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ORDINANCE NO. F-0045

AN ORDINANCE ESTABLISHING A MORATORIUM UPON
ISSUANCE OF BUILDING PERMITS FOR
WIRELESS COMMUNICATION FACILITIES

WHEREAS, the City of Wheaton, Illinois ("City") is an Illinois home rule municipality pursuant to the provision of Article VII, Section 6, of the Illinois Constitution, 1970, and as such the City may exercise any power or perform any functions pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents by promoting the health, safety and welfare of its residents; and

WHEREAS, the Federal Telecommunications Act of 1996 reserves the ability of local government to make decisions regarding the placement, construction, and modification of personal wireless service facilities provided such decisions do not unreasonably discriminate among providers and do not prevent the provision for personal wireless services; and

WHEREAS, the increasing use of cellular and Personal Communication Service (PCS) telephones have created a significant increase in the number of applications for wireless communication sites; and

WHEREAS, additional incentives and regulations appear to be necessary in order to encourage applicants to minimize visual impacts of facilities and share a limited number of available sites; and

WHEREAS, the City Council needs a reasonable period of time to study these concerns as well as information concerning the potential risks placed on the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: Moratorium on Development of Wireless Communication Facilities. A moratorium shall be placed on the issuance of permits for the placement, construction, or modification of any wireless communication facility for a period of six (6) months from the date of this ordinance unless otherwise extended by the City Council.

Section 2: Development of Regulations. During the six (6) month moratorium period the City will investigate the impact of wireless communication facilities on the public's health, safety and welfare and provide appropriate regulations for the placement, construction, and modification of wireless communication facilities which such regulations shall not unusually discriminate among providers of equivalent services or prohibit or have the affect of prohibiting personal wireless services.

Section 3: Definitions. For the further propose of this ordinance, the terms used shall mean as follows:

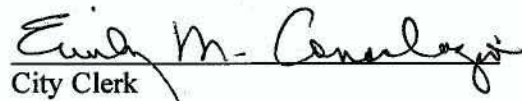
- a. Wireless Communication Facility - a facility which uses antennas and microwave dishes to send and/or receive radio frequency signals for providing personal wireless services.

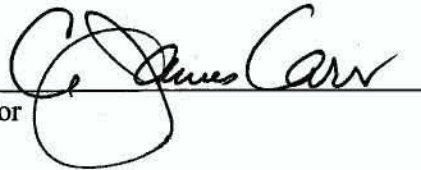
- b. Personal Wireless Services - commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services. Such services include but are not limited to broadband PCS, narrowband PCS, mobile phones, portable phones, pagers, cellular phones and low and high speed data transmission.

Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:


City Clerk


Mayor

Roll Call Vote:

Ayes: Councilman Eckhoff
Mayor Carr
Councilman Gresk
Councilwoman Johnson
Councilwoman Davenport

Nays: None

Absent: Councilwoman Culler
Councilman Mork

Motion Carried Unanimously

Passed: July 15, 1996
Published: July 16, 1996