

Model Communication Tower Ordinances

Saline County and Washington County



SALINE COUNTY PLANNING BOARD CELL TOWER ORDINANCE 2003-48
AMENDED BY ORDINANCE 2016-37

EXHIBIT "A"

BE IT ENACTED BY THE QUORUM COURT COUNTY OF SALINE, STATE OF
ARKANSAS AN ORDINANCE TO BE ENTITLED:

**AN ORDINANCE ESTABLISHING REGULATIONS REGARDING
THE PLACEMENT, CONSTRUCTION, AND MAINTENANCE OF
ANTENNA ARRAYS AND COMMUNICATION TOWERS
IN SALINE COUNTY, ARKANSAS.**

WHEREAS, Saline County is currently experiencing a significant increase in the number of towers being constructed by cellular, personal communications service and specialized mobile radio service providers, as well as others, and recognizes the need for such; and

WHEREAS, Section 704 of the Telecommunications Act of 1996 establishes a framework for the exercise of jurisdiction by municipalities and local governments over construction, modification, and placement of facilities such as towers for cellular, personal communications service and specialized mobile radio service; and

WHEREAS, Citizens of Saline County have expressed significant concerns relating to said towers and facilities; and

WHEREAS, it is in the best interests of the citizens of Saline County to provide for the orderly development of the lands in said County;

NOW, THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF SALINE COUNTY, ARKANSAS:

ARTICLE 1. Purpose. The purpose of these regulations is to promote the efficient and effective provision of communication services in compliance with the Telecommunications Act of 1996 while responding to the significant concerns of the citizens of Saline County. The intent of these regulations is to protect the general safety and welfare of the citizens of Saline County by providing for rules governing the location, construction, repair and maintenance of antenna arrays and communication towers in the unincorporated areas of the County.

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ARTICLE 2. Effect. This shall be a free-standing Ordinance, but to the extent not inconsistent herewith, the provisions of Saline County Code (Regulations, Standards, and Specifications for the Division, Development, and Improvement of Unincorporated Land in Saline County, Arkansas) relating to administration, appeals, variances, and enforcement are incorporated by reference. The Appendices which are attached hereto are appended for the administrative convenience of the Staff of the Planning Board, and may be amended from time to time by the Quorum Court by simple voice vote to facilitate such usage.

ARTICLE 3. Definitions.

Applicant

The person or persons making an application to the County for approval of a tower or major modification, as defined herein, or, for continuing obligations hereunder, any legal successor to such person(s). Such person(s) need not be a tower or land owner.

Antenna Array

An "antenna array" means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni directional antenna (rod), a directional antenna (panel) and/or a parabolic antenna (disc). The antenna array does not include the Support Structure, as defined herein.

Tower

A "tower" is any structure that is designed and constructed primarily for the purpose of supporting one or more antenna arrays, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The fact that one or more antenna arrays is placed on any structure which was not primarily intended for such purpose does not convert the structure into a tower.

Support Structure

Any existing structure onto which one or more antenna arrays are placed; they need not be towers.

Major Modification

A "major modification" to a tower or support structure is a change from personal use to non personal use or commercial use; any increase in height which would require a significant increase in lighting or noise level; or increase in height of more than 15'; any increase in width by more than 18", for guyed towers in excess of 500' in height, 50% of the towers' original width, 6" in diameter in the case of a monopole, or any change in the cell tower ground layout such as a new concrete pad, generator, storage structure, etc.

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Personal Use

"Personal use" refers to a non-commercial use by a resident of the subject property. If any revenues are generated from the operation of the tower, it will not be for personal use as such term is used herein.

Residence

"Residence" means a dwelling which is either currently inhabited by one or more persons legally entitled to be there, or suitable for such habitation. It specifically does not include abandoned or other structures which are not suitable for human habitation.

ARTICLE 4. General Applicability. The administrative review procedures of Article 6 shall apply to the placement and modification of antenna arrays and the construction of certain new towers as described in Article 6. The remainder of these regulations shall apply to the construction and major modification of towers, whether or not they are designed to provide cellular, personal communications service and/or specialized mobile radio service, except as provided herein. These regulations shall also apply to all outbuildings and facilities built in connection with any tower governed by these regulations. Any major modifications to a tower or facility must be approved in the same way that a new tower would have to be approved. If a tower is damaged or for other reasons is to be replaced, the repair or replacement is subject to these regulations only if the repair or replacement amounts to a major modification as defined herein.

These regulations do not cover incorporated areas within Saline County, unless specifically approved and/or adopted by the municipality. These regulations apply to all areas not lying within boundaries covered by municipality zoning regulations.

ARTICLE 5. Exclusions. The regulations adopted herein shall not apply to the following towers:

- a) Towers for personal use which, including the height of all attached antenna arrays, do not extend more than 80 feet from the ground;
- c) Temporary structures designed to be used for not more than 14 days in connection with a special event or for any reasonable period of time in and immediately following an emergency, including without limitation those towers which are identified as "C.O.W.s" or "Cellular on Wheels."

ARTICLE 6. Projects subject only to Administrative Review. Certain projects falling within the ambit of these regulations are subject only to administrative review, and may be approved by the Staff of the Saline County Planning Board in the manner described in Article 7. The administrator reserves the right to require Planning Board Approval as described in ARTICLE 9 if he/she deems the project contentious in nature. Projects which are subject only to Administrative Review are:

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- a) Placement of antenna arrays which might be used for emergency services or 9-1-1- calls on existing support structures which do not increase the total height of the original support structure by more than 15 feet, and which will not significantly increase the lighting or noise levels of the structure. Outbuildings and facilities built in connection with such antenna arrays are subject to the same administrative review.
- b) Construction of new towers or major modifications to existing towers so long as either of the following conditions are satisfied:
 - i) After the construction or modification of the tower, there will be no adjacent properties which are within 50 percent of the height of the tower from the perimeter of the base of the tower; or
 - ii) All persons owning said adjacent land(s) within the 50 percent setback radius have consented in a signed writing to the construction or modification of said tower.

