

9-9-1996

ORDINANCE NO. 1996- 21

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE PLACEMENT
OF WIRELESS COMMUNICATIONS TOWERS
AND WIRELESS COMMUNICATION ANTENNAE,
AND DECLARING AN EMERGENCY

EXHIBIT GG

WHEREAS, this Council is desirous of developing regulations so that the public's interest is protected without hindering the continual development of communications industry.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. (A) "Wireless Communication Antenna" means an antenna designed to transmit or receive communications authorized by the Federal Communications Commission, excluding amateur radio operator's antenna.

(B) "Wireless Communication Tower" means a tower including but not limited to self-supporting lattice, guyed, or monopole which elevates the wireless communication antenna and may include accessory transmission and receiving equipment.

(C) Residential District means a Class "A", Class "A-1", Class "B" or Class "HB" District as defined in the Planning and Zoning Code.

Section 2. A wireless communication tower shall be more distant from any residential district than the height of the tower and antenna.

Section 3. Permit Required..

(A) No person shall erect a wireless communication tower without first obtaining a permit therefore. All applications for permits to erect a wireless communication tower shall be referred to the Planning Commission for report and recommendation.

(B) The permit fee shall be \$100.00, which amount shall be in addition to the fee charged for hearings before the Planning Commission.

Section 4. Appeals.

Appeals from the decision of the Building Inspector shall be made to the Board of Zoning Appeals as provided in Chapter 1139 of the Planning and Zoning Code.

Section 5. Wireless communication antenna may be attached to apartments and commercial buildings provided the antenna does not exceed 20' above the highest point of the structure and receiving equipment is stored inside the building or structure or on the roof within an enclosure.

Section 6. (A) In order to avoid a proliferation of wireless communication towers, the building inspector shall make a determination regarding technically suitable space reasonably available on an existing tower or structure within the geographic area to be served. With the permit application, the applicant shall list the location of every tower, building, or structure that could support the proposed antenna so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure. If another communication tower is technically suitable, the applicant must show that it has offered to allow the owner to co-locate an antenna on another tower within the City owned by the applicant on reciprocal terms and that the offer was not accepted or that other tower is presumed to be reasonably available.

Applicant must also demonstrate that one of the City parks available for the location of a wireless communication tower is not a technically suitable location.

(B) Poles, towers, equipment structures, and antenna placement shall meet set back requirements of the Planning and Zoning Code.

(C) A wireless communication tower shall be more distant from any residential district than the height of the tower and antenna.

(D) Apart from the tower or monopole structure, the appurtenances shall be esthetically and architecturally compatible with the architecture of the surrounding environment and shall meet all requirements of the Planning and Zoning Code.

(E) Screen fencing shall be provided for esthetics and public safety reasons.

(F) Landscaping shall be provided to buffer the facility from residential districts and adjacent residential uses.

(G) The owner or operator will agree to remove an obsolete facility within twelve (12) months of ceasing its use.

(H) Outdoor storage of any supplies, vehicles or equipment related to the use of the facility is prohibited.

(I) An antenna or a tower may not be illuminated and lighting fixtures may not be attached to the antenna or tower except as required by law or to protect the safety of the general public.

(J) No devices shall be attached to a tower or the outside of a base building except for those designated and intended exclusively for the transmission of communications, radio and/or electronic signals.

No advertising of any nature shall be attached to the tower or the base building.

(K) The applicant must provide written certification from a registered engineer that the antenna and the tower are to be constructed in compliance with all applicable federal, state and local regulations pertaining to the construction.

Section 7. Whoever violates any of the provisions of this ordinance is guilty of a misdemeanor of the first degree and shall be fined not more than \$1,000.00 or imprisoned not more than six (6) months.

Section 8. This ordinance is hereby declared to be an emergency measure for the public peace, health and safety of the Municipality and for the further reason it is necessary to enact regulations for the placement of wireless communication tower and antennae; wherefore, this ordinance go into effect immediately upon its passage by Council and approval by the Mayor.

PASSED: 9-9-96

M. Spada
PRESIDENT OF COUNCIL

ATTEST: *Cathol L. Bndei*
CLERK OF COUNCIL

September 9, 1996
APPROVED

FILED WITH
THE MAYOR: September 9, 1996

Paul W. Cassidy
MAYOR