

ORDINANCE #03-26

AN AMENDMENT TO ORDINANCE REVISING FEE FOR SATELLITE EARTH STATION PERMIT APPLICATION

WHEREAS, upon commencing the amendment procedure as described in Section 82-65 of the City of Berlin Municipal Code, and having complied with all notice requirements described in Section 82-66 of the Municipal Code, the City of Berlin Plan Commission held a public hearing on January 27th 2026; and

WHEREAS, the City of Berlin Plan Commission has recommended to the Common Council to approve the ordinance as set forth herein, to allow the fee for satellite earth station permit applications to be addressed as are other fees in the City, by the fee schedule.

WHEREAS, the Common Council finds that this change to the City of Berlin Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Common Council of the City of Berlin having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the City of Berlin will not be contrary to the public health, safety or general welfare of the City of Berlin, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and the rezoning is consistent with the City of Berlin Comprehensive Plan. NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec. 82-716. Satellite earth stations.

...

SECTION 1: Chapter 82 of the City of Berlin Municipal Code entitled "Zoning," Article VIII entitled "Dish Antennas, TV or Radio Towers and Wind Energy Systems," Section 82-716 entitled "Satellite earth stations," subsection (c) entitled "Application" is hereby repealed and re-created as follows:

(c) Application. An application for a satellite earth station permit shall be made in writing to the zoning administrator, with a fee as set forth on the duly adopted fee schedule on file in the clerk-treasurer's office of ~~\$10.00~~, and a complete set of plans and specifications, including a plot plan showing the location of the proposed satellite earth station with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this section, it shall be approved.

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SECTION 2: Severability. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose

terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: Continuation of Existing Provisions.

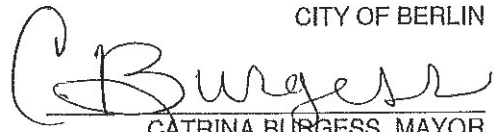
The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 4: Effective Date. This ordinance shall be effective immediately upon passage, following publication or posting as provided by law.

[votes and signatures on following page]

PASSED, APPROVED, AND ADOPTED THIS 10th DAY OF FEBRUARY 2026.

6 AYES
0 NAYS
0 ABSENT

CITY OF BERLIN

CATRINA BURGESS, MAYOR

ATTEST:


JESSI BALCOM, CITY ADMINISTRATOR/CLERK

APPROVED AS TO FORM:


ERIC LARSON, CITY ATTORNEY