

ORDINANCE NO. 9697-144

AN ORDINANCE EXTENDING THE 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; and

WHEREAS, by Ordinance No. 9697-58, the City enacted a six-month moratorium which became effective on January 7, 1997, for those purposes; and;

WHEREAS, the City expects to require an additional 90 days to complete the process begun under the moratorium;

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

Section 1. That the moratorium imposed by Ordinance No. 9697-58, 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 is hereby extended an additional ninety days, until September 5, 1997.

Section 2. That this moratorium is in place 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 during the effective period of this moratorium 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 during the effective period of this moratorium 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

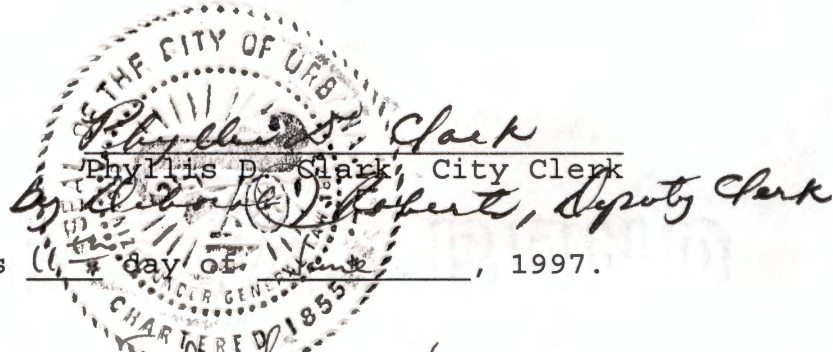
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 2nd day of June, 1997.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

PRESENT:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Robert, Deputy Clerk

APPROVED by the Mayor this 6 day of June, 1997.

Tod Satterthwaite
Tod Satterthwaite, Mayor