

ORDINANCE NO. 01 -0129-01

AN ORDINANCE REGULATING TELECOMMUNICATION TOWERS AND ANTENNAS, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION AND USE OF SAID ANTENNAS, PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE AND PROVIDING FOR MATTERS RELATED THERETO.

BE IT ORDAINED by the Police Jury of Jackson Parish, in regular session, duly convened that the following ordinance be adopted, to-wit:

SECTION I: NAME

This ordinance shall be known as the Jackson Parish Police Jury Telecommunication Towers and Antennas Ordinance.

SECTION II: DEFINITIONS

As used herein the following terms shall, in addition to their customary uses and meanings, also have the following meanings:

- A. Accessory use: a use incidental to, subordinate to, and subservient to the main use of the property.
- B. Antenna: transmitting and/or receiving device used for personal wireless service that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas, and satellite earth stations.
- C. Guyed tower: a telecommunication tower that is supported, in whole or in part by guy wires and ground.
- D. Monopole tower: a telecommunication tower consisting of a single pole or spire self supported by a permanent foundation, constructed without guy wires and ground anchors.
- E. Self-support/lattice tower: a telecommunication that is constructed without guy wires and ground anchors.

- F. Stealth Building-Mounted tower: antennas which are mounted on an existing structure with or without a mast and, which are painted to match the color of the exterior material of the structure and placed so as not to obscure any significant architectural feature of the structure.
- G. Stealth facility: any telecommunication facility which is designed to blend into the surrounding environment.
- H. Telecommunications towers: a guyed, monopole or self-support/lattice tower, constructed as a free-standing or guyed structure, containing one or more antennas used in the provision of commercial wireless services.

SECTION III: TELECOMMUNICATIONS TOWERS

- A. **Determination of Approval of New Tower Location.** When seeking appropriateness of a new tower location, the applicant must provide the following information to the Jackson Parish Police Jury, at the time of application for conditional use and/or building permit, to determine the appropriateness of the proposed tower site:
 - 1. The location of all towers, buildings, or structures which could serve as a platform for telecommunication antennas within a two mile radius of the proposed tower site.
 - 2. A full explanation outlining the reasons that the proposed telecommunications antennas cannot be placed on the towers, buildings, or structures listed. This explanation must be given on each structure individually.
 - 3. If the inability to secure a suitable lease arrangement prevents a telecommunication antenna from being placed upon an otherwise suitable tower, building, or structure, the points of disagreement, including but not limited to proposed lease payments, must be provided to the Jury.
- B. **Priority Given to Co-location.** Co-location of communications antennas by more than one provider on existing or new Telecommunication Towers shall take precedence over the construction of new single-use Telecommunication Towers.
- C. **Minimum Standards.** Except where a conditional use exception is granted, every telecommunications tower must meet the following minimum standards.
 - 1. **Site development Plan.** Prior to the issuance of a building permit, a site development plan including a horizontal and birdseye view of proposed construction, which shall depict items a - h shown below, shall be presented for approval to the Jury.
 - a. type of structure (guyed tower, self-support, or monopole)

- b. height of the structure
- c. setback from the perimeter of the tower or monopole to any residence or structure within a distance equal to 100% the height of the tower plus thirty (30) feet
- d. setbacks of the perimeter of tower from adjacent property lines
- e. vicinity map showing 500 foot radius
- f. location and configuration of all accessory buildings and/or external equipment cabinets
- g. paving and curb cuts
- h. fencing and proposed landscaping

2. Statement of Engineer

- a. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Louisiana, which through rational engineering analysis certifies the tower's compliance with applicable standards as set forth in the Building Code, and any associated regulations; and describes the tower's capacity including an example of the 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; at a minimum, monopole towers shall be able to accommodate two (2) users and at a minimum, self-support/lattice or guyed towers shall be able to accommodate three (3) users.
- b. Said statement shall be presented to the Police Jury before a permit for a permanent tower shall be issued. The Engineer who stamps the construction plans shall be an independent registered Civil Engineer, not an employee of the tower or communication company.
- c. Additionally, upon completion, a statement shall be submitted by the Engineer stating that the structure was built according to the plans.

3. Lease and/or title to property. All sites shall have a lease and/or title with legal description tied by metes and bounds to a government section corner.

4. Elevations. All elevations shall be based on the Flood Insurance Rate Maps.

5. Height/setbacks. Height/setbacks and related location requirements shall be as follows:

- a. The height of a telecommunications tower shall not exceed two hundred and fifty (250) feet. Tower height shall be measured from

