STATE OF GEORGIA
COUNTY FULTON

**A RESOLUTION DECLARING A MORATORIUM ON THE ACCEPTANCE, REVIEW AND PROCESSING OF PROPOSED APPLICATIONS FOR PERMITS FOR THE INSTALLATION OF WIRELESS SUPPORT STRUCTURES FOR DISTRIBUTED ANTENNA SYSTEMS AND FOR OTHER PURPOSES**

**WHEREAS,** the Mayor and City Council of the City of Sandy Springs are charged with the protection of the public health, safety, and welfare of the citizens of Sandy Springs, Georgia ("City"); and

**WHEREAS,** the installation, expansion, maintenance, and aesthetics of wireless support structures can have significant impacts upon adjacent properties, property values, and the public health, safety, and welfare of citizens in nearby properties; and

**WHEREAS,** the Federal Telecommunications Act authorizes the City to regulate the placement of wireless support structure towers and facilities through proper zoning procedures, so long as wireless service coverage is not prohibited; and

**WHEREAS,** Federal Telecommunications Act allows local governments to provide for reasonable regulations over the location, expansion, height, and maintenance of wireless support structures; and

**WHEREAS**, the City has adopted an ordinance containing certain requirements for applicants to obtain a wireless support structure use permit, which ensures adequate wireless coverage while preserving the health, safety, and welfare of the citizens of the City, as well as preserving the aesthetic and historic nature of certain areas in the City; and

**WHEREAS**, City officials have been informed of new wireless support technology, Distributed Antenna Systems ("DAS"), and the City is concerned about the impact of the installation of wireless support structures for the use of said DAS in the City; and

**WHEREAS**, because City officials have been informed that said DAS will be located on structures within the right-of-way, it is necessary for the City to ensure the safety of such structures for use of said DAS; and

**WHEREAS**, it is necessary for City officials to have a reasonable amount of time to analyze the impact of the installation of wireless support structures for DAS and to consider and adopt zoning, land use, inspection, permitting, franchising of right-of-way use, and other licensing ordinances and procedures, and to prepare application forms for processing such variances, permits and licenses; and

**WHEREAS**, a moratorium is necessary to suspend the City's acceptance, review and processing of applications for all wireless support structure use permits for DAS, beginning August 21, 2013 at 12:01 a.m. and ending at midnight on October 18, 2013; and

**WHEREAS**, existing businesses or individuals operating within the City of Sandy Springs with valid wireless support structure use permits should be allowed to continue to operate during this moratorium;

**NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, AS FOLLOWS:**

1. The moratorium imposed herein incorporates the findings and statements set forth in the preceding "Whereas" clauses and such clauses are made a part of this moratorium. The aforesaid recitals are not mere recitals, but are material portions of this Resolution.

2. This moratorium becomes effective at 12:01 a.m. on August 21, 2013. The City of Sandy Springs adopts and approves a moratorium as set forth herein;

3. From 12:01 a.m. on August 21, 2013 until midnight on October 18, 2013, notwithstanding any provision of the Ordinances of Sandy Springs, Georgia to the contrary, there shall be a complete moratorium on the City's acceptance, review and processing of any new applications for wireless support structure permits for DAS.

4. This moratorium shall expire at midnight on October 18, 2013, and be of no force and effect, unless shortened or extended by an official action of the City of Sandy Springs Council.

5. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances shall not be affected.

**RESOLVED** this the 20h day of August, 2013.

Approved:

Eva Galambos, Mayor

Attest:

Michael Casey, City Clerk

(Seal)