

ORDINANCE NO. 39-84

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILPERSON Charles Taylor ON THE 19th  
DAY OF November, 1984.

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. That 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 Centerville, Ohio Zoning Ordinance.
- 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 which is designed to aid the transmission of electromagnetic waves or electromagnetic energy between the dish-shaped antenna and the inside of a 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 commence 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 land parcel, must first obtain a permit to do so from the City of Centerville, City Manager, or his authorized representative.

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

Each application shall specify among other things the name and address of the owner of the real estate; the applicant, 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, inspecting 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 Centerville, Ohio Zoning Ordinance.
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. Outdoor "dish-type" antennas, if not ground mounted, shall be mounted directly upon the roof of a primary or accessory structure, as defined in the Building Code, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires.

##### 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 more than four (4) feet above the highest portion of the roof upon which the antenna is mounted.

D. Size of Dish

1. No "dish" of a ground mounted outdoor "dish-type" antenna shall exceed twelve (12) feet in diameter.
2. No "dish" of a roof mounted outdoor "dish-type" antenna shall exceed four (4) feet in diameter.

E. Wind Load

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

F. Structural Supports

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

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. Portable or vehicle mounted outdoor "dish-type" antennas shall be exempt from this requirement.

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

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 minimum in any one (1) calendar year.

1355.05 Variance

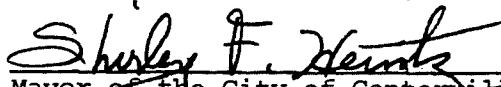
- A. When any applicant for a permit as noted in 1355.03 believes that the strict enforcement of this Ordinance creates a special hardship not in keeping with the intent of this chapter, then that applicant may appeal that requirement(s) to the Planning Commission of the City of Centerville.
- B. The Planning Commission shall hear the appeal and may grant relief from the strict terms of this Ordinance, if in its opinion, 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.

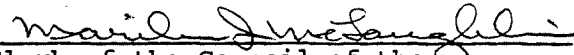
Section 2. This Ordinance shall become effective from and after the earliest date allowed by law.

Section 3. This Ordinance shall automatically stand repealed on January 1, 1989.

PASSED THIS 19th DAY OF November, 1984.

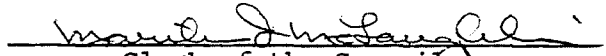
  
Mayor of the City of Centerville,  
Ohio

ATTEST:

  
Clerk of the Council of the  
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 39-84, passed by the Council of the City of Centerville, Ohio, on the 19th day of November, 1984.

  
Clerk of the Council

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

Department of Law  
Robert N. Farquhar  
Municipal Attorney