

SPONSOR: *Smith/Colby*

## ORDINANCE NO. 59-10

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE CONSIDERATION OF THE ERECTION OR CONSTRUCTION OF FREE STANDING ANTENNAS OR TOWERS WITHIN THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, with the advent of cellular communications and other communication advancements it is anticipated there will be requests for the erection of free standing antennas or towers within the City of Jackson, Ohio; and

WHEREAS, Ordinance 180-07 partially addressed the issue of the erection of free standing antennas or towers within the City of Jackson, Ohio; and

WHEREAS, Jackson City Council desires to establish a more comprehensive procedure for the approval of free standing antennas or towers within the City of Jackson, Ohio to ensure that the public is properly notified of such requests and the public will have a forum in which to address their concerns.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

**Section One.** All requests to erect or construct a free standing antenna or tower within the City which is taller than twenty (20) feet, whether from the ground or from the roof of ~~any~~ *existing or New* structure, shall be made by application to and require the permission of Jackson City Council.

**Section Two.** Once a request to erect or construct a free standing antenna or tower within the City which is taller than twenty (20) feet is received, Jackson City Council shall schedule a public hearing on the issue. The public hearing may not be held less than thirty (30) days after receipt of the request. Notice via registered/certified mail shall be provided to all persons who own property within 500 feet of the proposed free standing antenna or tower. The person requesting to erect or construct a free standing antenna or tower within the City which is taller than twenty (20) feet shall pay, in advance, the costs of all notices required under this section. Notice shall also be provided through the local media and through the City's web site and television site. All notices shall provide the place, date, and time of the public hearing.

**Section Three.** At the public hearing Jackson City Council may take the following actions:

- 1) If deemed advisable, schedule an additional public hearing or hearings to allow the party requesting to erect or construct the free standing antenna or tower to present additional information concerning the request which may be requested by Council.
- 2) If deemed advisable, schedule an additional public hearing or hearings to allow any concerned citizen to present additional information concerning the request.

- 3) Refer the request to the next regularly scheduled Jackson City Council meeting for a vote to approve or reject the request.

**Section Four.** Once the public hearing or hearings are completed, Jackson City Council shall consider the request at the next regularly scheduled Jackson City Council meeting. All votes shall be in the form of a roll call vote. In the event the request is approved by Jackson City Council the Zoning Enforcement Officer shall be directed to issue a permit for the erection or construction of the free standing antenna or tower within the City which is taller than twenty (20) feet, subject to any qualifications and/or stipulations set forth by Jackson City Council. A majority vote of Council shall be required to permit the erection or construction of the free standing antenna or tower within the City which is taller than twenty (20) feet.

**Section Five.** This Ordinance shall not apply to public utilities which are exempt under the provisions of Ohio H.B. No. 174.


**Section Six.** This Ordinance is hereby declared to be an emergency Ordinance, necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, so that a procedure allowing for notice to the public may be provided prior to the erection or construction of the free standing antenna or tower within the City which is taller than twenty (20) feet. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

**Section Seven.** In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

**Section Eight.** It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

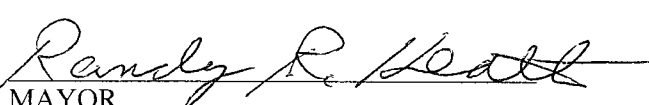
Date: 6/28/10

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

Approved:

Date: 6-28-10

  
MAYOR

As Amended.