

**CITY OF COLUMBIA, ILLINOIS**  
**ORDINANCE NO. 3603**

**AN ORDINANCE REPEALING ORDINANCE NO. 2355 ADOPTED AND APPROVED  
BY THE COLUMBIA, ILLINOIS CITY COUNCIL ON MAY 2, 2005**

**WHEREAS**, the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

**WHEREAS**, the City Council, on May 2, 2005, enacted Ordinance No. 2355, which purported to transfer the City’s controlling regulations on telecommunications facilities from Section 17.42.060 of the Zoning Code to then Section 34.5.19 of the Subdivision Code, which has since been recodified as Section 16.5.20; and

**WHEREAS**, said transfer constituted amendments to both the Zoning Code and Subdivision Code that were done without publishing notice, conducting a public hearing, or receiving recommendation from the Plan Commission, all of which are statutorily required per 65 ILCS 5/11-12 and 5/11-13; and

**WHEREAS**, said transfer was intended to extend the City’s control over telecommunications facilities into the City’s 1.5-mile planning and subdivision extraterritorial jurisdiction, contrary to 65 ILCS 5/11-13, which provides that “No municipality may exercise any power set forth in this Division 13 outside the corporate limits of the municipality with respect to a facility of a telecommunications carrier defined in Section 5-12001.1 of the Counties Code”; and

**WHEREAS**, it is the opinion of the City Attorney that Ordinance No. 2355 is likely invalid, which renders the City’s telecommunications regulations unenforceable; and

**WHEREAS**, it is necessary and appropriate that the City Council repeal Ordinance No. 2355 for the above reasons.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and City Council of the City of Columbia, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated by reference, the same as if set forth in this section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** Columbia City Ordinance No. 2355, enacted on May 2, 2005, is hereby repealed.

**Section 3.** Section 16.5.20 of the City's Subdivision Code, entitled "Telecommunications antennas and supporting structures" is hereby stricken and deleted from the Columbia Municipal Code and shall be restored verbatim as Section 17.42.060 of the Zoning Code, where it was previously codified.

**Section 4.** This Ordinance shall take full force and effect immediately upon passage by the Corporate Authorities.

**PASSED** by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 21<sup>st</sup> day of March 2022, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Niemietz, Huch, Martens, Riddle, Garmer, and Khoury.

NOES: None.

ABSTENTIONS: None.

ABSENT: Aldermen Roessler and Holtkamp.

APPROVED:

  
\_\_\_\_\_  
BOB HILL, Mayor

ATTEST:

  
\_\_\_\_\_  
ANDREW HITZEMANN, City Clerk

(SEAL)