

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 “BUILDINGS AND BUILDING REGULATIONS” OF THE ADDISON CODE OF ORDINANCES TO ADD A NEW ARTICLE XIII “SATELLITE EARTH STATIONS” PROVIDING A PENALTY OF FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the Town of Addison, Texas has investigated and determined that it in the best interest of the health, safety and welfare of the citizens of the Town of Addison, Texas to adopt this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**SECTION 1.** The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

**SECTION 2.** Addison Code of Ordinances, Chapter 18 “Buildings and Building Regulations,” is hereby amended to add a new Article XIII “Satellite Earth Stations” which shall read in its entirety as follows:

**ARTICLE XIII. – SATELLITE EARTH STATIONS**

**DIVISION I - ADOPTED.**

**Sec. 18-150. - Adopted.**

For the purpose of providing minimum guidelines for Satellite Earth Stations, within the Town limits, a copy of which is on file in the office of the City Secretary, is hereby adopted and designated as the Satellite Earth Stations ordinance of the Town of Addison. The title of this Article shall be the “Satellite Earth Stations” and it may be cited as such.

**DIVISION II - GENERALLY.**

**Sec. 18-151. - Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Satellite earth station* means an accessory structure for the principal use of receiving communications from a transmitter or transmitter relay located in planetary orbit.

**Sec. 18-152. - Purpose.**

- (a) The city council finds that the maintenance and integrity of neighborhood beauty is important to all citizens. The uncontrolled proliferation of receive-only satellite television antennas is likely and such proliferation will adversely affect the health, safety and general welfare of the citizens of the town. Receive-only satellite earth stations are distinct from conventional television and/or radio antennas in that satellite television earth stations:
  - (1) Are less likely to blend in with their surroundings, thereby creating visual blight and potentially reducing the economic value of adjacent properties; and
  - (2) Create safety concerns as a result of their size (e.g., such earth stations may be subject to a high amount of wind force as a result of the shape of the earth station; therefore, both the satellite dish and the supporting structure must be constructed in a manner that will allow for great amounts of wind force).
- (b) This article is adopted for these reasons and based upon these findings.

**Sec. 18-153. – Building-fire code board of appeals.**

Any person aggrieved by the application of this article may appeal its effect to a board of appeals. The board of appeals shall be as established in the Town’s most current adopted Building Code as prescribed in Article II of Chapter 18 of the Code of Ordinances. Upon a clear and convincing showing by an appellant that the regulations set forth in this article either prohibit or unreasonably limit reception by the satellite earth station of satellite delivered signals, the board of appeals may grant an exception from the terms of this article and authorize the code official to issue a building permit to install such approved satellite earth station, so as to avoid unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done.

**Sec. 18-154. - Installation; permit required.**

No person shall install, construct, or place a satellite earth station on any property within the town without first obtaining a building permit from the town.

**Sec. 18-155. - Size, location, etc.**

- (a) Satellite earth stations shall:
  - (1) Not exceed ten feet in height from the ground to the highest point of the station;

- (2) Not exceed ten feet in diameter;
  - (3) Be installed, constructed or placed in the back one-half of the lot;
  - (4) Be screened from view on all sides by a solid fence, wall or landscaping to a minimum height that shall be equal to the tallest point of the structure at its operating height; provided, however, that no fence or wall used as a screening device shall exceed the height permitted by the town's fence regulations, and to the extent that the maximum operating height of the satellite dish exceeds the permitted maximum height of a fence or wall, landscaping shall be used as a screening device. Screening shall be of a material that is compatible with the building materials or landscaping, as appropriate, used in the area;
  - (5) Conform to all building and electrical codes, including proper grounding;
  - (6) Shall not be portable or moveable; and
  - (7) Shall be of a forest green, black, brown or grey color or other neutral color designed to blend in with the surroundings.
- (b) A satellite earth station which is one meter or less in diameter:
- (1) Which is to be located or placed on property which is zoned for residential use shall not be required to comply with subsections (a)(1) or (a)(4) of this section; provided, however, that no such satellite earth station shall be located or placed on or within property so that the satellite earth station is visible from a public street or other public right-of-way (exclusive of public alleys); or
  - (2) Which is to be located or placed on property zoned for commercial or industrial use shall be exempt from the terms of this article.
- (c) No lot or any parcel of land in any district shall have, at any one time, more than one satellite earth station.

**Sections 18-156 through 18-164 reserved.**

**SECTION 3. Penalty Provision.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum of five hundred dollars (\$500.00) per day and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Addison retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 4.** Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

**SECTION 5.** Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Addison hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**SECTION 6.** Effective Date. This Ordinance shall become effective June 1, 2020.

**DULY PASSED AND ADOPTED** by the City Council of the Town of Addison, Texas, on this **28<sup>th</sup>** day of **APRIL 2020**.

**TOWN OF ADDISON, TEXAS**

\_\_\_\_\_  
Joe Chow, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Irma Parker, City Secretary

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Brenda N. McDonald, City Attorney