



CITY OF PLEASANT VALLEY - ORDINANCE #11

**CITY OF PLEASANT VALLEY INTERIM APPLICATION PROCESS
CELL TOWERS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLEASANT VALLEY:

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated substantial growth in the erection of wireless telecommunications facilities; and

WHEREAS, there has been discussions concerning the construction of such facilities within the City of Pleasant Valley; and

WHEREAS, there are significant shortcomings with respect to the current City of Pleasant Valley's laws; and

WHEREAS, the city wishes to implement, revise or replace a law to more effectively protecting the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of an application, and for reviewing and analyzing an application, and for granting a permit to construct and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services; and

WHEREAS, a reasonable time for the city to complete its aforementioned review and for the city to enact any required legislation resulting therefrom is deemed to be three (3) months from the date such local law enacting and interim application process is filed with the office of the Secretary of State; and

WHEREAS, this interim application process is not meant to be prohibitive or exclusionary in nature, during the interim application process applications for a building permit, special use permit or site plan approval or use variance or other necessary city approval for a monopole, lattice tower or other telecommunications processed by the city. However, in accepting an application during the period of this interim application process any application must be accompanied by payment of \$2,500.00 for consulting costs to assist the city in evaluating the application, and further, if a permit is issued it will be issued pursuant to any changes in the city code. BE IT ENACTED by the city as follows:

Section 1. A three (3) month interim application process, effective upon the date of filing of this local law with the Secretary of State:

There is hereby enacted a three (3) month interim application process on the issuance of permits by the City of Pleasant Valley on applications for the construction of wireless telecommunications facilities and related facilities.

Section 2. Effective date - this local law shall take effect immediately.

Passed by the City Council this 12th day of September, 2001.

Signed by Jack Bish
Mayor

ATTEST:
Signed by Mary E. Kramer
City Clerk