

ORDINANCE NO. 01-01-2014
A TEMPORARY ORDINANCE
AFFECTING TELECOMMUNICATION FACILITIES.

WHEREAS, Santaquin City recognizes that telecommunications facilities are necessary to provide essential communication services for residents, business owners, public safety personnel and community visitors; and

WHEREAS, Santaquin City adopted a Telecommunication Ordinance (Ordinance 12-2-99) limiting the placement of certain telecommunications facilities; and

WHEREAS, UTAH CODE ANNOTATED §10-9a-504 authorizes the City Council to adopt, without prior consideration of or input from the Planning Commission, an ordinance establishing temporary regulations, for any part or all of the area within the City to be effective for a period not to exceed six (6) months, which temporary regulations may prohibit, restrict, or regulate development as defined and used herein; and

WHEREAS, the Santaquin City Council now desires to enact a temporary land use ordinance to allow the Council a period of time to consider appropriate legislative amendments to protect the public health, safety, and welfare from potential negative impacts or conditions associated with the City's Telecommunications regulations.

NOW, THEREFORE, be it ordained by the City Council of Santaquin City, Utah:

1. The Santaquin City Council finds that the present telecommunications regulations do not adequately protect the City and its residents from negative impacts associated with certain potential location and construction of telecommunications facilities; that a temporary ordinance is necessary to protect the public from inappropriate location and or construction of such facilities; and that the potential harm to the City and its residents from such potential location and construction constitute a compelling, countervailing public interest of the City.
2. Notwithstanding the provisions of the Santaquin City Telecommunications Ordinance, adopted December 15, 1999, the following provisions shall apply so long as this temporary ordinance remains in affect.
 - A. Section 1, Paragraph A.3 shall read as follows:
 3. **Mono-pole towers.** Mono-pole towers are allowed in C-1 and I-1 zones as a conditional use and on City owned property as a Permitted Use.
 - a. All towers must be of a mono-pole construction. No lattice constructed towers of any kind shall be allowed.
 - b. All towers must allow for co-location and supply engineering calculations by a state certified engineer that will allow for as many as three separate users on a single pole. A letter must also be supplied stating that the owners of the tower will allow for co-location and that the structure has been constructed to allow for this.
 - c. No tower may be located within a 1 mile radius of another tower unless the existing tower closest to the desired facility site is already occupied by three users or grid documentation is supplied by an independent consultant stating that co-location on the existing tower will create an unreasonable hardship. Evidence of an unreasonable hardship shall be provided by an independent engineering study provided to the City at cost to the applicant.
 - d. Co-location on an existing mono-pole structure is a permitted use and is handled administratively through the community development department. However, if the

compound area needs to be expanded to handle additional equipment and the site is located on a property that requires mono-pole towers to get a conditional use permit, the compound expansion is also a conditional use.

- e. The agent must supply the city with a letter stating that if technology renders the tower obsolete and the tower is vacated the agent will remove the tower, all other apparatus associated with it, the top three (3) feet of the footing and restore the site to its original condition within ninety (90) days of the vacation of the tower. The applicant must file a bond with the city in an amount to be determined by the City Engineer to ensure compliance with the removal and restoration of the site. Said bond shall be released upon compliance and restoration.

B. Exhibit "A" of the Telecommunications Ordinance shall read as follows:

Type of Facility	Residential Zone	Commercial Zones	Industrial Zones	City Owned Property
Lattice Tower	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Mono-pole	Not Permitted	Conditional Use	Conditional Use	Permitted Use
Roof Mounted	Not Permitted	Permitted Use	Permitted Use	Permitted Use
Wall Mounted	Not Permitted	Permitted Use	Permitted Use	Permitted Use
Co-location on Mono-pole	Not Permitted	Permitted Use	Permitted Use	Permitted Use

2. Prior to 5:00 p.m. on January 16, 2014, the City Recorder shall cause this Temporary Ordinance to be posted in the City Offices and at such locations in the City as agendas for regularly scheduled meetings of the City Council are posted.
3. This ordinance shall become at 5:00 pm on January 16, 2014.
4. Unless repealed earlier by the Santaquin City Council, this ordinance shall automatically expire on June 1, 2014.

PASSED and ADOPTED this 15th day of January, 2014.




Kirk Hunsaker, Mayor

Councilmember Keith Broadhead Voted yes
 Councilmember Matt Carr Voted yes
 Councilmember David Hathaway Voted yes
 Councilmember Amanda Jeffs Voted yes
 Councilmember Nick Miller Voted yes

ATTEST:


Susan Farnsworth, City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 15th day of January, 2014, entitled

“A TEMPORARY ORDINANCE AFFECTING TELECOMMUNICATIONS FACILITIES”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 15th day of January, 2014.



SBFarnsworth

SUSAN B. FARNSWORTH
Santaquin City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance which is attached hereto on the 15th day of January, 2014.

The three places are as follows:

- 1. Zions Bank
- 2. Post Office
- 3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

Susan B. Farnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 16 day of January 2014, by SUSAN B. FARNSWORTH.

My Commission Expires: 10/1/17

Shannon Hoffman
Notary Public

Residing at: Utah County

