

ORDINANCE NO. 71

AN ORDINANCE DECLARING A MORATORIUM ON AND PROHIBITING ISSUANCE OF PERMITS, CONSTRUCTION OF TOWERS, TELEPHONE TOWERS, BROADCASTING TOWERS, WITHIN THE CITY OF PATTISON UNTIL JANUARY 15, 2004, TO ALLOW THE CITY TIME TO REVIEW ITS REGULATION OF SUCH TOWERS, TELEPHONE TOWERS AND BROADCASTING TOWERS IN RELATION TO PUBLIC SAFETY AND PRESERVATION OF LAND VALUES AND LAND USE.

WHEREAS, the City of Pattison is located approximately five miles north of Interstate 10 in Waller County, Texas in the path of potential development and construction and installation of Towers, Telephone Towers, and Broadcasting Towers, and

WHEREAS, the City Council wishes to undertake a study of its development to adopt a comprehensive plan as a guide to regulate such Towers, Telephone Towers, and Broadcasting Towers, and future development of property within the City of Pattison; and

WHEREAS, the City plans to undertake studies of its public safety needs and preservation of land use and land values; and

WHEREAS, the City Council of the City of Pattison has determined that efforts must be made to protect the public safety, health and welfare of its citizens and property within the City along with future development, by regulating the construction of Towers, Telephone Towers, and Broadcasting Towers, to the extent permitted by law; and,

WHEREAS, potential construction of Towers, Telephone Towers, and Broadcasting Towers has raised questions about what criteria the City should adopt to exercise the City's police power with respect to the safety, location of development and, development of the City, and

WHEREAS, insuring public safety, protecting land use, and preserving property values, is an appropriate purpose and basis for the exercise of the police powers of the City; and

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WHEREAS, the City Council has the authority to adopt a moratorium on the issuance of permits and construction of Towers, Telephone Towers, and Broadcasting Towers for a period until January 15, 2004, during which period the City Council will review the criteria for new regulations and ordinances; and

WHEREAS, the study of the City, and regulation of Towers, Telephone Towers, and Broadcasting Towers, and site development in general is necessary for the public health, safety, welfare, and well being of the citizens of the City of Pattison, and such efforts are time consuming and would be hindered by continued development until solutions are formulated, a moratorium on construction and development of Towers, Telephone Towers, and Broadcasting Towers is required.

I.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS:

Section 1. That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. A moratorium is hereby adopted effective immediately until January 15, 2004 during which period the City Council will review the criteria for new regulations and ordinances of Towers, Telephone Towers, and Broadcasting Towers.

II.

1. This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

2. The issuance of permits, approval or construction of Towers, Telephone Towers, and Broadcasting Towers within the City of Pattison is prohibited until January 15, 2004,

to allow the City, time to review its development, provide for a comprehensive plan, to study the effects of, regulate, and and locate Towers, Telephone Towers, and Broadcasting Towers

and land use in relation to such Towers, Telephone Towers, and Broadcasting Towers.

III.

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other person hereof and all provisions of this Ordinance are declared to be severable for that purpose.

IV.

The prohibitions set out in this Ordinance shall not apply to any subdivision or development or other related matters which has been approved or which has been filed prior to the date of this Ordinance.

V.

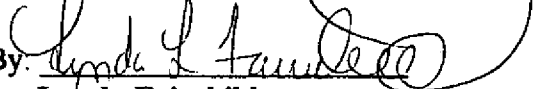
The City Secretary is instructed to post and publish notice of this Ordinance as required by Law, by publishing only the descriptive caption.

PASSED AND APPROVED this 15th day of November, 2003.

THE CITY OF PATTISON, TEXAS

By: 
Bill Matthews, Mayor

ATTEST:

By: 
Lynda Fairchild
City Secretary

ALDERMAN VOTING:

LYNN T. BELL	<u>Yes</u>
ROY TAYLOR	<u>Yes</u>
KATHRYN WILSON	<u>Yes</u>
PAT BUFKIN	<u>Yes</u>
LARRY SABRSULA	<u>Yes</u>