

RESOLUTION #25
LOCAL LAW #4 OF 1998
TELECOMMUNICATIONS TOWER MORATORIUM LAW

Be it enacted by the Town Board of the Town of Vienna as follows:
Section 1. Purpose:

- (a) It is the purpose of this law to prevent and avoid serious detrimental health, environmental and planning conditions which threaten the Town of Vienna by allowing degradation of its significant environmental and agricultural resources and in order not to undermine the conscious and continuous determination by the Town to resolve and lessen such threats to the health, safety and welfare of the citizens of the Town of Vienna.
- (b) It is the further purpose of this law to enable the Town of Vienna to stop the construction or erection of telecommunications transmission towers and relay stations for a reasonable time pending the completion of a master plan for tower construction for Vienna, pending the adoption of ordinances rezoning property to conform to the tower construction master plan and pending the necessary SEQR process to evaluate each of the above actions.
- (c) It is further the purpose of this law to fulfill the Town's constitutional, statutory and legal obligations to protect and preserve the public health, welfare, and safety of the citizens of the Town of Vienna, and in particular to protect the value, use and enjoyment of property in the Town to prohibit the filing of new applications for tower construction and thus defer official governmental action permitting the construction of towers until the Planning Board and Town Board have instituted and completed proceedings on recommendations for adoption of the tower construction master plan, amendments to the text of the zoning ordinance of the Town of Vienna and other ordinances of the Town of Vienna.

Section 2. IMPOSITION OF MORATORIUM

- (a) For a period of one hundred eighty days from and after the adoption date of this law, no application for the construction or erection of telecommunications transmission towers and relay stations may be filed, accepted or processed except as provided in paragraph (b) below and Section 3 of this law. For the purpose of this law an application for tower construction shall be deemed to mean any request for official action by the Town Board or Planning Board which request and approval would in any way commence or continue the process whereby a telecommunications tower or relay station is or may be constructed or erected.
- (b) The imposition of this law shall not affect the processing of applications or tower construction for which official concept approval has been granted by the Planning Board prior to the effective date of this law.

Section 3. EXCEPTIONS FOR ACCESSORY STRUCTURES AND MAINTENANCE REPAIR

OR EXISTING BUILDINGS.

Notwithstanding the provisions of Section 2 of this law an application for building permit may be filed, accepted and processed, and a building permit may be issued for the construction of accessory structures (as that term is defined in the Zoning Ordinance of the Town of Vienna) fences, and the maintenance or repair of existing buildings, where no changes in use, or increase in intensity of use, is involved.

Section 4. VALIDITY

If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this law.

Section 5. EFFECTIVE DATE

This local law shall take effect immediately upon the filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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By Order of the Town Board