

ORDINANCE NO. 143

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, EXTENDING UNTIL JUNE 11, 1997, THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AND ISSUANCE OF ANY PERMIT OR APPROVAL FOR TELECOMMUNICATIONS FACILITIES, WHICH WAS ADOPTED IN ORDINANCE NO. 123

WHEREAS in Ordinance No. 123 the City Council adopted a moratorium on the acceptance of applications for and issuance of any permit or approval of telecommunications facilities; and

WHEREAS in Ordinance No. 132 the City Council adopted findings of fact which supported imposition of a moratorium; and

WHEREAS, the City Council, while giving thorough review of telecommunications and wireless ordinances to ensure compliance with the Telecommunications Act of 1996 and related issues impacting telecommunications facilities, needs to also consider the City's most current Public Works Standards, which will be available prior to the June 2 Council meeting; and

WHEREAS, the City has embarked upon reviewing proposed ordinances and standards but is unable to move to final adoption before June 2, 1997, and the expiration date of the present moratorium is May 18, 1997; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Extending the Moratorium Adopted in Ordinance No. 123. The moratorium adopted in Ordinance No. 123 shall be extended to June 11, 1997.

Section 2. Adoption of Findings.

- A. The Council re-adopts the Findings of Ordinance Nos. 123, 132, and 137;
- B. The Council finds that an extension of the moratorium is needed to allow integration of the City's Public Works Standards into the telecommunication ordinance;
- C. The Council finds that a public hearing on the Public Works Standards is scheduled for May 12, with passage expected on May 19, 1997;
- D. The Council finds that a short delay in lifting the moratorium will allow the City to incorporate the new Public Works Standards, as well as pass a fee resolution which will cover both Public Works Standards and telecommunications permits; and

E. The Council finds that additional time is needed prior to passage of the Personal Wireless Ordinance to respond to Council and public comments raised at the May 5 public hearing.

Section 3. Additional Consideration. The City Council adopts the following plan to complete review and consideration of the ordinances and standards which will better enable the City to comply with the Telecommunications Act of 1996:

A. A continued public hearing with Council, staff, the public and telecommunications providers shall occur on June 2, 1997. The purpose of this meeting is to allow the public and industry to respond to proposed ordinances and regulations of the City.

B. Staff will make available to Council, prior to the June 2 hearing, the City's final Public Works Standards document, for consideration as to its impact upon telecommunications facilities and issues.

C. The City Council shall hold such additional hearings or meetings as may be necessary to complete review of proposed standards and ordinances to ensure passage of telecommunications and wireless ordinances by the City Council on June 2, 1997.

Section 4. Severability.

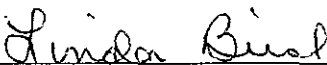
A. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

B. If the provisions of this ordinance are found to be inconsistent with other provisions of the City of University Place Municipal Code, this ordinance is deemed to control.

Section 5. Publication and Effective Date.

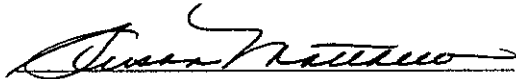
A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON MAY 12, 1997.



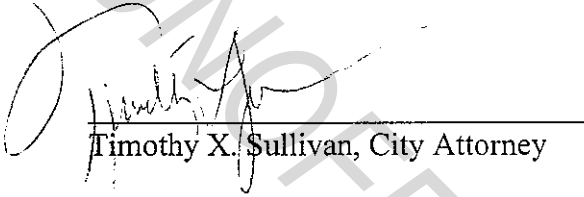
Linda Bird, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: May 14, 1997

Effective Date: May 19, 1997

UNOFFICIAL DOCUMENT