

FAIRFIELD ORDINANCE NO. 1068 OF 2011  
AN ORDINANCE ADOPTING AN INTERIM APPLICATION PROCESS FOR  
WIRELESS TELCOMMUNICATIONS FACILITIES BY ORDINANCE  
ADDITION OF MUNICIPAL CODE CHAPTER 20.97

**Section 1. Purpose and Rationale:**

The enactment of the Telecommunications Act of 1996, includes anticipated continued substantial growth in the erection of wireless telecommunications facilities.

There are significant limitations or voids with respect to the City's current regulatory mechanism regarding wireless facilities, especially in regards to the impact of the facilities on the community, and controlling and minimizing such impact and assuring the safety of towers and wireless facilities. Consequently the City wishes to implement and add to its existing zoning ordinance, a telecommunications ordinance inclusive of cell tower regulation to more effectively protect the safety and welfare of the City and its residents, and to remove or change certain sections pursuant to recent case law to assure the orderly development of procedures governing the filing of an application, reviewing and analyzing an application, and granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services in the City consistent with this purpose it has been determined that a reasonable time for the City to complete this review process, and for the City to enact any required legislation resulting from a comprehensive review is deemed to be three hundred sixty (360) days from the date of this ordinance for enacting an Interim Application Process is adopted.

The City has no pending applications for wireless telecommunications facilities and this Interim Application Process is not meant to be prohibitive or exclusionary in nature, during the three hundred sixty (360) day review of the City ordinance pertaining to telecommunications, any applications for a building permit, special use permit, site plan approval, use variance or other necessary City approval for a monopole, lattice tower or other telecommunications antennae installation, including but not limited to cellular/PCS antennae installations, shall be accepted and processed by the City.

However, in initiating an application during the period of this Interim Application Process, any applicant must submit an escrow deposit of \$8,500.00 for consulting costs to assist the City in evaluating the application. If a permit or other approval is issued by the City during the Interim Application Process, that permit or other approval, will be issued pursuant to any changes in the City Code adopted prior to the date of approval. Following the end of the review and/or approval process, any unexpected balance of escrow deposit shall be returned to the applicant at the conclusion of the application process as mandated in the City Zoning Ordinance.

BE IT THEREFORE ENACTED by the City of Fairfield as follows:

**Section 2. A three hundred sixty (360) day Interim Application Process for Wireless Telecommunications Facilities shall be effective upon the date of adoption of this ordinance.**

**Section 3. The Zoning Ordinances of the City of Fairfield are amended by adding a new section, to be know as Section 20.97 as follows:**

- A. There is hereby enacted a three hundred sixty (360) day Interim Application Process for the issuance of permits by the City of Fairfield for the construction of wireless telecommunications towers, facilities and related facilities, which shall apply to any applications for a building permit, special use permit or site plan approval, use variance or other necessary City approval for a monopole, lattice tower, or other telecommunications antennae installations, including but not limited to cellular/PCS antennae installations.
- B. During the Interim Application Process all applications for issuance of permits shall include information on at least the following topics, with additional topics to be added if deemed necessary by the reviewing agency; pre-application meeting and site visit, proof of need for facilities, proof of location and height of facility, meeting of RF emission requirements, information concerning aesthetic impacts of construction, liability insurance requirements, and removal bond.

**Section 4. Severability Clause.** If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such an adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Section 5. Effective Date.** This Ordinance shall, after its passage, approval and publication as provided by law, be in full force and effect.

**Ordinance No. 1068**

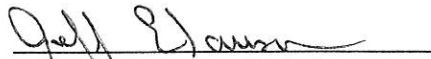
The foregoing ordinance was adopted by the City Council of the City of Fairfield, Iowa at its regular meeting held on the 11<sup>TH</sup> day of July, AD, 2011 upon a motion by Councilperson Revolinski and seconded by Councilperson Silvers.

The vote on the foregoing ordinance was as follows:

	AYES	NAYS	ABSTAIN	ABSENT
Gookin	_____	_____	_____	__X__
Hamilton	__X__	_____	_____	_____
Adam	_____	__X__	_____	_____
Halley	__X__	_____	_____	_____
Revolinski	__X__	_____	_____	_____
Mottet	__X__	_____	_____	_____
Silvers	__X__	_____	_____	_____

  
\_\_\_\_\_  
Ed Malloy, Mayor

ATTEST:

  
\_\_\_\_\_  
Jeff Clawson, City Administrator

SEAL