

WASHINGTON PARISH COUNCIL
ORDINANCE
No. 00-232

Introduced by Kenneth Wheat
Public Hearing to be held on February 28, 2000

AN ORDINANCE TO ESTABLISH REGULATIONS
FOR TELECOMMUNICATIONS TOWERS

BE IT ORDAINED by the Council of the Parish of Washington, State of Louisiana, convened in a regular meeting, that the following regulations for telecommunications towers be enacted.

SECTION 1. DEFINITIONS

1. **TELECOMMUNICATIONS TOWER** – A tower, pole or similar structure which supports a Telecommunications antenna or antennas operated for commercial purposes above ground in a fixed location, whether guyed, monopole, or self-supported lattice tower or on a building or other structure.
2. **GUYED TOWER** – A telecommunication tower that is supported, in whole or in part, by guy wires and related ground anchors.
3. **SELF-SUPPORT LATTICE TOWER** – A telecommunication tower that is constructed without guy wires and related ground anchors and is not a monopole tower.
4. **MONOPOLE TOWER** – A telecommunication tower consisting of a single pole or spire, self supported by a permanent foundation, constructed without guy wires and Related ground anchors.
5. **TOWER HEIGHT** - The distance from the ground elevation of the base of the telecommunication tower to the top of the telecommunication tower or any attached wireless transmission and relay equipment.
6. **ANTENNA** – An apparatus external to or attached to the exterior of a building or telecommunication tower for sending and/or receiving electromagnetic waves. Antennas may be principal or accessory structures.
7. **TELECOMMUNICATIONS** - The transmission between or among points specified by the user, of information for the user's choosing, without change in the form or content of the information as sent and received.
8. **WIRELESS FACILITY** – Includes the telecommunication tower, antenna, wireless transmission and relay equipment, perimeter fencing, and any other equipment or buildings necessary for the operation or wireless reception or transmission.
9. **WIRELESS TRANSMISSION AND RELAY EQUIPMENT**- Any system of rods, wires, poles, reflecting disks or similar devices used for the transmission or reception of telecommunication signals external to or attached to the exterior of any building or other structure.

SECTION 2 - PERMITS & FEES

A permit shall be required for the construction of any type of telecommunication tower which shall include the requirements of a building permit. Fees for tower construction shall be \$ 2,000.00 per tower, for up to 150 feet. The fee for towers in excess of 150 feet shall be \$10.00 per linear foot up to 250 feet.

SECTION 3 – APPLICATIONS

The applicant for a building permit for the construction of a telecommunication tower or location of antennas on an existing structure must file an application with the Washington Parish Government together with the following documents:

1. One copy of the specifications for the proposed structure and antenna, including description of design characteristics and materials.
2. A site development plan, including a horizontal and birds-eye view of proposed construction drawn to scale, showing proper boundaries, tower location, tower height, guy wires and related ground anchors, existing structures, photographs or elevation drawings depicting the typical design of the proposed structure (s), parking, fences and landscape plans.

3. A survey from a licensed land surveyor or civil engineer indicating the distance from any residential land uses on adjacent miles of the proposed site.
4. A vicinity map showing locations of the applicants antenna, wireless facilities, and all existing towers within three square miles of the proposed site.
5. A certificate from a licensed engineer of capacity by type and number of the communication tower and a certification that the tower is designed to withstand winds in accordance with ANSI/TIA/EIA 222-7, or latest revision standards.
6. Identification of the owners of all antennas and equipment to be located on the site.
7. Written authorization from the site owner allowing applicants to submit the application.
8. Certification by the applicant that the proposed activity is in compliance with the Federal Aviation Administration (FAA) requirements.
9. Copy of lease or proposed lease and/or title with legal description.
10. Written indemnification of the parish government, and proof of liability insurance with minimum limits of One Million (\$1,000,000.00) Dollars in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality.
11. Written statement from the applicant and the owners of any other towers within a three (3) square mile area of the proposed site addressing the feasibility or lack of feasibility of using those existing towers.
12. A written statement indicating that the applicant and telecommunications provider have adopted policies, leases, interagency agreements or other contracts that have prepared it to offer the facility to others on fair, reasonable and non-discriminatory terms.

