

**TOWN OF SUPERIOR
ORDINANCE NO. O-8
SERIES 2021**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR AMENDING SECTION 16-31-80 OF THE SUPERIOR
MUNICIPAL CODE BY THE ADDITION OF NEW SUBSECTION (a) (4)
CONCERNING ADMINISTRATIVE APPROVAL OF ELIGIBLE
TELECOMMUNICATIONS FACILITIES REQUESTS**

WHEREAS, pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (referred to as the "Spectrum Act") requires a local government to approve any eligible telecommunications requests for a modification of an existing wireless tower or base station that does not "substantially change" the physical dimensions of such tower or base station; and

WHEREAS, in compliance with the Spectrum Act, the Board of Trustees wishes to amend Section 16-31-80 of the Superior Municipal Code to provide for administrative review of eligible telecommunications facilities requests.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Section 16-31-80 of the Superior Municipal Code is hereby amended by the addition of a new Subsection (a) (4), as follows:

Sec. 16-31-80. – Eligible telecommunications facilities requests.

(a) Approval.

* * *

- (4) Upon receipt of an application for an eligible telecommunications facilities request pursuant to this Section, the Manager shall review such application to determine whether the application so qualifies. The Manager shall administratively approve any eligible telecommunications facilities request in compliance with this Section.

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Section 2. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares

that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.


INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 28th day of June, 2021.





Mark Lacis, Mayor Pro-tem

ATTEST:



Patricia Leyva, Town Clerk