

**ORDINANCE NO. 1232**

**AN ORDINANCE ESTABLISHING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE ANN. 10-9a-504, REGARDING DRAPER CITY MUNICIPAL CODE CHAPTER 9-41 TEMPORARILY PROHIBITING THE ESTABLISHMENT OF NEW WIRELESS TELECOMMUNICATIONS FACILITIES**

**WHEREAS**, Utah Code Ann. §10-9a-504 allows municipal legislative bodies, without prior consideration of or recommendation from the planning commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the legislative body makes a finding of compelling, countervailing public interest or the area is unregulated; and

**WHEREAS**, such a temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval per UCA 10-9a-504(1)(b); and

**WHEREAS**, Draper City Municipal Code Chapter 9-41 establishes use and development regulations for wireless telecommunications facilities; and

**WHEREAS**, Chapter 9-41 was adopted in 2001 and, except for 9-41-060 “Conditional Use”, has not been amended or otherwise updated since then; and

**WHEREAS**, the City Council finds Chapter 9-41 does not regulate new technologies such as small cell towers that have been developed since Chapter 9-41 was enacted; and

**WHEREAS**, this council finds a compelling, countervailing public interest in placing a temporary land use regulation to prohibit the establishment of new wireless telecommunications facilities until such time as appropriate public hearings are held and amended provisions are presented to the planning commission and the city council for review;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Temporary Land Use Regulation.** Based upon the premises, this council hereby finds a compelling, countervailing public interest in prohibiting the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval under Chapter 9-41 of the Draper City Municipal Code for wireless telecommunications facilities. There is an immediate threat of a proliferation of wireless telecommunications facilities and the related negative effects on the quality of life in Draper.

This council also finds wireless telecommunications facilities are unregulated when it comes to new technology that has been developed since 2001.

Therefore, all future applications for the establishment of wireless telecommunications facilities under Chapter 9-41 shall be held in abeyance pending the council's consideration and possible re-writing of applicable code sections and definitions. The council finds this ordinance is necessary to protect the health, safety, and welfare of Draper residents.

**Section 2. Duration.** Pursuant to Utah Code Ann. §10-9a-504, this ordinance shall be in effect for a period not to exceed six months from the effective date hereof.

**Section 3. Severability Clause.** If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

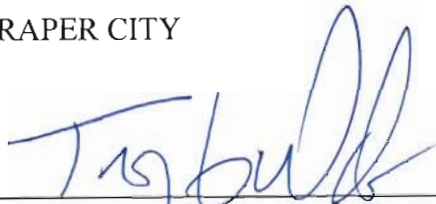
**Section 4. Effective Date.** This Ordinance shall become effective immediately upon passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 4<sup>th</sup> DAY OF OCTOBER, 2016.**

ATTEST:

DRAPER CITY

  
\_\_\_\_\_  
Rachelle Conner, City Recorder

  
\_\_\_\_\_  
Mayor Troy K. Walker



**Affidavit of Posting**

**SALT LAKE/UTAH COUNTY, STATE OF UTAH**

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1232** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 4<sup>th</sup> day of October, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

**Posted:** October 6, 2016 through October 25, 2016

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", written over a horizontal line.

Rachelle Conner, MMC  
City Recorder  
Draper City, State of Utah