ARTICLE 7. Procedures for Administrative Review of an Antenna Array. A project involving placement of an antenna array on an existing support structure, which is subject to Administrative review pursuant to the terms of this ordinance, shall be submitted to the Staff of the Saline County Planning Board, and shall contain the information required by the form which is attached to the ordinance in Appendix "A" and entitled "Application for Administrative Approval of Antenna Array (Cellular/PCS Provider)." If the Application is complete and complies with the terms of this ordinance, the staff may approve the application without the necessity for review by the full Planning Board. The staff shall use best efforts to provide a response to any application within five (5) working days, and a failure to respond within fifteen (15) working days after receipt of a completed application shall be deemed to be an approval of such application. Administrative review shall not be available if any variance from these regulations is requested.

ARTICLE 8. Procedures for Administrative Review of a Tower. A project involving construction of or major modification to a tower, which is subject to Administrative review pursuant to the terms of this ordinance, shall be submitted to the Staff of the Saline County Planning Board, and shall contain the information required by the form which is attached to the ordinance in Appendix "B" and entitled "Application for Administrative Approval of Tower or Major Modification." If the Application is complete and complies with the terms of this ordinance, the staff shall approve the application without the necessity for review by the full Planning Board. If, for any reason, the staff determines that Administrative Approval is not appropriate, the Applicant shall be entitled to amend the application to come within the ambit of Article 9 of this ordinance and to have the amended application considered by the Planning Board. The staff shall use best efforts to provide a response to any application within five (5) working days, and a failure to respond within fifteen (15) working days after receipt of a completed application shall be deemed to be an approval of such application.

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Administrative review shall not be available if any variance from these regulations is requested.

ARTICLE 9. Procedures for Regular Review. A project which is subject to regular review pursuant to the terms of this ordinance shall be submitted to the Staff of the Saline County Planning Board, and shall contain the information required by the form which is attached to the ordinance in Appendix "C" and entitled "Application for Approval of Tower or Antenna Array." If the Application is complete and complies with the terms of this ordinance, the staff will submit the application to the full Planning Board, which shall review the application if it is complete and complies with the terms of this ordinance. The staff shall maintain a calendar of submittal dates for each Planning Board meeting. A completed application submitted prior to a given submittal date shall be presented for consideration at the applicable Planning Board meeting. In no event shall a submittal date be more than sixty (60) days prior to the scheduled Planning Board meeting. The Applicant is to be notified within sixty (60) days after initial consideration by the Planning Board of the decision of the Planning Board with regard to the application.

ARTICLE 10. Preference for Co-Location.

- a) All Applicants seeking permission to construct one or more towers in Saline County shall cooperate in co-location of antenna arrays on their towers where feasible. All applicants seeking permission to construct a new tower primarily dedicated for cellular or PCS communication purposes shall design and construct said tower so as to accommodate co-location of at least two additional cellular or PCS providers in addition to Applicant. Co-location is not required if the new antenna array would interfere with the Applicant's use of the tower, or with reasonably foreseeable future uses anticipated by Applicant. Upon the request of any third party whose request for co-location has been denied, Applicant agrees to provide a written explanation of the reasons for the denial.
- b) All Applicants seeking permission to construct a tower in order to serve one or more specific purposes must demonstrate in the application process that they had made a reasonable and good faith effort to co-locate their antenna arrays on existing towers or support structures.
- c) In complying with the requirements of paragraph b), Applicants must include the information required in the appropriate Application Form, provided that:
 - i) With regard to the required statement that the owners of all such towers have been contacted and asked about the possibility of co-location, an explanation of why such contact was not made will be satisfactory if it indicates that a particular tower was obviously unsatisfactory for technological or safety reasons, or if the owner could not be located after reasonable inquiry.

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- ii) With regard to the required statement explaining why the available towers in the area are not suitable for co-location, by way of example and not limitation, existing towers would be unsuitable if co-location would cause interference problems, if there are other technological problems, if the tower is already filled to capacity, if co-location would require a major modification (as such term is defined herein), or if co-location would not satisfy the reasonably foreseeable future needs of Applicant which would be served by construction of a new tower.
- iii) With regard to the supplemental information which may be required by the Staff of the Planning Board, Applicant may delete any and all references to confidential pricing information in any correspondence required to be submitted.

ARTICLE 11. Set back from road. All towers shall be set back from the nearest edge of all roads, as recognized by the County 911 Operations Office with a specific name or number, by at least 20 feet plus the height of the tower. The edge of the road shall be defined as the edge of pavement or the edge of the unpaved surface at the time of the application.

ARTICLE 12. Set back from residences. Towers subject to this ordinance will be located so that there will be no residences on adjacent properties where the nearest part of the residence is within 150% of the height of the tower from the base of the tower, unless all persons owning said residences or the land on which said residences are located consent in a signed writing to the construction of said tower.

ARTICLE 13. Mitigation of Visual Impact. In minimizing any aesthetic problems with a proposed Tower or Antenna Array, Applicants agree to take the following steps:

- a) Signage at the site is limited to non-illuminated warning and equipment identification signs.
- b) Unless specifically required by law or a regulatory authority or because there is no technologically feasible alternative, no tower shall be equipped with strobe lights which operate at night.

ARTICLE 14. Precautions against excessive noise. Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generators used in emergency situations where the regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

ARTICLE 15. Precautions Against Trespassers. The base of every tower must be surrounded with a fence at least 6 feet in height and topped with either barbed wire or

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razor wire. The gate for such fence shall be kept locked except when authorized personnel are working on or around the tower. The fence must be posted with signs warning against trespass and providing a number to call in case of an emergency. With the exception of towers constructed in such a way that it is not reasonably practicable to do so, any ladder or other apparatus designed to aid in the climbing of a tower shall be constructed so that the bottom 12 feet of such ladder or apparatus is not readily accessible except when it is in use by construction, maintenance, repair or other authorized personnel.

ARTICLE 16. Maintenance of towers and facilities. By making an application hereunder, Applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by Applicant which are located in the County. Applicant further agrees to conduct inspections of all such facilities not less frequently than every 12 months. Applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

The Staff of the Planning Board may request in writing from the Applicant documentation regarding such inspections and maintenance activities at any such facilities. Such requests by Staff for documentation shall not be made more than three (3) times per year on any given tower. Applicant agrees to provide the documentation within 30 days after the mailing of any such request from the Staff. Said documentation shall be in the form of a sworn statement and shall include but need not be limited to the following items, unless the Staff specifically indicates that one or more of the following items need not be provided:

The estimated date on which the tower was originally constructed and the date of all modifications thereto.

Verification of safe and appropriate grounding and electrical connections as per the version of the National Electrical Code in effect at the last modification or addition to the electrical system.

