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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2011-3**

**INTRODUCED BY:**

**Councilor Calvert**

**Councilor Bushee**

**AN ORDINANCE**

**ADOPTED AS AN URGENT MEASURE ESTABLISHING A SIX MONTH  
MORATORIUM ON THE APPROVAL OF PERMITS FOR THE INSTALLATION  
OF TOWERS AND ANTENNAS SUBJECT TO CHAPTER 14 OF THE CITY CODE  
LOCATED ON PRIVATE PROPERTY OR CITY PROPERTY EXCLUDING  
PUBLIC RIGHTS OF WAY.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1. Legislative Findings.** The governing body finds:

A. In 1998 the city adopted Ordinance No. 1998-16 that established regulations for telecommunications facilities. The Ordinance included provisions in Chapter 14 SFCC “Land Development Code” and Chapter 27 SFCC “Telecommunications”. The 10<sup>th</sup> Circuit struck down the Ordinance as it applied to Chapter 27 in 2004.

B. On June 9, 2010, the city adopted Ordinance No. 2010-14 establishing a new Article 27-2 regulating telecommunications in the public rights-of-way. On December 8, 2010, the city adopted Ordinance No. 2010-33 making clarifications and minor revisions to the

1 provisions regulating telecommunications in the public rights-of-way.

2 C. It is the city's intention to revise the provisions in Chapter 14 regulating  
3 telecommunications outside the public rights-of-way in order to be more consistent with the  
4 recently adopted revisions to Chapter 27.

5 **Section 2. Applicability.** This ordinance shall apply to all permits for the  
6 installation, modification or relocation of telecommunication facilities subject to Chapter 14  
7 SFCC 1987. This ordinance does not apply to telecommunication facilities in the public rights-of-  
8 way subject to Chapter 27 SFCC 1987.

9 **Section 3. Moratorium.**

10 A. There shall be a moratorium in effect prohibiting the approval of any  
11 administrative permits, conditional permits, special exceptions, building permits, or any other  
12 types of permits for the installation, modification, or relocation of any towers or antennas.

13 B. During the time that the moratorium is in effect, the city shall continue to accept  
14 and process applications subject to the ordinance provisions as may be revised and to decisions of  
15 the courts during the moratorium. The city shall continue to work on the review and possible  
16 revisions to Chapter 14 in order that the moratorium may terminate within its period of time, and  
17 that both local planning goals and the goals of the Telecommunications Act of 1996, with respect  
18 to wireless telecommunications services are met. Wireless service providers should assist by  
19 providing appropriate, relevant and non-proprietary information requested by the city for the  
20 purposes of siting wireless telecommunications facilities.

21 **Section 4. Exceptions.** The provisions of this ordinance shall not apply to:

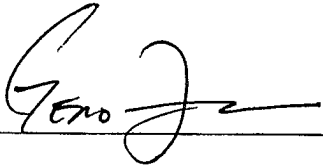
22 A. Towers and antennas in the same location as existing towers and antennas, which  
23 are required to repair, replace, or maintain such facilities, provided that the new towers and  
24 antennas are substantially the same in size, shape, color, and exterior material.

25 B. Any telecommunications facilities exempted from this ordinance by federal law.

1           **Section 5.     Effective Date.** This moratorium is in effect immediately upon  
2 adoption by the governing body and shall remain in effect until 180 days from the date of  
3 adoption of this ordinance.

4           **Section 6.     New Land Use Regulations.** City staff shall promptly commence the  
5 preparation of an ordinance amending Chapter 14 SFCC 1987 regarding telecommunication  
6 facilities outside the public rights-of-way for the governing body's consideration.

7 APPROVED AS TO FROM:

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10 GENO ZAMORA, CITY ATTORNEY

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