

RESOLUTION NO. 38-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DECLARING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR COMMUNICATIONS FACILITIES (CELL ANTENNAS); PROVIDING A PROCEDURE FOR SPECIAL APPROVAL OF RESTRICTED FACILITIES DURING THE MORATORIUM; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, the increasing use of cellular telephones has created a significant increase in the number of applications for communications facilities (cell antennas); and

WHEREAS, advances in technology have made it possible for the City to impose additional requirements upon installers of cell antennas without creating an undue burden upon such installers; and

WHEREAS, additional incentives or regulations appear to be necessary in order to encourage applicants to share a limited number of available sites and avoid unnecessary proliferation of facilities; and

WHEREAS, the City Council needs a reasonable period of time to study these concerns as well as information concerning the potential health risks associated with cell antennas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That a 120 day moratorium on the issuance of permits for the erection of communications facilities (cell antennas) is hereby decreed to allow the evaluation of policies and regulations regarding the erection, siting, and construction of such facilities within the City of Mesquite, and to allow the drafting and adoption of adequate regulations regarding such facilities.

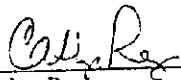
SECTION 2. That the City Council shall consider and may grant exception to the moratorium in such cases where it is determined that a proposed communications facility (cell antenna) can be accommodated without significant impact on surrounding properties or the general health and welfare of the City of Mesquite.

SECTION 3. That this resolution shall take effect immediately from and after its passage as the law in such cases provides.

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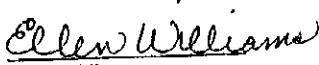
Page 2


DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the
21st day of October, 1996.


Cathye Ray
Mayor

ATTEST:

APPROVED:


Ellen Williams
City Secretary


B.J. Smith
City Attorney