

RECORD OF ORDINANCES

Dayton Legal Blank Co. 10114

Ordinance No. 1985-11

Passed November 19, 1985

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE MUNICIPALITY OF BROOKVILLE, OHIO, BY THE ADDITION OF SUB-SECTIONS REGULATING CERTAIN ANTENNAS, SOLAR COLLECTORS, AND SIMILAR FREE-STANDING STRUCTURES OR ADDITIONS TO STRUCTURES AND BY ESTABLISHING A HEIGHT LIMITATION FOR ACCESSORY STRUCTURES.

WHEREAS, certain parabolic, signal-receiving antennas are coming into prominence for the receipt of satellite and other radio frequency transmissions; and

WHEREAS, there are a variety of other devices on the market for receiving solar and/or wind energy; and

WHEREAS, such devices may be quite large and may dramatically alter the enjoyment of neighboring properties because of height, blockage of air and light, or for other reasons; and

WHEREAS, the City Council held a public hearing on this matter on October 15, 1985 and considered the comments of all interested persons speaking on the subject; and

WHEREAS, this ordinance was passed at a regularly scheduled public meeting open to all desiring attendance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I:

That the Code of Ordinances of the Municipality of Brookville be herewith amended by the addition of a new subsection to read as follows:

Antennas and similar energy transmitting/receiving structures.

- (1) No person, partnership, corporation or other legal entity shall, without proper permit, establish a dish-type receiving or transmitting antenna, solar collector, windmill, or other collection structure.
- (2) There will be a fifteen dollar (\$15.00) permit fee for review and inspection.
- (3) The following regulations shall apply to antenna dishes, solar collecting devices, windmills and similar devices:

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- A. If such structures are attached to a building, their height shall be limited to no more than three (3) feet above the highest point of the roof of the building to which they are mounted.
- B. Roof-mounted, dish-type antennas shall not have a diameter of more than six (6) feet.
- C. These devices, when roof or ground mounted, shall be capable of withstanding wind forces of eighty-five (85) miles per hour without the use of supporting guy wires.
- D. Such devices may be roof mounted, but shall not be mounted to appurtenances such as chimneys, towers or spires.

This subsection shall not apply to parabolic-type antennas for FCC licensed radio use if such antennas are thirty (30) inches or less in diameter and meet applicable building code provisions.

- E. If roof-mounting is utilized, roof-load capability must be certified by a Professional Engineer or Registered Architect.
- F. Ground mounted devices shall be on the same zoning lot as the signal processor(s) being fed.
- G. Ground-mounted devices shall not exceed a height of fifteen (15) feet.
- H. Connecting power cables, supporting hardware, and construction standards shall meet applicable building and electrical codes.
- I. Such devices shall not be located in front or side yards, in easement areas, or within six (6) feet of the property lines defining a zoning lot.
- J. Detached accessory building shall be limited to fifteen (15) feet in height.

SECTION II:

That a permit fee of \$15.00 be assessed prior to the issuance of such permit as required under the terms of Section I., Sub-paragraph 1, of this Ordinance. Prior to the issuance of such a permit, the applicant shall provide the Municipality of Brookville the plot plan designating the location of the

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proposed antenna or similar type structure in relationship to the buildings and other structures located within the lot upon which such antenna or similar type structure is to be erected.

SECTION III.

That upon the completion of the construction of the antenna and similar energy transmitting/receiving structure, the party so constructing such antenna and/or similar energy transmitting/receiving structure or the lot owner upon which such structure is being built, shall contact the Municipality of Brookville, Ohio, and shall arrange for final inspection of the construction site in order that the Village authorities may determine and verify that the antenna and/or similar energy transmitting/receiving structure has been constructed pursuant to the terms of this Ordinance and the Code of Ordinances of the Municipality of Brookville, Ohio.

SECTION IV.

That this Ordinance shall take effect at the earliest possible time allowed by law.

Passed this 19th day of November, 1985.


GEORGE E. BROWN, Mayor

ATTEST:


E. EUGENE ROESER, Clerk

CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1985-11 passed by the Council of said Municipality on the 19th day of November, 1985.


E. EUGENE ROESER, Clerk

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CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1985-11 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 29th day of November, 1985, to the 28th day of December, 1985, both days inclusive.


E. EUGENE ROESER, Clerk