

AN ORDINANCE CREATING A TEMPORARY MORATORIUM ON ISSUANCE OF WIRELESS COMMUNICATION TOWER PERMITS AND DECLARING AN EMERGENCY

WHEREAS, Section 1179.01 of the Zoning Code grants an exception to the height restrictions contained in the Zoning Code for, among other things, "wireless masts"; and

WHEREAS, the Council of the Village of Richfield has been made aware of several proposals for installation of wireless communication towers and related facilities in the Village of Richfield; and

WHEREAS, this Council is aware of the passage of the 1996 Federal Telecommunications Act which, this Council believes, affirms local control over communication towers and related facilities and prohibits Federal Communications Commission rulemaking on the subject so long as the local controls do not: (a) unreasonably discriminate among providers and (b) do not unreasonably delay action upon a duly filed application for such uses; and

WHEREAS, this Council has been assured by the Planning Commission that it is both prudently and expeditiously working on recommendations which will, consistent with the 1996 Telecommunications Act and on the preservation of the health, safety and welfare of the citizens of Richfield, propose regulations for communication towers; and

WHEREAS, this Council believes that a two-month moratorium on issuance of permits for wireless communication towers will not discriminate against communications providers and will not deny property owners the effective use of their property; and

WHEREAS, this Council is highly mindful of its obligations to the public to provide for orderly development within the Village and of the rights of private land owners to use and enjoy their land; and

WHEREAS, as protection for the planning process, the public interest and rights of private land owners in the Village would be served by a temporary two-month moratorium on issuance of wireless communication tower permits in order to develop regulations consistent with the 1996 Telecommunications Act.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. Moratorium. For a period of two months from the effective date of this Ordinance, the Village shall not approve any applications for wireless communication towers or related facilities in the Village of Richfield, except as may be approved for Village-owned property.

SECTION 2. Conflict. Whenever the provisions of this Ordinance conflict with any other ordinance or provision of the Code of the Village of Richfield, including any appendix thereto, the provisions of this Ordinance shall control.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees or subcommittees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason to impose a moratorium for protection of the planning process; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: April 1, 1997




President of Council



Mayor

Dated: 4/2/97

ATTEST:


Clerk of Council