- the ground to the highest point of the tower or any antenna/lightning rod, whichever is higher.
- b. Telecommunication Towers shall conform with the setbacks established for the underlying zoning district.
 - c. Monopole, lattice or guyed Telecommunication Towers shall not be located within seven hundred and fifty (750) feet of any existing monopole lattice or guyed telecommunication tower.
 - d. All buildings and other structures to be located on the same property as a telecommunication tower shall conform with the setbacks established for the underlying zoning district.
6. Buffering
- a. An eight (8) foot fence or wall as measured from the finished grade of the site, shall be required around the base of any Telecommunication Tower and around any necessary building or structures.
 - b. The parish may require landscaping in order to enhance compatibility with adjacent residential and nonresidential land uses. Landscaping shall be installed on the outside of the perimeter fence or wall.
 - c. Landscaping consistent with perimeter and on-site requirements shall be installed around any accessory buildings or structures.
7. Equipment Storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the telecommunication tower, unless repairs to the tower are being made.
8. Removal of abandoned or unused facilities. The owner of a telecommunication tower which has been abandoned or is unused shall provide the Police Jury with a copy of the notice to the FCC of intent to cease operations. Within ninety (90) days of the date of ceasing operations, the obsolete tower and accessory structures shall be removed. Telecommunication Towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision. The Jury may extend this time period or waive this requirement if it is shown that the facility has not been abandoned.
9. Signs and advertising. The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited, except as required by any federal agency. This does not apply to an installation where an outdoor advertising sign is used as the foundation for an antenna installation.
10. Accessory building or structures. All accessory buildings or structures shall meet all building design standards as listed in this Code, and in accordance with the provisions of the Southern Building Code and shall

conform to FEMA requirement. All accessory buildings or structures shall require a building permit issued by the Police Jury Secretary-Treasurer.

11. Colors. Except where superceded by the requirements of other parish, state, or federal regulatory agencies possessing jurisdiction over Telecommunication Towers, Telecommunication Towers shall be constructed of galvanized or unpainted metal or shall be painted in a neutral color, designed to blend into the surrounding environment such as gray.
12. Each application to allow construction of a Telecommunication Tower shall include a statement that the construction and placement of the tower:
 - a. Is in compliance with Federal Aviation Administration (FAA) regulations.
 - b. Is in compliance with the rules and regulations of other federal or state agencies that may regulate telecommunication tower siting, design and construction.
 - c. Is in compliance with current radio frequency emissions standards of the Federal Communication Commission.
 - d. Will not unnecessarily interfere with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed by adjacent residential and non-residential properties.
13. Lighting. When lighting is required and permitted by the FAA other federal or state authority, it shall be of a dual mode type.
14. Notwithstanding the above provisions of this ordinance, Antennas shall be permitted to be placed on existing towers or structures with sufficient loading capacity. A permit shall be obtained from the Police Jury prior to commencing construction. The permit application shall include a site plan which depicts all proposed ancillary buildings and equipment cabinets. Applicants must present a notarized statement certifying that the tower or structure existing is stable enough to support the additional antenna. The permit fee for placing antennas on existing towers or other structures shall be **Six hundred Dollars (\$600.00)**.
15. Fees. Fees for communication tower construction shall be **Two thousand dollars (\$2,000.00)** per tower and shall be collected by the Jackson Parish Police Jury.
16. Deviation. Any application requiring deviation from the above provisions may be considered and granted by the Police Jury if good reason therefore is demonstrated by the applicant.

D. Existing towers

1. Notwithstanding the above provisions of this section, towers in existence as of January 1, 2001, may be replaced with a tower of equal or less visual impact after approval by the Police Jury. However, if the proposed new tower would not be consistent with the minimum standards under this section, replacement must be approved by the Police Jury.

SECTION IV: ANTENNAS NOT LOCATED ON TELECOMMUNICATION TOWERS

A. Minimum standards. Building or rooftop antennas shall be subject to the following minimum standards:

1. No commercial advertising shall be allowed on an antenna, unless such antenna is actually located on an existing approved sign;
2. No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Aviation Administration;
3. Any related unmanned equipment building shall not contain more than 750 square feet of gross floor area or be more than fourteen (14) feet in height; and
4. If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty-five percent (25%) of the roof area.
5. Each application shall contain a drawing and description of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility.

SECTION V: TRANSFER OF USE

Approved telecommunications towers or antennas may be transferred to successor and assigns of the approved party, subject to all of the conditions which applied to initial approval of subject tower.

SECTION VI: BOND

Before any communication tower may be erected the person so desiring is required to post a bond in the amount of THIRTY THOUSAND (\$30,000.00) dollars to be maintained with the Parish, naming the Parish as obligee to insure that all public property will be repaired and/or returned to its pre-construction state. The bond is to be held by the Parish until the construction

project is completed.

SECTION VII: PENALTIES

It shall be a violation of this ordinance to construct, improve or use any telecommunication tower or antenna in violation of the provisions of this ordinance. Each day of use shall constitute a separate offense. Each offense shall be punishable by a fine not to exceed \$500.00 per violation.

SECTION VIII: SEVERABILITY

Should any portion, items, applications or sections of this ordinance be held invalid by a court of competent jurisdiction, such invalidity shall not effect the validity of the remaining portions, items, applications or sections of this ordinance which can be given effect without the invalid provisions, items, applications or sections and to this end the provisions of this ordinance are hereby declared severable.

SECTION IX: EFFECTIVE DATE

This ordinance shall become effective upon its adoption.

The above ordinance was read and as read, considered section by section and finally adopted as a whole by the following vote:

Yeas: Mr. Atkins, Mr. Langston, Mr. Culpepper, Mr. Zeno, Mr. Thompson,

Dr. Garrett and Mr. Smith

Nays: None

Absent: None