

ORDINANCE NO. 246

**AN ORDINANCE OF THE CITY OF GRAND TERRACE, CALIFORNIA
AMENDING TITLE 18 OF THE GRAND TERRACE MUNICIPAL CODE
BY ADDING CHAPTER 18.72 ENTITLED AMATEUR (“HAM”) RADIO
ANTENNAS, TO THE GRAND TERRACE ZONING CODE,
APPLICABLE CITY-WIDE (ZONING AMENDMENT NO. 06-02)**

WHEREAS, the City Council was presented with a petition to regulate amateur, “HAM”, radio antenna structures in a manner that would allow for restrictions based on the community objectives of the City and to place a “moratorium” on any proposed amateur, “HAM”, radio antenna structure exceeding a height of 20 feet until a new “HAM” ordinance was put in place; and

WHEREAS, this petition was initiated as the result of an earlier application considered by the Planning Commission to allow for a 75 foot high amateur “HAM” radio antenna structure located in the southeastern corner of the City; and

WHEREAS, the City Council, in response, to this petition adopted a “moratorium” on the approval of any new applications for amateur “HAM” radio antenna structures and instructed staff to prepare a permanent ordinance regulating amateur “HAM” radio antenna structures in the City of Grand Terrace; and

WHEREAS, in 1985 the Federal Communications Commission, “FCC,” issued an order that local governments could regulate amateur “HAM” installations to insure the safety and health of persons in the community but could not enact regulations which are so restrictive that they preclude effective amateur “HAM” communications. This ruling is known as the “limited federal preemption” or “PRB-1” rule; and

WHEREAS, in 2003 Assembly Bill 1228 was signed into law and incorporated the limited federal preemption, “PRB-1,” into California law; and

WHEREAS, in preparing the amateur “HAM” radio antenna ordinance the PRB-1 rule, and Assembly Bill 1228, were taken into consideration; and

WHEREAS, the Planning Commission conducted three public workshops to discuss the proposed amateur “HAM” radio antenna ordinance on November 16, 2006, July 19, 2007 and October 18, 2007, at the Council Chambers located at 22795 Barton Road, Grand Terrace, California; and

WHEREAS, the proposed amateur “HAM” radio antenna ordinance proposes changes to the City’s Municipal Code, requiring that the matter be heard by the Planning Commission, which held a public hearing to consider Zoning Amendment No. 06-02 on January 17, 2008 at the Council Chambers located at 22795 Barton Road, Grand Terrace, California, and

recommended to the City Council the adoption of the proposed ordinance on the same date; and

WHEREAS, on March 11, 2008, the City Council held a public hearing at the Council Chambers located at 22795 Barton Road, Grand Terrace, California on the proposed Amateur "HAM" Radio Antenna Ordinance (Zoning Amendment No. 06-02); and

WHEREAS, at the conclusion of the March 11, 2008, hearing, the City Council did not act on the proposed Ordinance, but instead voted to form an amateur "HAM" radio antenna committee to advise staff on possible changes to the proposed Ordinance for the purpose of producing an ordinance that establishes those regulations necessary to protect public health and safety while allowing for effective amateur, "HAM" radio antenna communications; and

WHEREAS, on June 19, 2008, August 21, 2008, and February 19, 2009, the Planning Commission held duly noticed public hearings to consider a revised Amateur "HAM" Radio Antenna Ordinance at the Council Chambers located at 22795 Barton Road, Grand Terrace, California, and concluded said hearings on August 21, 2008, recommending that the City Council adopt the proposed Ordinance.

WHEREAS, under the California Environmental Quality Act (CEQA) Guidelines, Article 6, Section 15070, the proposed project to adopt an amateur "HAM" radio antenna ordinance as part of the Municipal Code qualifies for a Negative Declaration in that there is no substantial evidence that the proposed ordinance will have a significant impact on the environment. The Environmental Assessment of this proposal was completed under Environmental Review Case No. 07-09.

WHEREAS, in approving the proposed ordinance to amend the Municipal Code, the City Council makes the following findings:

- a. The proposed amateur "HAM" radio antenna ordinance is consistent with the General Plan in that these regulations on amateur radio antenna structures will further the City's Goals to protect and enhance the health, safety and general welfare of the community.
- b. The proposed amateur "HAM" radio antenna ordinance is consistent with all other applicable requirements of local ordinances and State law in that the proposed regulations of amateur radio antenna structures will not conflict with any existing provisions of the Municipal Code and will be in conformance with the California Environmental Quality Act.
- c. The proposed amateur "HAM" radio antenna ordinance will not be detrimental to the health, safety, morals, comfort or general welfare of the persons residing or working within the City of Grand Terrace or be injurious to property or improvements within the City of Grand Terrace.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRAND TERRACE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 18.72 consisting of Sections 18.72.010 through 18.72.080 is hereby added to Title 18, the Zoning Code, of the City of Grand Terrace Municipal Code as follows:

“CHAPTER 18.72

AMATEUR (“HAM”) RADIO ANTENNAS

18.72.010 Purpose

The purpose of this part is to assure that amateur “HAM” radio antennas are designed and located in a way that avoids hazards to public health and safety while reasonably accommodating amateur radio communications.

18.72.020 Definitions

- A. Amateur radio antenna. The term “amateur radio antenna” shall mean any antenna, including a whip antenna, which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communication Commission.
- B. Antenna. The term “antenna” shall mean any system of poles, panels, rods, reflecting discs, wires or similar devices or elements for the transmission or reception of electromagnetic signals, including, but not limited to, radio waves and microwaves. An antenna does not include the support structure that the antenna is mounted on.
- C. Antenna Array. The term “antenna array” shall mean the arrangement of several antennas connected and organized to form a single antenna, including the antenna boom.
- D. Antenna Structure. The term “antenna structure” refers collectively to an antenna array and its supporting mast or tower, if any, including any anchors and guy lines.
- E. Boom. The term “boom” shall mean a long, more or less, horizontal supporting arm or brace used for supporting an antenna.
- F. “HAM”. The term “HAM” is a commonly used shorthand expression for amateur radio operators and/or equipment.
- G. Mast. The term “mast” shall mean a pole of wood or metal, or a tower fabricated of metal, used to support an amateur radio antenna and maintain