

ORDINANCE NO. 29-89

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILPERSON Sally Beeds ON THE
15th DAY OF January, 1990.

AN ORDINANCE SUPPLEMENTING PART THIRTEEN, BUILDING CODE, TITLE FIVE-LOCAL REGULATIONS OF THE CODIFIED ORDINANCES OF CENTERVILLE, OHIO, BY ENACTING CHAPTER 1355 ENTITLED "REGULATION OF OUTDOOR DISH-TYPE ANTENNAS."

WHEREAS, City Council is aware that outdoor "dish-type" antennas are becoming more available for use in the reception and/or transmission of electromagnetic waves; and

WHEREAS, it is the desire of City Council to permit the use by property owners of their property subject to reasonable regulations, and to protect the rights of other property owners; and

WHEREAS, City Council is aware of its duty to protect the health, safety, and welfare of all the residents of the City of Centerville, Ohio; now therefore,

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Regulation of Outdoor "Dish-Type" Antennas

Part Thirteen, Building Code, Title Five-Local Regulations, of the Codified Ordinances of the City of Centerville, Ohio, is hereby supplemented by the enactment of a new Chapter 1355 entitled "Regulation of Outdoor Dish-Type Antennas", as follows:

Chapter 1355

Regulation of Outdoor "Dish-Type" Antennas

1355.01 Definitions

- A. Lot - shall mean as defined by the Zoning Ordinance of the City of Centerville, Ohio.
- B. Outdoor "Dish-Type" Antenna - shall mean any outdoor dish-shaped device designed to aid in the reception or transmission of electromagnetic waves.

This definition shall include the following:

- 1. Any device placed in conjunction with an outdoor dish-shaped antenna that is designed to aid in

the reception or transmission of electromagnetic waves or electromagnetic energy between the dish-shaped antenna and the inside of the building.

2. Any device placed in conjunction with an outdoor dish-shaped antenna designed to facilitate adjustments to the position of the dish-shaped antenna.

1355.02 Permit Required

No person, firm, partnership, corporation, trust or other legal entity shall construct or place an outdoor "dish-type" antenna without a permit, nor shall construction or placement occur before a permit is issued in accordance with the procedures of this Ordinance.

1355.03 Application for Permit

The owner, or occupant with written permission from the owner, of any lot, premises, or parcel of land within the City of Centerville, Ohio, who desires to construct or place an outdoor "dish-type" antenna on said lot, premises, or parcel of land, must first obtain a permit to do so from the City Manager, City of Centerville, or his authorized representative.

The City Manager or his authorized representative shall issue such permit, provided the applicant submits a written application provided and approved by the City Manager or his authorized representative. The applicant shall also submit a plot plan of the lot, premises, or parcel of land showing the exact location and dimensions of all buildings and structures including plans and specifications for the construction and placement of the outdoor "dish-type" antenna.

Each application shall specify, among other things, the name and address of the owner of the lot, premises, or parcel of land, the applicant, and the firm or person to be permitted to construct the proposed outdoor "dish-type" antenna.

The applicant shall present documentation of the possession of any license or permit required by any federal, state, or local agency pertaining to the ownership, construction or operation of an outdoor "dish-type" antenna.

The Applicant shall submit with each application the sum of twenty dollars (\$20.00) which represents the permit fee. The permit fee shall cover the costs of reviewing the construction or placement plans and specifications, inspection of the final construction or placement, and processing the application.

1355.04 Requirements

A. Number

1. At no time shall more than one (1) outdoor "dish-type" antenna be permitted on any one lot.

B. Location

1. No outdoor "dish-type" antenna shall be located in any front or side yard as defined in the Zoning Ordinance, City of Centerville, Ohio. However, in the case of a corner lot or through lot, as defined by the Zoning Ordinance, City of Centerville, Ohio, an outdoor "dish-type" antenna shall be permitted to be located in a side yard.
2. No outdoor "dish-type" antenna, including its concrete base slab or other substructure, shall be located less than eight (8) feet from any property line, nor over any easement.
3. An outdoor "dish-type" antenna, if not ground mounted, shall be mounted directly upon the roof of a principal or accessory structure, as defined in the building code, and shall not be mounted upon appurtenances such as a chimney, tower, tree, pole, or spire.

