourage an environment in this community that can provide the opportunity for the private sector to do the things people want that enhance our quality of living.

One of those areas is the desire of businesses to offer high speed wireless internet (generally free) to their customers. More and more, we see that this opportunity is being made available wherever people congregate and will spend some time. From coffee shops to restaurants, offering wireless internet access has become a basic piece of the successful business model in today's business environment.

There is little doubt that this city should want to encourage this service in as many locations as possible but ironically we do put some regulatory barriers in place and there have been situations that because of this, businesses have decided against the installation of free wireless internet for use by their customers.

Currently, the process of City regulation is inconsistent. The City only gets involved if a Conditional Use Permit applicant indicates their intent of installing a wireless internet system. If they don't indicate it and they just do it, the City does nothing.

Approval of the resolution today would mean that the City would no longer regulate the decision to install a single site wireless internet connection. Of course, any building or electrical codes would still apply. If a business owner wants to offer it to their customers, let them do it without city government interference. There is no inherent threat to the health or safety of the public about a wireless internet connection that would require that they be regulated.

This resolution would not apply to the process of firms interested in building city-wide networks where poles or other construction might be needed. It is intended to benefit single business operations.

The result will be more free high-speed wireless internet being made available to the public in places they would want it at no cost to the taxpayers.

This resolution is supported by the City Manager.

I ask for your support.



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE
CITY OF FRESNO, CALIFORNIA, INITIATING
A TEXT AMENDMENT TO THE ZONING
ORDINANCE OF THE CITY OF FRESNO
PURSUANT TO FMC SECTION 12-403 TO
REMOVE ANY REQUIREMENTS RELATED
TO THE INSTALLATION OF SINGLE SITE
WIRELESS INTERNET CONNECTIONS

WHEREAS, the rapidly developing array of Internet and other interactive computer services available to individual Citizens of the City of Fresno represent an extraordinary advance in the availability of educational and informational resources to our citizens; and,

WHEREAS, these services offer users a great degree of control over the information that they receive as well as the potential for even greater control in the future as technology develops; and,

WHEREAS, the Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual and business activity; and,

WHEREAS, recognizing the value of expanded use of the Internet, in 1996 the United States Congress passed and the President signed into law the Communications Decency Act (codified at 47 U.S.C § 230) which immunizes interactive computer service providers from liability under any federal, state or local laws for merely failing to edit, withhold or restrict access to offensive material disseminated through their service; and,

WHEREAS, the Council desires to encourage businesses to offer high speed wireless Internet access to their customers by removing any City regulations that would discourage businesses from providing such Internet access.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Pursuant Fresno Municipal Code, Sections 12-403-A and 12-401-A-1, the Council initiates the necessary proceedings to amend the text of the City's Zoning Ordinance so as to remove any current conditions, restrictions or regulations on the installation, maintenance or use of single site wireless internet connections and to include language affirmatively stating that the City shall not place any conditions on the installation, maintenance or use of single site wireless internet connections.

CLERK=S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the

_____ day of _____, 2007.

AYES:
NOES:
ABSENT:
ABSTAIN:

REBECCA E. KLISCH
City Clerk

By

APPROVED AS TO FORM

JAMES C. SANCHEZ
City Attorney

By _____
Deputy