Structural design certification by the tower manufacturer regarding the facility's capability to withstand a combination of ½" accumulation of ice and 70 mile per hour winds.

A statement that all antenna arrays on such tower have been attached and maintained in accordance with the specifications of the manufacturer, if any.

For a guyed tower, a statement that all guy wires are being properly maintained so that structural integrity of the tower is not compromised.

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For any lattice tower, a statement that all welds and other joints are being properly maintained so that they do not show signs of wear which would make the tower unsafe.

For lighted towers, verification of payment of the most recent applicable electric bill or other evidence that the facility remains functional and the safety signals are in working order.

For unlit towers, a statement by the owner verifying the continued use or need for the structure.

For structures which are painted for cosmetic reasons, proof that the tower has been painted within the last 5 years, or proof satisfactory to the Staff that the exterior does not currently need painting.

If any such information is not submitted within 30 days after the first notice, the Staff shall send a second written notice requesting the documentation within 15 days from the date of the second mailing. If the Staff does not receive the requested information by the end of normal business on the 15th day from the date on which the second notice was mailed, the Staff shall place the issue of whether the tower has been abandoned on the agenda at the next regularly scheduled County Planning Board meeting.

At that meeting, the Planning Board shall determine whether the subject tower has been abandoned. If the owner/operator fails to respond or appear before the Board, or fails to present evidence regarding the above described items, the Planning Board shall make a determination of abandonment and forward said finding to the Quorum Court for action.

The Quorum Court, at its next regularly scheduled meeting, shall consider the determination of abandonment forwarded by the Planning Board, along with any subsequent submittals by the owner/operator of the tower. The owner/operator may submit a remedial action plan which may call for the owner/operator to be given a reasonable time, not to exceed three months, to implement a plan to restore the facility to safe operations. The Quorum Court may adopt such plan or any substitute plan deemed by the Court to be reasonable. If at any time, the Court finds that the tower in question has been abandoned, the Court shall instruct the County Judge to have the tower removed at the owner's expense. Any salvage value derived from the removed structures shall be applied to the costs of removal, if not paid by the owner.

ARTICLE 17. Regulatory Compliance. Applicant, by requesting approval of any Tower or Antenna Array in Saline County, certifies and agrees that no Towers or Antenna Arrays under the Applicant's control will emit electro-magnetic radiation (EMR) in excess of federal safety and health guidelines as adopted by any authorized federal regulatory agency.

ARTICLE 18. Opportunity for Public Response. Except as expressly provided herein, all landowners of record owning land within 300 feet of the base of the tower and

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all landowners of record owning property adjacent to the parcel of land on which any proposed tower or major modification subject to these regulations is to be placed, must be notified in writing by the applicant via certified mail, return receipt requested and given a chance to voice opposition or support for a proposed tower or antenna array at a public meeting. For purposes of this provision, a landowner shall be considered to own property which is "adjacent" to the parcel of land on which the tower is to be constructed if it shares a common boundary with the parcel in question, or if it would share a common boundary except for the existence of a public road/right of way, railroad right of way, or utility easement. In addition to the foregoing notice requirements, any time a variance from any of the requirements in these regulations is sought, all persons owning land within 150% of the height of the tower from the base of the tower must be notified of the requested variance, and be given an opportunity to respond to the request. All variance requests will be heard by the planning commission through the same process as exists under Article 9 for regular reviews.

ARTICLE 19. Burden of Proof. Applicant must prove that any application under these regulations satisfies all of the applicable requirements of these regulations.

ARTICLE 20. Severability. If any part of these regulations are declared invalid by a court of competent jurisdiction such invalid portions shall be severed and the remaining portions of these regulations shall remain in full force and effect. Furthermore, all laws, rules, or regulations by the FCC or other federal entity shall supercede any of the provisions herein if a conflict exists.

ARTICLE 21. Enforcement. Violations of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of conditional uses, variances, or waivers) shall be enforced against the tower owner in accordance with Saline County Code, (Regulations, Standards, and Specifications for the Division, Development, and Improvement of Unincorporated Land in Saline County, Arkansas).

ARTICLE 22. Application Fees. Any application fees for cellular tower administrative approvals or planning commission hearings shall be appropriated by the Quorum Court to the Saline County Planning Board in order that all transmission facilities within Saline County be properly catalogued and tracked. The Saline County Geographic Information System Department shall map all such sites and will be able to produce maps of these sites for all interested parties.

ARTICLE 23. Whereas the construction of towers and related facilities are of concern to the Citizens of Saline County, therefore it is deemed to be in the best interest of the County and its Citizens that this ordinance be approved and shall be effective thirty days form the date of its publication.

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APPENDIX "A"

**APPLICATION FOR ADMINISTRATIVE APPROVAL
OF ANTENNA ARRAY
(CELLULAR/PCS PROVIDERS)
SALINE COUNTY, ARKANSAS**

**APPLICATION FOR ADMINISTRATIVE APPROVAL
OF ANTENNA ARRAY (CELLULAR/PCS PROVIDERS)**

Name of Applicant: _____

Address: _____

Phone: _____ FAX: _____

I certify under perjury that I have read this application. The statements and answers made herein and all data, information, and evidence herewith submitted are, to the best of my knowledge and belief after reasonable investigation, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of this application. I understand that the County might not approve my application or might set conditions for approval.

Signature _____ Date _____

Name (please print) _____

Capacity in which signed _____

Property Owner: _____

Address: _____

Phone: _____ FAX: _____

Parcel Number: _____

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To whom should County send correspondence (names and addresses):

Property Information:

Legal Description (attach if too long to fit here):

Tax Parcel Number(s): _____

Road Information:

U.S., State or County Road(s) giving access: _____

Road surface: _____

Information about Existing Support Structure:

Owner (if different from Property owner above):

Name: _____

Address: _____

Phone: _____ FAX: _____

Type of Structure (guy tower; monopole; water tower; etc.)