C. Height

1. No part of any ground mounted or ground placed outdoor "dish-type" antenna shall exceed a height of fifteen (15) feet above the surface of the ground underneath the antenna.
2. No roof mounted outdoor "dish-type" antenna shall exceed a height of four (4) feet above the highest portion of the roof upon which the antenna is mounted.

D. Size of Dish

1. The "dish" portion of a ground mounted outdoor "dish-type" antenna shall not exceed twelve (12) feet in diameter.
2. The "dish" portion of a roof mounted outdoor "dish-type" antenna shall not exceed four (4) feet in diameter.

E. Wind Load

1. An outdoor "dish-type" antenna shall be designed to withstand a wind force, without the use of supporting guy wires, of eighty-five (85) miles per hour for a roof mounted antenna and seventy-five (75) miles per hour for a ground mounted antenna.

F. Structural Supports

1. All structural supports for outdoor "dish-type" antennas shall be constructed of corrosion resistant materials.

G. Electrical Safety

1. No outdoor "dish-type" antenna shall be located beneath or in close proximity to any potentially dangerous electrical power lines.
2. Any portion of an outdoor "dish-type" antenna utilizing potentially dangerous electrical voltage shall be enclosed inside an approved protective covering.
3. Each outdoor "dish-type" antenna shall be connected to an approved grounding rod which is permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.
4. Wiring between an outdoor "dish-type" antenna and a building shall be placed at least four (4) inches beneath the surface of the ground. A portable or vehicle mounted outdoor "dish-type" antenna shall be exempt from this requirement.

H. Portable or Vehicle Mounted Outdoor "Dish-Type" Antenna

1. A portable or vehicle mounted outdoor "dish-type" antenna shall comply with all the requirements of this ordinance when located outdoors on a lot, including the requirement for a permit.
2. A portable or vehicle mounted outdoor "dish-type" antenna shall be permitted on a lot for a time period not to exceed seven (7) days maximum in any one (1) calendar year.

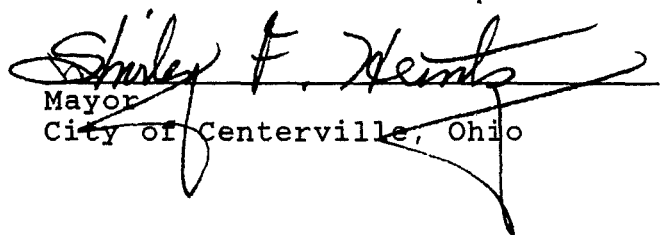
1355.05 Variance

- A. When any applicant for a permit as noted in 1355.03 believes that the strict enforcement of this Ordinance creates a special hardship not in keeping with the intent of this chapter, then that applicant may appeal that requirement(s) to the Planning Commission of the City of Centerville.
1. The Planning Commission shall hold a public hearing on any such appeal.
 2. The public hearing shall be held at least ten (10) days after the date on which the hearing was set.
 3. A notice shall be mailed to all adjacent property owners to the property in question. The mailing shall be made at least ten (10) days before the hearing date. The failure of delivery of such notice shall not invalidate any decision.
- B. The Planning Commission shall hear the appeal and may grant relief from the strict terms of this Ordinance, if, in the opinion of the Planning Commission, the variance granted:
1. complies with the intent of this ordinance, and
 2. causes no material harm to adjacent property owners.
- C. The decision of the Planning Commission shall be final.

Section 2. Effective Date of Ordinance

This Ordinance shall become effective from and after the earliest date allowed by law.


PASSED THIS 15th DAY OF January, 1990.


Mayor
City of Centerville, Ohio

ATTEST: Maile J. McLaughlin
Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 29-89, passed by the Council of the City of Centerville, Ohio, on the 15th day of January, 1990.


Clerk of Council

Approved as to form,
consistency with existing
ordinances, the charter, and
constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney