



CITY OF CLEVELAND
Mayor Frank G. Jackson

From: **Office of the Mayor:**

Daniel Williams, Director of Media Relations
Office of the Mayor | dwilliams@city.cleveland.oh.us
(216)-664-4011

Latoya Hunter, Assistant Director of Media Relations
Office of the Mayor | lhunter@city.cleveland.oh.us
(216)-664-4303

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Mayor Frank G. Jackson Announces Lawsuit Opposing Ohio Senate Bill 331

City is one of 80 municipalities challenging unregulated wireless equipment in public spaces

CLEVELAND, Ohio –[Mayor Frank G. Jackson](#) was joined by City of Cleveland Chief Counsel Gary Singletary, Mayor Anthony Togliatti of Independence and Todd Hunt of Walter Haverfield LLP (representing more than 20 municipalities) in a press conference today at 11:00 a.m. The media event addressed a lawsuit filed by the [City of Cleveland](#) against the State of Ohio. The City, along with more than 80 municipalities filed separate suits today challenging [Ohio Senate Bill 331](#) (S.B. 331). [View a copy of the City's complaint](#), [video](#) and [photos](#) from the press conference.

“This bill attempts to erode our constitutional rights as a city,” said Mayor Jackson. “We cannot support legislation that attacks our constitutional authority.”

The bill is effective March 21 and attempts to prevent Cleveland and other Ohio municipalities from regulating the commercial installation of cell wireless equipment in public spaces. Mayor Jackson strongly opposes this amendment as it raises serious questions concerning local government rights, constitutional authority, and control of City property.

The City's complaints challenge the constitutionality of the S.B.331 on the following grounds:

- **Single subject rule:** The Ohio constitution requires laws passed by the general assembly to address one single purpose, preventing laws that might otherwise not have enough support to pass, from being added to unrelated bills. S.B. 331 was added to a bill containing multiple subjects.
- **Home rule:** The City believes S.B. 331 is a violation of the home rule provision of the Ohio Constitution which protects the powers of local self-government (including the public rights of way)
- **Uniformity:** S.B. 331 only applies to municipalities. The City believes this is a violation of the Ohio Constitution as counties and townships are exempt from the new law.
- **Takings:** S.B. 331 limits charges by the municipality for the use of its rights of way and utility poles. It requires the municipality to consent to attachments of wireless equipment to those poles.

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“There are numerous reasons we are opposing this bill,” said Mayor Togliatti. “[We are opposing] the unconstitutionality of it, the complete loss of home rule and loss of control of structures erected in our city’s rights of way.”

Under the bill, commercial wireless companies could potentially attempt to place small cell related wireless equipment on City sidewalks, streets, traffic signals, light poles, signs, etc., and municipalities would have restricted ability to object or regulate the placement. Mayor Jackson and the City believe the enactment of S.B. 331 is a violation of the Ohio Constitution and a serious matter concerning control of the City’s right of way.

About the City of Cleveland

The City of Cleveland is committed to improving the quality of life its residents by strengthening neighborhoods, delivering superior services, embracing diversity and making Cleveland a desirable, safe city in which to live, work and play. For more information on the City of Cleveland, visit online at www.city.cleveland.oh.us , Twitter at [@cityofcleveland](https://twitter.com/cityofcleveland) or Facebook at www.facebook.com/cityofcleveland.

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