9-1-1 Address: _____

Latitude: _____ Longitude: _____

(using NAD83 / Arkansas South Zone of the State Plane Coordinates System)

Existing Height to the lightning rod in feet: _____

Height to the lightning rod after Antenna Arrays are added: _____

Will there be any change in lighting or noise levels? _____

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(If yes, please explain on an attached sheet)

9-1-1 Information:

Applicant hereby certifies that the following information, in form reasonably satisfactory to the Saline County 9-1-1 Operations, has been provided to the Saline County 9-1-1 Operations:

--a footprint map for all sectors of the tower or antenna array

--an address for each sector of the tower meeting the address standards provided by Saline County 9-1-1- Operations, including separate designations for each sector

--a ten digit Pseudo ANI for each sector of the tower

--a non-disclosure agreement between the Applicant and Saline County 9-1-1 Operations, to be signed by the Saline County 9-1-1- Director or other authorized individual

Signature _____ Date _____

Name (please print) _____

Capacity in which signed _____

Enclose \$500 Administrative Review and Permitting Fee Check to Saline County

Enclose list of Latitudes and Longitudes of ALL existing sites your company is currently operating within Saline County (Use NAD83/Arkansas South Zone of the State Plane Coordinate System).

Staff Use Only

This Application was approved by the Staff of the Saline County Planning Board on (date): _____

Planning Director: _____ date: _____

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APPENDIX "B"

APPLICATION FOR ADMINISTRATIVE APPROVAL

OF TOWER OR MAJOR MODIFICATION

SALINE COUNTY, ARKANSAS

APPLICATION FOR ADMINISTRATIVE APPROVAL

OF TOWER OR MAJOR MODIFICATION

Name of Applicant: _____

Address: _____

Phone: _____ FAX: _____

I certify under perjury that I have read this application. The statements and answers made herein and all data, information, and evidence herewith submitted are, to the best of my knowledge and belief after reasonable investigation, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of this application. I understand that the County might not approve my application or might set conditions for approval.

Signature _____ Date _____

Name (please print) _____

Capacity in which signed _____

Property Owner: _____

Address: _____

Phone: _____ FAX: _____

To whom should County send correspondence (names and addresses):

Property Information:

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Legal Description (attach if too long to fit here):

Tax Parcel numbers: _____

Road Information:

U.S., State or County Road(s) giving access: _____

Road surface: _____

Environmental Information:

Is the project subject to the National Environmental Policy Act?

Yes No

If yes, have the NEPA requirements been met?

Yes No (Please explain on attached sheet)

Latitude: _____ Longitude: _____

(using NAD83 / Arkansas South Zone of the State Plane Coordinates System)

ENCLOSE THE FOLLOWING INFORMATION

I. GENERAL INFORMATION

1. Plat review and permit fee of \$500. (Waived for towers for personal use.)
2. Up to 5 copies of the plat, as required by the Staff.
3. Completed Application Form.
4. If the tower is being constructed for a specific purpose, a list of all existing towers within a 1 mile radius of the proposed site, or such smaller area as Applicant demonstrates would be suitable for the purpose to be served by the tower.
5. A statement that the owners of all such towers have been contacted and asked about the possibility of co-location, or an explanation of why such contact was not made.
6. A signed statement explaining why the available towers in the area are not suitable for co-location.

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7. Enclose list of Latitudes and Longitudes of ALL existing sites your company is currently operating within Saline County (Use NAD83/Arkansas South Zone of the State Plane Coordinate System).

8. At the request of the Staff of the Planning Board, copies of correspondence with the owners of such towers, and such other additional information about one or more potential co-location sites, including a tower study, as may be required to ascertain whether co-location is infeasible.

9. Information which must be on either the plat or a signed Site Plan (at the option of the Applicant)

A. The location of all outbuildings to be placed on the property in connection with the tower.

B. The location of all adjacent properties and their distances from the base of the proposed tower.

C. The names of the owners of such properties and copies of their signed consents should their property lie within 50% of the height of the tower from the base of the tower.

D. The existing topography on the property, as per existing U.S. Geological Services survey maps.

II. INFORMATION TO BE INCLUDED ON THE PLAT:

1. Name & address of owner, applicant, and surveyor.

2. Date, scale (1" - 100' preferred), and north arrow.

3. Vicinity map with scale and north arrow indicating surrounding roads, municipal limit lines, growth area boundaries, state lines, and county lines.

4. Legal description of the property on which the tower is to be placed, with dimensions and angles sufficient to locate all lines. Property shall be located by Section, Township, and Range, and tied to the nearest defined and referenced Section or Quarter Section Corner.

5. The precise location and dimensions of the proposed tower or existing tower as it is to be modified. For administrative approval, after construction of new towers or modifications to existing towers, there will be NO ADJACENT PROPERTIES ARE WITHIN 50 PERCENT OF THE HEIGHT OF THE TOWER FROM THE PERIMETER OF THE BASE OF THE TOWER.

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6. The location and identification of existing roads or access ways within and to the property and within 20 feet plus the height of the tower from the base of the perimeter of the tower. All towers shall be SET BACK from the nearest edge of all roads, as recognized by the County 911 Operations Office with a specific name or number, by at least 20 feet plus the height of the tower. The edge of the road shall be defined as the edge of pavement or the edge of the unpaved surface at the time of the application.
7. The location and size of existing easements on or adjoining the property, or a note that there are none.
8. The location of flood areas on the property or a note indicating there are none.
9. The location of perennial and intermittent water courses on or adjoining the property or a note indicating there are none.
10. A note describing any plat and deed restrictions, or a note indicating there are none.

CHECKLIST

ADMINISTRATIVE APPROVAL OF TOWER

11. Signature Blocks on the Plat

1). Certificate of Accuracy of Survey.

I certify that the plan shown and described hereon is a true and correct survey in compliance with the Regulations, Standards and Specification for the Division, Development and Improvement of Unincorporated Land in Saline County.

Date: _____ Surveyor: _____

2). Staff Approval

This plat was approved by the Staff of the Saline County Planning Board on (date):

Planning Director: _____ date: _____

OR, IF THE APPLICANT CHOOSES TO USE A SITE PLAN

Signature Block on the Site Plan

1). Certificate of Accuracy

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I certify that the information provided herein is true and correct and is in compliance with the Regulations, Standards and Specification for the Division, Development and Improvement of Unincorporated Land in Saline County.

Date: _____ Applicant/Engineer: _____

Name of Signatory: _____

Capacity in which signed: _____

CHECKLIST

ADMINISTRATIVE APPROVAL OF TOWER

9-1-1 Information: (Sign alternative (a) or (b), not both)

(a) Applicant hereby certifies that the tower in question is not used for the provision of 9-1-1 services, and if the use of such tower is changed to include such services, the provider of such services will be directed by Applicant to provide the information required by subsection (b).

Signature _____ Date _____

Name (please print) _____

Capacity in which signed _____

b) Applicant hereby certifies that the following information, in form reasonably satisfactory to the Saline County 9-1-1 Operations, has been provided to the Saline County 9-1-1 Operations:

--a footprint map for all sectors of the tower or antenna array

--an address for each sector of the tower meeting the address standards provided by Saline County 9-1-1- Operations, including separate designations for each sector

--a ten digit Pseudo ANI for each sector of the tower

--a non-disclosure agreement between the Applicant and Saline County 9-1-1 Operations, to be signed by the Saline County 9-1-1 Director or other authorized individual

Signature _____ Date _____

Name (please print) _____

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Capacity in which signed _____

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APPENDIX "C"

SALINE COUNTY, ARKANSAS

APPLICATION FOR APPROVAL

OF TOWER OR ANTENNA ARRAY

Name of Applicant: _____

Address: _____

Phone: _____ FAX: _____

I certify under perjury that I have read this application. The statements and answers made herein and all data, information, and evidence herewith submitted are, to the best of my knowledge and belief after reasonable investigation, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of this application. I understand that the County might not approve my application or might set conditions for approval.

Signature _____ Date _____

Name (please print) _____

Capacity in which signed _____

Property Owner: _____

Address: _____

Phone: _____ FAX: _____

To whom should County send correspondence (names and addresses):

Property Information:

Legal Description (attach if too long to fit here):

SALINE COUNTY PLANNING BOARD CELL TOWER ORDINANCE 2003-48
AMENDED BY ORDINANCE 2016-37

Tax Parcel numbers: _____

Road Information:

U.S., State or County Road(s) giving access: _____

Road surface: _____

Environmental Information:

Is the project subject to the National Environmental Policy Act?

Yes No

If yes, have the NEPA requirements been met?

Yes No (Please explain on attached sheet)

Latitude: _____ Longitude: _____

(using NAD83 / Arkansas South Zone of the State Plane Coordinates System)

CHECKLIST

APPROVAL OF TOWER OR ANTENNA ARRAY

1. Plat review and permit fee of \$500. (Waived for towers for personal use.)
2. Up to 20 copies of the plat, as required by the Staff.
3. Completed Application Form.
4. If the tower is being constructed for a specific purpose, a list of all existing towers within a 1 mile radius of the proposed site, or such smaller area as Applicant demonstrates would be suitable for the purpose to be served by the tower.
5. A statement that the owners of all such towers have been contacted and asked about the possibility of co-location, or an explanation of why such contact was not made.
6. A signed statement explaining why the available towers in the area are not suitable for co-location.

SALINE COUNTY PLANNING BOARD CELL TOWER ORDINANCE 2003-48
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7. Enclose list of Latitudes and Longitudes of ALL existing sites your company is currently operating within Saline County (Use NAD83/Arkansas South Zone of the State Plane Coordinate System).

8. At the request of the Staff of the Planning Board, copies of correspondence with the owners of such towers, and such other additional information about one or more potential co-location sites, including a tower study, as may be required to ascertain whether co-location is infeasible.

9. If you are asking for a waiver of a requirement, submit a completed "Variance Request Form," which may be obtained from the Planning Office.

The Plat must include the following information:

1. Name & address of owner, applicant, and surveyor.
2. Date, scale (1" - 100' preferred), and north arrow.
3. Vicinity map with scale and north arrow indicating surrounding roads, municipal limit lines, growth area boundaries, state lines, and county lines.
4. Legal description of the property on which the tower is to be placed, with dimensions and angles sufficient to locate all lines. Property shall be located by Section, Township, and Range, and tied to the nearest defined and referenced Section or Quarter Section Corner.
5. The precise location and dimensions of the proposed tower or existing tower as it is to be modified.
6. The location and identification of existing roads or access ways within and to the property and within 20 feet plus the height of the tower from the base of the perimeter of the tower.
7. The location and size of existing easements on or adjoining the property, or a note that there are none.
8. The location of flood areas on the property or a note indicating there are none.
9. The location of perennial and intermittent water courses on or adjoining the property or a note indicating there are none.
10. A note describing any plat and deed restrictions, or a note indicating there are none.
11. The names of the owners of all adjacent properties and the property distances from the base of the tower.

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CHECKLIST

APPROVAL OF TOWER OR ANTENNA ARRAY

Signature Blocks on the Plat

1. Certificate of Accuracy of Survey.

I certify that the plan shown and described hereon is a true and correct survey in compliance with the Regulations, Standards and Specification for the Division, Development and Improvement of Unincorporated Land in Saline County.

Date: _____ Surveyor: _____

2. Planning Board Approval

This plat was approved by the Saline County Planning Board at a meeting on (date):

Planning Director: _____ date: _____

Information which must be on either the plat or a signed Site Plan (at the option of the Applicant)

1. The location of all outbuildings to be placed on the property in connection with the tower.
2. A list of all property owners (including corresponding deed book and page numbers) who own the land within ___ feet plus the height of the tower from the perimeter of the base of the tower.
3. The existing topography on the property, as per existing U.S. Geological Services survey maps.

Signature Block on the Site Plan

Certificate of Accuracy

I certify that the information provided herein is true and correct and is in compliance with the Regulations, Standards and Specification for the Division, Development and Improvement of Unincorporated Land in Saline County.

Date: _____ Applicant/Engineer: _____

Name of Signatory: _____

SALINE COUNTY PLANNING BOARD CELL TOWER ORDINANCE 2003-48
AMENDED BY ORDINANCE 2016-37

Capacity in which signed: _____

CHECKLIST

APPROVAL OF TOWER OR ANTENNA ARRAY

9-1-1 Information: (Sign alternative (a) or (b), not both)

(a) Applicant hereby certifies that the tower or antenna array in question is not used for the provision of 9-1-1 services, and if the use of such tower or antenna array is changed to include such services the provider of such services will be directed by Applicant to provide the information required by subsection (b).

Signature _____ Date _____

Name (please print) _____

Capacity in which signed _____

b) Applicant hereby certifies that the following information, in form reasonably satisfactory to the Saline County 9-1-1 Operations, has been provided to the Saline County 9-1-1 Operations:

--a footprint map for all sectors of the tower or antenna array

--an address for each sector of the tower meeting the address standards provided by Saline County 9-1-1- Operations, including separate designations for each sector

--a ten digit Pseudo ANI for each sector of the tower

--a non-disclosure agreement between the Applicant and Saline County 9-1-1 Operations, to be signed by the Saline County 9-1-1- Director or other authorized individual

Signature _____ Date _____

Name (please print) _____

Capacity in which signed _____

NOTES – change days

Need an accurate site survey showing dimensions of all adjoining property owners and certified by a registered surveyor.

ARTICLE VIII. - PLACEMENT, CONSTRUCTION AND MAINTENANCE OF ANTENNA ARRAYS AND COMMUNICATION TOWERS

Sec. 11-296. - Purpose.

The purpose of these regulations is to promote the efficient and effective provision of communication services in compliance with the Telecommunications Act of 1996 while responding to the significant concerns of the citizens of the County. The intent of these regulations is to protect the general safety and welfare of the citizens of the County by providing for rules governing the location, construction, repair and maintenance of antenna arrays and communication towers in the unincorporated areas of the County.

(Ord. No. 99-34, Art. 1, 7-8-99)

Sec. 11-297. - Effect.

This shall be a free-standing article, but to the extent not inconsistent herewith, the provisions of sections 11-51 et seq. of this Code (Regulations, Standards, and Specifications for the Division, Development, and Improvement of Unincorporated Land in Washington County, Arkansas) relating to administration, appeals, variances, and enforcement are incorporated by reference. The appendices which are attached to Ord. No. 99-34 are appended for the administrative convenience of the staff of the Planning Board, and may be amended from time to time by the Quorum Court by simple voice vote to facilitate such usage. The appendices are not set out herein, but are on file and available for inspection in the office of the County Clerk.

(Ord. No. 99-34, Art. 2, 7-8-99)

Sec. 11-298. - Definitions.

Antenna array: One (1) or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omnidirectional antenna (rod), a directional antenna (panel) and/or a parabolic antenna (disc). The antenna array does not include the support structure, as defined herein.

Applicant: The person or persons making an application to the county for approval of a tower or major modification, as defined herein, or, for continuing obligations hereunder, any legal successor to such person(s). Such person(s) need not be a tower or land owner.

Major modification: A "major modification" to a tower or support structure is a change from personal use to nonpersonal use or commercial use; any increase in height which would require a significant increase in lighting or noise level; or increase in height of more than twenty-four (24) feet for towers at two hundred fifty (250) feet or less in height or increases in height by more than ten (10) percent of tower's original height if over two hundred fifty (250) feet; any increase in width by more than eighteen (18) inches, or for guyed towers in excess of five hundred feet (500) in height, fifty (50) percent of the towers' original width, or six (6) inches in diameter in the case of a monopole.

Personal use: A noncommercial use by a resident of the subject property. If any revenues are generated from the operation of the tower, it will not be for personal use as such term is used herein.

Residence: A dwelling which is either currently inhabited by one (1) or more persons legally entitled to be there, or suitable for such habitation. It specifically does not include abandoned or other structures which are not suitable for human habitation.

Support structure: Any existing structure onto which one (1) or more antenna arrays are placed; they need not be towers.

Tower: A "tower" is any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna arrays, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The fact that one (1) or more antenna arrays is placed on any structure which was not primarily intended for such purpose does not convert the structure into a tower.

(Ord. No. 99-34, Art. 3, 7-8-99)

Sec. 11-299. - General applicability.

The administrative review procedures of section 11-301 shall apply to the placement and modification of antenna arrays and the construction of certain new towers as described in section 11-301. The remainder of these regulations shall apply to the construction and major modification of towers, whether or not they are designed to provide cellular, personal communications service and/or specialized mobile radio service, except as provided herein. These regulations shall also apply to all outbuildings and facilities built in connection with any tower governed by these regulations. Any major modifications to a tower or facility must be approved in the same way that a new tower would have to be approved. If a tower is damaged or for other reasons is to be replaced, the repair or replacement is subject to these regulations only if the repair or replacement amounts to a major modification as defined herein.

These regulations do not cover incorporated areas within the County, unless specifically approved and/or adopted by the municipality.

(Ord. No. 99-34, Art. 4, 7-8-99)

Sec. 11-300. - Exclusions.

The regulations adopted herein shall not apply to the following towers:

- (1) Towers for personal use which, including the height of all attached antenna arrays, do not extend more than eighty (80) feet from the ground;
- (2) Placement of antenna arrays which cannot be used for emergency services or 911 calls on existing support structures so long as the placement does not increase the total height of the original support structure by more than twenty-four (24) feet, and does not significantly increase the lighting or noise levels of the structure;
- (3) Temporary structures designed to be used for not more than fourteen (14) days in connection with a special event or for any reasonable period of time in and immediately following an emergency, including without limitation those towers which are identified as "C.O.W.s" or "Cellular on Wheels".

(Ord. No. 99-34, Art. 5, 7-8-99)

Sec. 11-301. - Projects subject only to administrative review.

Certain projects falling within the ambit of these regulations are subject only to administrative review, and may be approved by the staff of the County Planning Board in the manner described in section 11-302. Projects which are subject only to administrative review are:

- (1) Placement of antenna arrays which might be used for emergency services or 911 calls on existing support structures which do not increase the total height of the original support structure by more than twenty-four (24) feet, and which will not significantly increase the lighting or noise levels of the structure. Outbuildings and facilities built in connection with such antenna arrays are subject to the same administrative review.
- (2) Construction of new towers or major modifications to existing towers so long as either of the following conditions are satisfied:
 - a. After the construction or modification of the tower, there will be no residences which are within four hundred (400) feet plus the height of the tower from the perimeter of the base of the tower; or
 - b. All persons owning said residences or the land upon which said residences are located have consented in a signed writing to the construction or modification of said tower.
 - c. In any event, the owner of land upon which the tower sits must agree in writing to either sub-paragraph (1) or (2); unless the lease for the site states otherwise.

(Ord. No. 99-34, Art. 6, 7-8-99; Ord. No. 99-46, Art. 1, 11-12-99; Ord. No. 2009-37, Art. 1, 6-11-09)

Sec. 11-302. - Procedures for administrative review of an antenna array.

A project involving placement of an antenna array on an existing support structure, which is subject to administrative review pursuant to the terms of this Article, shall be submitted to the staff of the County Planning Board, and shall contain the information required by the form which is attached to the ordinance from which this Article derived, in Appendix "A" and entitled "Application for Administrative Approval of Antenna Array (Cellular/PCS Provider)". The applicant must also submit information from a licensed Professional Engineer certifying the capacity (loading and otherwise) of the tower for the new array (in addition to all existing arrays) and a letter of intent from the tower owner indicating their intent to share space.

If the application is complete and complies with the terms of this Article, the staff shall approve the application without the necessity for review by the full Planning Board. The staff shall use best efforts to provide a response to any application within five (5) working days, and a failure to respond within fifteen (15) working days after receipt of a completed application shall be deemed to be an approval of such application. Administrative review shall not be available if any variance from these regulations is requested.

The owner of the property upon which the tower sits must consent in writing to the above and Appendix A should be amended to reflect such; unless the lease for the site states otherwise.

(Ord. No. 99-34, Art. 7, 7-8-99; Ord. No. 2007-73, Art. 1, 12-13-07; Ord. No. 2009-37, Art. 1, 6-11-09)

Sec. 11-303. - Procedures for administrative review of a tower.

A project involving construction of or major modification to a tower, which is subject to administrative review pursuant to the terms of this Article, shall be submitted to the staff of the County Planning Board, and shall contain the information required by the form which is attached to Ordinance No. 99-34 in Appendix "B" and entitled "Application for Administrative Approval of Tower." The applicant must also provide a letter certifying that the tower meets or exceeds design criteria and all current local, state, and federal requirements regarding the construction, maintenance and operation of the tower; said letter to be issued by an architect, engineer, manufacturer, or other similar professional if determined to be qualified by the Planning Administrator.

If the application is complete and complies with the terms of this Article, the staff shall approve the application without the necessity for review by the full planning board. If, for any reason, the staff determines that administrative approval is not appropriate, the applicant shall be entitled to amend the application to come within the ambit of Section 11-304 and to have the amended application considered by the Planning Board. The staff shall use best efforts to provide a response to any application within five (5) working days, and a failure to respond within fifteen (15) working days after receipt of a completed application shall be deemed to be an approval of such application. Administrative review shall not be available if any variance from these regulations is requested.

The owner of the property upon which the tower sits must consent in writing to the above and Appendix B should be amended to reflect such; unless the lease for the site states otherwise.

(Ord. No. 99-34, Art. 8, 7-8-99; Ord. No. 2008-08, Art. 1, 2-14-08; Ord. No. 2009-37, Art. 1, 6-11-09)

Sec. 11-304. - Procedures for regular review.

A project which is subject to regular review pursuant to the terms of this Article shall be submitted to the staff of the County Planning Board, and shall contain the information required by the form which is attached to Ordinance No. 99-34 in Appendix "C" and entitled "Application for Approval of Tower or Antenna Array." The applicant must also provide a letter certifying that the tower meets or exceeds design criteria and all current local, State, and Federal requirements regarding the construction, maintenance and operation of the tower; said letter to be issued by an architect, engineer, manufacturer, or other similar professional if determined to be qualified by the Planning Administrator.

If the application is complete and complies with the terms of this Article, the staff will submit the application to the full Planning Board, which shall approve the application if it is complete and complies with the terms of this Article. The staff shall maintain a calendar of submittal dates for each Planning Board meeting. A completed application submitted prior to a given submittal date shall be presented for consideration at the applicable Planning Board meeting. In no event shall a submittal date be more than sixty (60) days prior to the scheduled Planning Board meeting. The applicant is to be notified within sixty (60) days after initial consideration by the Planning Board of the decision of the Planning Board with regard to the application.

The owner of the property upon which the tower sits must consent in writing to the above and Appendix C should be amended to reflect such; unless the lease for the site states otherwise.

(Ord. No. 99-34, Art. 9, 7-8-99; Ord. No. 2008-08, Art. 2, 2-14-08; Ord. No. 2009-37, Art. 1, 6-11-09)

Sec. 11-305. - Preference for collocation.

- (a) All applicants seeking permission to construct one (1) or more towers in the County shall cooperate in collocation of antenna arrays on their towers where feasible. This requirement shall not be deemed to require applicants to incur additional expense to construct their towers in order to facilitate collocation. All applicants seeking permission to construct a new tower primarily dedicated for cellular or PCS communication purposes shall, where feasible, design and construct said tower so as to accommodate collocation of at least one (1) additional cellular or PCS provider in addition to applicant. Collocation is not required if the new antenna array would interfere with the applicant's use of the tower, or with reasonably foreseeable future uses anticipated by applicant. Upon the request of any third party whose request for collocation has been denied, applicant agrees to provide a written explanation of reasons for the denial.
- (b) All applicants seeking permission to construct a tower in order to serve one (1) or more specific purposes must demonstrate in the application process that they had made a reasonable and good faith effort to collocate their antenna arrays on existing towers or support structures. This paragraph does not apply to applicants who desire to construct a tower for the primary purpose of attracting other persons to collocate on the tower.
- (c) In complying with the requirements of paragraph (b), applicants must include the information required in the appropriate application form, provided that:
 - (1) With regard to the required statement that the owners of all such towers have been contacted and asked about the possibility of collocation, an explanation of why such contact was not made will be satisfactory if it indicates that a particular tower was obviously unsatisfactory for technological or safety reasons, or if the owner could not be located after reasonable inquiry.
 - (2) With regard to the required statement explaining why the available towers in the area are not suitable for collocation, by way of example and not limitation, existing towers would be unsuitable if collocation would cause interference problems, if there are other technological problems, if the tower is already filled to capacity, if the cost of collocation would exceed the cost of a new tower, if collocation would require a major modification (as such term is defined herein), or if collocation would not satisfy the reasonably foreseeable future needs of applicant which would be served by construction of a new tower.
 - (3) With regard to the supplemental information which may be required by the staff of the Planning Board, applicant may delete any and all references to confidential pricing information in any correspondence required to be submitted.
 - (4) The owner of the property upon which the tower sits must consent in writing to the above; unless the lease for the site states otherwise.

(Ord. No. 99-34, Art. 10, 7-8-99; Ord. No. 99-39, Art. 1, 9-9-99; Ord. No. 99-40, Art. 1, 9-9-99; Ord. No. 2009-37, Art. 1, 6-11-09)

Sec. 11-306. - Setback from road.

All towers shall be set back from the nearest edge of all roads, as recognized by the County 911 Operations Office with a specific name or number, by at least twenty (20) feet plus the height of the tower. The edge of the road shall be defined as the edge of pavement or the edge of the unpaved surface at the time of the application.

(Ord. No. 99-34, Art. 11, 7-8-99)

Sec. 11-307. - Setback from residences.

Towers subject to this article will be located so that there will be no residences where the nearest part of the residence is within one hundred fifty (150) percent of the height of the tower from the base of the tower, unless all persons owning said residences or the land on which said residences are located consent in a signed writing to the construction of said tower.

(Ord. No. 99-34, Art. 12, 7-8-99)

Sec. 11-308. - Mitigation of visual impact.

In minimizing any aesthetic problems with a proposed tower or antenna array, applicants agree to take the following steps:

- (1) Signage at the site is limited to non-illuminated warning and equipment identification signs.
- (2) Unless specifically required by law or a regulatory authority or because there is no technologically feasible alternative, no tower shall be equipped with strobe lights which operate at night.

(Ord. No. 99-34, Art. 13, 7-8-99; Ord. No. 99-38, Art. 1, 9-9-99)

Sec. 11-309. - Precautions against excessive noise.

Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generators used in emergency situations where the regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

(Ord. No. 99-34, Art. 14, 7-8-99)

Sec. 11-310. - Precautions against trespassers.

The base of every tower must be surrounded with a fence at least six (6) feet in height and topped with either barbed wire or razor wire. The gate for such fence shall be kept locked except when authorized personnel are working on or around the tower. The fence must be posted with signs warning against trespass and providing a number to call in case of an emergency. With the exception of towers constructed in such a way that it is not reasonably practicable to do so, any ladder or other apparatus designed to aid in the climbing of a tower shall be constructed so that the bottom twelve (12) feet of such ladder or apparatus is not readily accessible except when it is in use by construction, maintenance, repair or other authorized personnel.

(Ord. No. 99-34, Art. 15, 7-8-99)

Sec. 11-311. - Maintenance of towers and facilities.

By making an application hereunder, applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the County. Applicant further agrees to conduct inspections of all such facilities not less frequently than every twelve (12) months. Applicant agrees that said inspections shall be conducted by one (1) or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

The staff of the Planning Board may request in writing from the applicant documentation regarding such inspections and maintenance activities at any such facilities. Such requests by staff for documentation shall not be made more than three (3) times per year on any given tower. Applicant agrees to provide the documentation within thirty (30) days after the mailing of any such request from the staff. Said documentation shall be in the form of a sworn statement and shall include but need not be limited to the following items, unless the staff specifically indicates that one (1) or more of the following items need not be provided:

- (1) The estimated date on which the tower was originally constructed and the estimated date of all modifications thereto.
- (2) Verification of safe and appropriate grounding and electrical connections as per the version of the National Electrical Code in effect at the last modification or addition to the electrical system.
- (3) Structural design certification by the tower manufacturer regarding the facility's capability to withstand a combination of one-half (½) inch accumulation of ice and seventy (70) mile per hour winds.
- (4) A statement that all antenna arrays on such tower have been attached and maintained in accordance with the specifications of the manufacturer, if any.
- (5) For a guyed tower, a statement that all guy wires are being properly maintained so that structural integrity of the tower is not compromised.
- (6) For any lattice tower, a statement that all welds and other joints are being properly maintained so that they do not show signs of wear which would make the tower unsafe.
- (7) For lighted towers, verification of payment of the most recent applicable electric bill or other evidence that the facility remains functional and the safety signals are in working order.
- (8) For unlit towers, a statement by the owner verifying the continued use or need for the structure.
- (9) For structures which are painted for cosmetic reasons, proof that the tower has been painted within the last five (5) years, or proof satisfactory to the staff that the exterior does not currently need painting.

If any such information is not submitted within thirty (30) days after the first notice, the staff shall send a second written notice requesting the documentation within fifteen (15) days from the date of the second mailing. If the staff does not receive the requested information by the end of normal business on the 15th day from the date on which the second notice was mailed, the staff shall place the issue of whether the tower has been abandoned on the agenda at the next regularly scheduled County Planning Board meeting.

At that meeting, the Planning Board shall determine whether the subject tower has been abandoned. If the owner/operator fails to respond or appear before the Board, or fails to present evidence regarding the above described items, the Planning Board shall make a determination of abandonment and forward said finding to the Quorum Court for action.

The Quorum Court, at its next regularly scheduled meeting, shall consider the determination of abandonment forwarded by the Planning Board, along with any subsequent submittals by the owner/operator of the tower. The owner/operator may submit a remedial action plan which may call for the owner/operator to be given a reasonable time, not to exceed three (3) months, to implement a plan to restore the facility to safe operations. The Quorum Court may adopt such plan or any substitute plan deemed by the Court to be reasonable. If at any time, the Court finds that the tower in question has been abandoned, the Court shall instruct the County Judge to have the tower removed at the owner's expense. Any salvage value derived from the removed structures shall be applied to the costs of removal, if not paid by the owner.

(Ord. No. 99-34, Art. 16, 7-8-99, Ord. No. 99-47, Arts. 1, 2, 11-12-99)

Sec. 11-312. - Regulatory compliance.

Applicant, by requesting approval of any tower or antenna array in the County, certifies and agrees that no towers or antenna arrays under the applicant's control will emit electromagnetic radiation (EMR) in excess of federal safety and health guidelines as adopted by any authorized federal regulatory agency.

(Ord. No. 99-34, Art. 17, 7-8-99)

Sec. 11-313. - Opportunity for public response.

Except as expressly provided herein, all persons owning property within eight hundred (800) feet plus the height of the tower from the base of the tower must be notified in writing and given a chance to voice opposition or support for any proposed antenna array, tower or major modification to an existing tower at a public meeting.

(Ord. No. 99-34, Art. 18, 7-8-99, Ord. No. 99-51, Art. 1, 12-13-99)

Sec. 11-314. - Burden of proof.

Applicant must prove that any application under these regulations satisfies all of the applicable requirements of these regulations.

(Ord. No. 99-34, Art. 19, 7-8-99)

Sec. 11-315. - Enforcement.

Violations of the provisions of this Article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of conditional uses, variances, or waivers) shall be enforced against the tower owner in accordance with section 11-51 et seq. of this Code, (Regulations, Standards, and Specifications for the Division, Development, and Improvement of Unincorporated Land in Washington County, Arkansas).

(Ord. No. 99-34, Art. 21, 7-8-99)