

STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF LAKE ELMO

ORDINANCE NO. 08-012

**AN INTERIM ORDINANCE (MORATORIUM) RELATING TO THE CONSTRUCTION OR
MODIFICATION OF NEW OR EXISTING TELECOMMUNICATION TOWERS**

The Lake Elmo City Council ordains:

1.0 Recitals.

- A. City's current regulations relating to wireless telecommunication towers are contained in City Code Sections 150.110-150.126.
- B. On December 9, 2008, the Lake Elmo City Council adopted Ordinance No. 08-011 which gave the City more flexibility when balancing collocation requirements and impacts of wireless telecommunication towers on the surrounding environment.
- C. During the City Council discussions in regard to Ordinance No. 08-011 it became apparent that there have been technological changes and service demand changes in the wireless telecommunication tower industry which have occurred since the City first adopted its wireless telecommunication tower standards in 1998.
- D. In order to protect the planning process and the health, safety and welfare of its citizens, the City needs additional time to conduct studies and/or to receive engineering input in regard to the effectiveness of the City's current regulations and to ensure that any revisions to the City's current regulations are in compliance with the mandates of the Telecommunications Act of 1996.

2.0 Moratorium. The Lake Elmo City Council hereby determines that a moratorium relating to the construction or modification of new and existing wireless telecommunication towers, except those hereinafter exempted, is necessary.

3.0 Duration of Moratorium. The wireless telecommunication tower moratorium will commence on the effective date of this Ordinance and will continue for 12 months thereafter unless otherwise terminated or extended by action of the City Council.

4.0 Exemptions. This Ordinance shall not apply to the construction or modification of any wireless telecommunication towers on which applications have been received prior to January 1, 2009.

- 5.0 Enforcement. The City may enforce any provision of this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction.
- 6.0 Separability. Every section, provision, or part of this Ordinance is declared separable from every other section, provision or part of this Ordinance. If any section, provision or part of this Ordinance is adjudged to be invalid by a court of competent jurisdiction. Such judgment should not invalidate any other section, provision or part of this Ordinance.

Effective Date. This Ordinance shall be effective on the date following its publication or on the date following the publication of an Ordinance Summary approved by the Lake Elmo City Council.

Adoption Date. Passed by the Lake Elmo City Council on the 6th day of January, 2009.



Dean Johnston, Mayor

ATTEST:



Interim City Administrator

PUBLISHED IN THE OAKDALE LAKE ELMO REVIEW ON JANUARY 28, 2009

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(Oakdale-Lake Elmo Review: Jan. 28, 2009)