

ORDINANCE 1301

AN ORDINANCE OF THE CITY OF ROSWELL AMENDING ARTICLE 20 AND ARTICLE 4, SECTIONS 2 AND 4 OF THE CITY OF ROSWELL ZONING ORDINANCE REGULATING THE LOCATION OF APPROVED SITES FOR USE BY TELECOMMUNICATIONS TOWERS; PROVIDING FOR SEVERABILITY, AND FIXING AN EFFECTIVE DATE.

WHEREAS, the Governing Body, the City Council of Roswell, New Mexico, desires to prescribe regulations relating to the location of public sites approved for use by telecommunications towers.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO, that:

Section 1. Article 20 of the City of Roswell Zoning Ordinance is amended to add the following:

Section 16 - Telecommunications Towers

a. Telecommunications towers are permitted in any one of three areas I-1 and I-2, sites with pre-existing antennae or towers (co-location) and publicly owned sites compatible with the use of telecommunications towers.

1. Such towers are required to comply with all appropriate standards set out in the Zoning Ordinance and the Building Code for construction and maintenance.

2. A list of approved public sites may be obtained from the Zoning Administrator.

3. New telecommunications towers are not permitted in any other area.

Section 2. Article 4, Section 2 of the City of Roswell Zoning Ordinance is amended as follows:

Antenna. (See also satellite-dish antenna and tower) A wire or set of wires used in transmitting and/or receiving electromagnetic waves and including the supporting structure: includes, but is not limited to, amateur radio antennas, television antennas and satellite receiving dishes, but excluding telecommunications towers.

Tower. (See antenna) A structure situated on a non-residential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications and telecommunications towers.

Section 3. Article 4, Section 4 of the City of Roswell Zoning Ordinance is amended to add the following:

Telecommunications Tower. An antenna or tower intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service, or similar forms of electronic communication. The term includes microwave towers, common-carrier towers, and cellular-telephone towers. The definition also includes any accessory structures needed for use of the telecommunications tower.

Section 4. Attached as Exhibit A to this Ordinance is a list of the public sites approved for use by telecommunication towers. It is approved herein by reference.

Section 5. Repealer. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any Ordinance or part of any Ordinance heretofore repealed.


Section 6. Severability. If any section, paragraph, clause or provision of this Ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective five days following its publication.

PASSED, ADOPTED, SIGNED AND APPROVED this 11th Day of June, 1999.

CITY SEAL

BILL B. OWEN, Mayor


TIMOTHY D. STOESEL, City Clerk

ATTACHMENT A

TELECOMMUNICATIONS ORDINANCE NO. 1301

LIST OF PUBLIC SITES

1. County Jail Complex
2. Coke Field (Parks Department)
3. City Well Site - South Sunset (Utilities Department)
4. St. Mary's Site (County)
5. NMSHTD - District Office (State Outside City Limits)
6. Facilities Maintenance Site (Support Services Department
- Outside City Limits)
7. Cielo Grande Park (Parks Department)
8. Optimist Park (Parks Department)
9. Stiles Field (Parks Department)
10. Softball Sports Complex (Parks Department)
11. Wool Bowl Facilities (RISD)
12. NMMI Campus (NMMI)