

INTERIM APPLICATION PROCESS
VILLAGE OF HAMERSVILLE ORDINANCE # 2001-12

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated substantial growth in the erection of wireless telecommunications facilities; and

WHEREAS, there has been discussion concerning the construction of such facilities within the Village of Hamersville;

WHEREAS, there are significant shortcomings with respect to the current Village of Hamersville law; and

WHEREAS, The Village of Hamersville wishes to implement, revise, or replace a law to more effectively protect the health, safety, and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of an application, and for reviewing and analyzing an application, and for granting a permit to construct and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services; and

WHEREAS, a reasonable time for the Village of Hamersville to complete it's aforementioned review, and for the Village to enact any required legislation resulting therefrom is deemed to be three (3) months from the date such local law enacting said interim application process is filed with the office of the Secretary of State; and

WHEREAS, the Village of Hamersville has no pending applications for wireless telecommunications facilities; and

WHEREAS, this interim application process is not meant to be prohibitive or exclusionary in nature, during the interim application process, applications for a building permit, special use permit or site plan approval, or use variance or other necessary Village approval for a monopole, lattice tower or other telecommunications antennae installations, including, but not limited to cellular antennae installations, shall be accepted and processed by the Village. However, in accepting an application during the period of this interim application process any application must be accompanied by payment of \$8,500.00 for consulting costs to assist the Village in evaluating the application, and further, if a permit is issued it will be issued pursuant to any changes in the Village Code. BE IT ENACTED by the Village as follows:

Section 1. A three (3) month interim application process, effective upon the date of filing of this local law with the Secretary of State.

There is hereby enacted a three(3) month interim application process on the issuance of permits by the Village of Hamersville on applications for the construction of wireless telecommunication facilities and related facilities.

Section 2. This local law shall take effect at the earliest time allowed.

PASSED: 7-15-01

Richard E. Stages
President of Council

ATTEST:

Ramona Ogilvie
Clerk Treasurer

Duane C. Burr
Mayor

Approved: 7-15-01