

ORDINANCE NO. 2144

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS GRANTING A SPECIFIC USE PERMIT FOR A COMMUNICATION TOWER ON PROPERTY DESCRIBED AS LOT 2B, 3A, 3B, BLOCK 8, TERRELL ORIGINAL; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

ARTICLE I

WHEREAS, the City Council of the City of Terrell, Texas, following a public hearing and recommendation by the Planning and Zoning Commission, held a public hearing on November 19, 2002, on a request to issue a Specific Use Permit for a communication tower, on property described as Lots 2b, 3a, 3b, Block 8, Terrell Original; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with State law and the ordinances of the City of Terrell; and

WHEREAS, the City Council has determined that it would be in the best interest of the citizens of Terrell to grant the specific use permit with the following stipulations:

1. Permit will be limited to a period of five (5) years.
2. The maximum tower height of the tower shall not exceed 100 feet.
3. The tower shall be a self-supporting monopole structure.

Tower will be erected and operated in compliance with current FCC and FAA rules and regulations and other applicable federal, state and local standards.

The applicant/permittee of a tower or antenna constructed on city-owned property shall expressly indemnify, protect and hold the city harmless to the maximum extent allowable by law.

The tower must be identified by a sign visible from outside the screening stating in letters at least two inches high the name and telephone number of the tower manager and the Federal Communications Commission license number.

The site plan, architectural drawings and landscaping plan for the structure shall be submitted to the City for approval.

A co-location agreement shall be submitted signed by the CF operator, owner and the landowner that agrees to allow collocation of additional equipment by other service providers on the structure or within the same site location.

City shall be informed of any intent to abandon or cease using the antenna or tower within thirty (30) days of the date the use ceases. The agreement must state that the owner will remove the tower, accessory buildings and equipment within six (6) months of such discontinued use. In the event the tower, accessory buildings and equipment are not removed as agreed, City shall have the right to remove the tower, accessory buildings and equipment and recover the costs associated with such removal from the landowner and place a lien on the property until such costs are paid.

A report must be submitted that has been prepared by a registered professional engineer stating all structural components of the tower comply with all applicable codes and regulations and is designed or built to accommodate collocation. A sealed report from a registered electrical engineer certifying that electromagnetic spectrum emissions are in compliance with applicable federal standards must be submitted.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell Texas:

THAT a specific use permit be and is hereby issued for a communication tower on property described as Lots 2b, 3a, 3b, Block 8, Terrell Original.

ARTICLE II

All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE III

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

ARTICLE IV

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

PASSED AND APPROVED this the 7th day of January, 2003.

PASSED AND ADOPTED this the 21st day of January, 2003.

APPROVED:

Frances R. Anderson, Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey, City Attorney