

6/20/16

L-137-16 vaz

ORDINANCE NO. 137-16

BY: **ALLAN DIVIS**
(By Request – City Engineer)

AN ORDINANCE TO EXTEND THE MORATORIUM FOR AN ADDITIONAL FORTY-FIVE (45) DAYS ON THE GRANTING OF ANY PERMITS FOR THE ACTIVATION OR INSTALLATION OF ANY SYSTEM, STRUCTURES, EQUIPMENT, OR DEVICES FOR THE OPERATION OF SMALL CELLS OR NODES FOR COMMUNICATION PURPOSES WITHIN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, and welfare, comfort and peace of the citizens of the municipality, including restricting areas uses for businesses and trades; and,

WHEREAS, the current moratorium, authorized by Ordinance No. 63-16, adopted April 4, 2016, will expire on or about July 5, 2016, and it is the intent of the City to extend this moratorium for an additional forty-five (45) days from the present expiration date; and;

WHEREAS, this Council desires to continue to withhold the issuance of any permits to businesses or individuals for the activation or installation of any system, structures, equipment, or devices for the operation of small cells or nodes for communication purposes within the City of Parma for an additional forty-five (45) days, while it undertakes a review and/or study of the Ordinances of the City of Parma, including the zoning, building and business regulation sections of the Parma Codified Ordinances; and,

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace and comfort for the citizens of the City of Parma more effectively if an extension of the moratorium is in place;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Council hereby approves an additional forty-five (45) day extension on the moratorium on the granting of any permits for the activation or installation of any system, structures, equipment, or devices for the operation of small cells or nodes for communication purposes within the City of Parma, with said extension to expire on or about August 18, 2016.

Section 2. That 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Pg. 2 of L-137-16 Ord. to extend the moratorium for an additional forty-five (45) days on the granting of any permits for the activation or installation of any system, structures, equipment, or devices for the operation of small cells or nodes for communication purposes within the City of Parma, and declaring an emergency

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that this measure is necessary in order to extend this moratorium in a timely manner as applications have been submitted for small cells or nodes in the public right-of-way and additional regulations need to be adopted to regulate such systems, and additional time is necessary to review the pending legislation for regulations, and this Ordinance shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

FILED WITH
THE MAYOR: _____

MAYOR, CITY OF PARMA, OHIO