

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed 05-29-18

Sponsored by Fisk

First Reading _____

Second Reading _____

COUNCIL BILL 2018-133

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING Springfield City Code, Chapter 1, 'General Provisions,' by enacting
2 Section 1-15, 'Self-Preemption,' related to preemption by or changes
3 in federal or state law.
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5

6 WHEREAS, various new state or federal statutes and regulations regarding
7 regulation of certain communications providers, services, and operations as they pertain
8 to local rights-of-way, zoning regulations, and other municipal authority continue to be
9 enacted, supplemented, promulgated, amended, and subjected to judicial challenge;
10 and

11
12 WHEREAS, despite the uncertainty created by these circumstances, City Council
13 desires to continue at all times to ensure compliance with such changing applicable law,
14 and therefore, finds it in the best interest of the City to amend the Springfield City Code
15 to be deemed to conform with any changes in state or federal law that may be validly
16 enacted and lawfully applicable.

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18 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
19 SPRINGFIELD, MISSOURI, as follows, that:

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21 Section 1 – Springfield City Code, Chapter 1, 'General Provisions,' is hereby
22 amended to enact a new Section 1-15, "Self-Preemption," which reads as follows:

23
24 Sec. 1-15 – Self-Preemption

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26 No provision of this Code shall apply to any circumstance in which such
27 application shall be unlawful under superseding federal or state law.
28 Furthermore, if any section, subsection, sentence, clause, phrase, or portion of
29 this Code is now or in the future superseded or preempted by state or federal law
30 or found by a court of competent jurisdiction to be unauthorized, such provision
31 shall be automatically interpreted and applied as required by law.

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33 Section 2 – This Ordinance shall be in full force and effect upon passage.

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Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Franklin Dan Bonin II, City Attorney

Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL 2018 -133

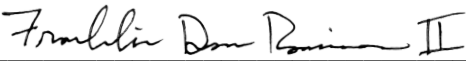
FILED: 05-29-18

ORIGINATING DEPARTMENT: Law

PURPOSE: Amending Springfield City Code, Chapter 1, 'General Provisions,' by enacting Section 1-15, 'Self-Preemption,' related to preemption by or changes in federal or state law.

BACKGROUND INFORMATION: New state and federal statutes and regulations regarding regulation of certain communications providers, services, and operations as they pertain to local rights-of-way, zoning regulations, and other municipal authority continue to be enacted, supplemented, promulgated, amended, and subjected to judicial challenge. The frequent changes of such statutes and regulations make it challenging for municipalities to remain in compliance with state and federal law. Despite the uncertainty created by these circumstances, the City should attempt at all times to be in compliance with such changing applicable law. Adoption of this Council bill would amend the Springfield City Code to deem it to conform with any changes in state or federal law that are validly enacted and lawfully applicable to the City. This provision is not limited to a certain type of change and shall apply to all manner of state and federal law changes.

Submitted by:



Frank Romines, City Attorney

Approved by:



Greg Burris, City Manager