SECTION 3. REGULATIONS

1. **Height Maximum** – Telecommunication towers shall not exceed two hundred and fifty (250) feet in tower height.
2. **Structural Integrity** – Wireless facilities shall be certified by an engineer registered by the State of Louisiana. The tower and any other transmission equipment must be certified to meet any structural standard for steel antenna towers and support structures set in the electronic industries association/telecommunication association standards referenced as ANSI/TIA/EIA 222-F and as amended hereafter.
3. **Loading Capacity** – A statement shall be submitted, prepared by a professional Registered engineer licensed to practice in the State of Louisiana, which, through standards acceptable as engineering analysis, certifies the tower's compliance with applicable standards and describes the towers capacity, including number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users, two (2) at a minimum.
4. **Buffering** – For the purpose of buffering telecommunication sites, an eight (8) foot site obscuring fence shall be constructed, which may be of brick, wood, masonry, or metal for security purposes.
5. **Color Requirements** – Except when superseded by State or Federal regulations, telecommunication towers shall be either gray, forest green or galvanized unpainted metal.
6. **Prohibited Designs** – The use of the following designs are prohibited:
 - a. Sign advertising appurtenant to a telecommunication device or base station.
 - b. Equipment storage at the telecommunication base station other than temporary repair supplies or equipment customarily functioning with the wireless facility.
 - c. Towers in excess of two hundred and fifty (250) linear feet.
 - d. Guyed towers are specifically prohibited.
7. **ABANDONMENT** - In the event any communication tower has been discontinued for a period of one hundred and eighty (180) consecutive days, the tower shall be deemed to be abandoned. Upon determination of the date of abandonment, the Parish Government shall have the right to request documentation and/or affidavits from the telecommunication owner regarding the issue of tower usage. Upon such abandonment, the owner/operator of

the tower shall have an additional sixty (60) days from receipt of written notice by the Parish Government within which to:

- a. Reactivate the use of the tower or transfer the tower to another owner/operator.
- b. Dismantle and remove the tower and associated facilities. At sixty-one (61) days from receipt of the aforesaid written notice from the Parish Government, all permits issued shall be deemed expired and a penalty amount of \$100.00 per day shall be imposed upon the owner of record until the date of removal. Tower owner shall provide an adequate surety bond to guarantee dismantling

8. TRANSFER OF USE – Approved telecommunication towers or antennas may be transferred to the successor and assigns of the approved party, subject to all of the conditions that apply to new location approval.

SECTION 5. EXCEPTIONS AND EXEMPTIONS

Nothing in this ordinance shall be interpreted so as to restrict any other departments or agencies from installing and/or replacing any tower, antenna or any other communication type devices used specifically for daily operations of the parish for health and safety.

Any towers and/or antennas used for public communications licensed to the Washington Parish Government shall specifically be excluded from the requirements of this ordinance.

The above and foregoing having been submitted to a vote, the roll call vote resulted as follows:

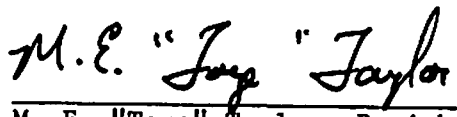
YEAS: 7 (Sumrall, Thomas, Sharp, Wheat, Miley, Nassauer and Brown)

NAYS: 0 (None)

ABSENT: 0 (None)



Kenneth Wheat, Chairman
Washington Parish Council



M. E. "Toye" Taylor, Parish President

Delivered to the Parish President on

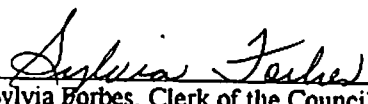
February 28, 2000 at 7:15 p.m.

Returned to the Clerk of the Council on

February 28, 2000 at 7:18 p.m.

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Washington Parish Council duly convened in regular session on Monday, February 28, 2000.



Sylvia Forbes, Clerk of the Council
Washington Parish Council