

AN ORDINANCE PLACING A MORATORIUM ON THE CONSTRUCTION, ERECTION AND
PLACEMENT OF ANTENNAS FOR WIRELESS COMMUNICATION IN THE CITY OF
URBANA, ILLINOIS

WHEREAS, the City of Urbana is a Home Rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the Federal government has recently enacted the 1996 Telecommunications Act which encourages the development of wireless communication throughout the United States; and

WHEREAS, the 1996 Telecommunications Act reserves zoning authority of local jurisdictions to regulate the placement, construction and erection of wireless communication towers and antennas; and

WHEREAS, the 1996 Telecommunications Act raises complex technical and zoning issues which need to be addressed in a comprehensive manner; and

WHEREAS, the City of Urbana Zoning Ordinance does not presently address the issues raised by the 1996 Telecommunications Act; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Urbana to take time to study and amend the Zoning Ordinance and other ordinances to govern this subject matter.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS:

Section 1. That there is hereby established a moratorium on the erection, construction or placement of wireless communication antennas, towers and other similar structures and on the issuance of permits or any other approvals for such structures for a period of six months from the date of this Ordinance.

Section 2. That this moratorium is enacted for the purpose of enabling the City to study the issue of facilities and their location within the City and to develop a plan for the placement of said structures within the City.

Section 3. That from the effective date of this Ordinance and for a period of six months thereafter, it shall be unlawful for any person to erect, cause to be erected or permit the erection or construction of any communication antenna, structure or tower or similar facility within the City of Urbana.

Section 4. That from the effective date of this Ordinance for a period of six months it shall be unlawful for the owner or other person in lawful possession of real property to permit a wireless communication antenna, structure, tower or similar facility erected in violation of this Ordinance to remain on the property.

Section 5. For the purpose of this Ordinance a wireless communication antenna, structure, tower or similar facility means:

(a) An antenna (a device capable of sending or receiving radio waves) together with its supporting structures affixed to the ground and projecting to a height greater than thirty (30) feet above ground level excluding however, antennas and supporting structures specifically exempt from local regulation pursuant to Federal law; or

(b) A structure designed and constructed for the purpose of maintaining an antenna and such structure projects to a height greater than thirty (30) feet above ground level, excluding however, structures specifically exempt from local regulation pursuant to Federal law.

Section 6. For the purpose of this Ordinance, the term "person" means any natural person or any association, corporation, partnership or other entity.

Section 7. That any person erecting or causing the erection or construction of a wireless communication antenna, structure, tower or similar facility or who permits a wireless communication antenna, structure, tower or similar facility erected in violation of this Ordinance to remain on property within the City of Urbana during this six month moratorium period shall upon conviction be fined an amount not to exceed Five Hundred Dollars (\$500.00) and each day that said facility remains in place shall be considered a separate and distinct offense.

Section 8. That the City Clerk be and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

Section 9. That this Ordinance shall take effect ten (10) days after the date of its publication

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 18th day of November, 1996.

AYES: Hayes, Kearns, Patt, Pollock, Ryan, Taylor, Whelan

NAYS:

PRESENT:

APPROVED by the Mayor this 25th day of November, 1996.

Phyllis D. Clark by
Phyllis D. Clark, City Clerk
Robert J. Roberts, Deputy Clerk
Ted Satterthwaite
Ted Satterthwaite, Mayor



CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

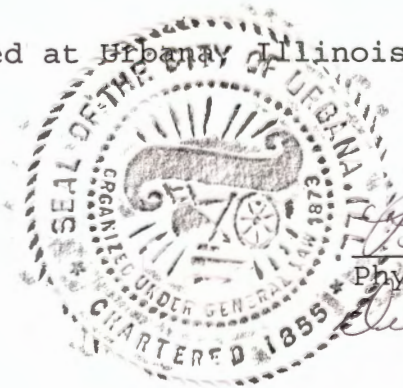
I certify that on the 18th day of November, 1996, the corporate authorities of the City of Urbana passed and approved Ordinance No. 9697-58, entitled "AN ORDINANCE PLACING A MORATORIUM ON THE CONSTRUCTION, ERECTION AND PLACEMENT OF ANTENNAS FOR WIRELESS COMMUNICATION IN THE CITY OF URBANA, ILLINOIS"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 9697-58 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 26th day of November, 1996, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 26th, day of November, 1996.

(SEAL)



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Deborah J. Clark, Deputy Clerk