

STATE OF LOUISIANA

PARISH OF DESOTO

IN THE NAME AND BY THE AUTHORITY OF

THE TOWN OF STONEWALL, DESOTO PARISH, LOUISIANA

ORDINANCE

Ordinance Number 99-02 of 1992

AN ORDINANCE to establish and enact minimum standards for communication towers in the Town of Stonewall.

BE IT ORDAINED BY THE TOWN OF STONEWALL, DESOTO PARISH, LOUISIANA, convened in regular session on the 12th day of October, 1999, that it does hereby adopt:

**COMMUNICATIONS TOWERS
DIVISION 1. TITLE, SCOPE, AND PURPOSE**

Section 1. Title.

This article shall be known as, and may be cited and referred to as, the "Town of Stonewall Tower Ordinance."

Section 2. Scope.

This article applies to all towers, located within the incorporated areas of the Town of Stonewall, with the following exemptions:

- Operators of amateur radios;
- Antennas for individual home usage;
- On-site commercial two-way radio towers;
- Towers constructed for farm use; and
- Industrial towers for facility use only.

Section 3. Purpose.

The expansion of communication technology requires the construction of a network servicing communication facilities and related equipment; therefore, this article was written to minimize any potential incompatibility problems for existing and future residents, businesses and industries of the Town of Stonewall.

DIVISION 2. DEFINITIONS

For Purposes of this article, the following words and definitions shall apply:

Antenna shall mean any structure or device for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Co-location shall mean locating wireless communications equipment from more than one provider on one site.

Communication tower shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

Equipment shelter shall mean a constructed or prefabricated building or other structure located on a telecommunications site designed principally to enclose equipment, switches, communications lines, and other related facilities in conjunction with telecommunications transmissions.

Service provider shall mean a company licensed by the federal government to furnish communication technology for commercial purposes.

Telecommunications shall mean the transmission between or among points specified by the user's choosing, without change in the form or content of the information as sent and received, as defined in the federal Telecommunications Act of 1996.

Tower company shall mean an entity which constructs towers for leasing purposes.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Section 1. Powers and Duties

- (a) The Town of Stonewall, Mayor, or designee, is hereby authorized, empowered, and directed to enforce all provisions of this article.
- (b) Any tower owner in violation of this article shall correct said violation within thirty days of receipt of written notice via certified mail. If violation is not corrected by said deadline, the tower may be removed from the property. Notice to remove shall be sent by the Mayor.
- (c) Any person feeling aggrieved by the receipt of said notice to correct may, within ten days of receipt of this notice, file for application to appeal directly to the Town of Stonewall. In such event, the matter will be stayed pending the disposition of the appeal.
- (d) Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine not to exceed \$500.00, or imprisonment, not to exceed thirty days, or both, at the discretion of the court. Each act in violation of any of the provisions hereof shall be deemed a separate offense.
- (e) If the tower owner fails to remove such tower following written notice, the Town of Stonewall may have the tower removed at the expense of the tower owner.

Section 2. Obsolete/Unused Installations.

All obsolete or unused facilities or structures must be removed within six months of cessation of operation at the site. Written notification of cessation of operation at the site shall be provided to the Town of Stonewall by the operator of the site within thirty days of the termination of operations. For clarification purposes, the six months shall begin from the date on which the electrical meter was removed from the site.

DIVISION 4. DEVELOPMENT STANDARDS

Section 1. Lighting.

- (a) When tower lighting is not required by the Federal Aviation Administration or other federal or state authority for a particular tower and when lighting is not in violation of any federal standards, continuously illuminated red obstruction lights shall be installed on towers greater than or equal to 100 feet in height.
- (b) For all towers 200 feet or greater in height, federal restrictions shall apply.
- (c) When lighting is required and is permitted by the Federal Aviation Administration or other federal or state authority, dual lighting shall be employed. For the purposes of this article, and to minimize intrusion into other areas, dual lighting shall be considered as strobe lighting during the daylight hours (if necessary) and red lighting at night. In no case shall lighting shine downward during nighttime hours, such lights shall be focused upward, if necessary.
- (d) On existing structures with no lighting system, owners, developers, contractors, and/or businesses must comply with said lighting requirements within a period not to exceed six months from the effective date of this article.

Section 3. Structural Integrity/Wind Loads.

All tower installations shall be certified by an engineer, registered in the State of Louisiana, to withstand a minimum wind load of 95 miles per hour. The tower and any other transmission equipment must be certified to meet any structural standards for steel antenna towers and support structures set in the Electronics Industries Association/Telecommunications Association Standards referenced as TIA/EIA-222-F and as amended hereafter.

Section 4. Setbacks.

- (a) The minimum lot size on which a communications installation is to be located shall be of sufficient size to contain, on-site, any structural debris from tower or antenna failure.
- (b) The installations and equipment shelters which service the installation shall shall be of sufficient setback requirements for any affected zoning district.
- (c) In cases where the tower site abuts a residential zoning district or use, the setback from the affected property line(s) on abutting sides shall be greater than or equal to one half of the height of the tower including all antennas and attachments. This requirement shall not apply in cases where the abutting residential use or property is owned by the service provider or lessor.
- (d) The residential setback requirement may be waived following the execution of a waiver by all adjacent property owners. This waiver must be submitted to the Town of Stonewall Planning / Zoning Commission by the telecommunications company.

Section 5. Co-Location.

- (a) No new tower installation shall be allowed within a 2,640 foot radius (measured from center of the tower) of an existing communications tower. No new site may be established if there is a technically suitable place available on an existing communications tower within the search area that the new tower site is to serve. For the purposes of this article, the search area is defined as the grid for the placement of telecommunications structure.

(b) The applicant's proposal for a new communications tower shall not be approved until documentation is provided by the applicant or service provider that the proposed facility cannot be accommodated on an existing or approved tower located within the search area due to one or more of the following reasons:

- (1) The planned equipment would exceed the structural capacity of the existing or approved towers which cannot be reinforced to accommodate the service provider's proposed facility at a reasonable cost;
- (2) The planned equipment would cause radio frequency interference with other existing or planned equipment for those towers, and the interference cannot be prevented at a reasonable cost;
- (3) Existing or approved towers do not have space on which the service provider's equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved;
- (4) The existing or approved tower does not meet geographic service requirements of the applicant; or
- (5) The service provider is able to show sufficient proof that co-location agreement could not be obtained.

Acceptable documentation for (b) (1) through (4) above, shall be considered to be a stamped statement from a Louisiana licensed engineer stating the design restrictions, which disallow co-location. In order to substantiate (b) (5), proof such as certified mail receipts to tower Owners may be submitted.

- (c) All new or upgraded communication towers shall have the capacity to permit multiple service providers. At a minimum, monopolies shall be able to accommodate two service providers, and at a minimum, transmission towers shall be able to accommodate three service providers.
- (d) Tower owners shall not prohibit any other service provider from co-locating on an existing tower so long as the service provider pays the tower owner reasonable compensation according to industry standards for space on the tower and pays for any and all costs. If the tower owner fails to allow co-location in this situation, the Mayor may prohibit that owner from submitting any applications requiring approval by the Town Council.

Section 6. Equipment Shelters.

- (a) Repair or maintenance equipment shall not be stored outside of the enclosed structures on the tower site. Outdoor areas shall be kept free of debris, supplies, and/or related equipment.
- (b) When located within 150 feet (measured from the center of the tower) of a residential zoning district or use, the facade of the equipment shelter must be constructed with brick or wood in order to blend with surrounding environment. This requirement shall not apply in cases where the residential use of property is owned by the service provider or lessor.
- (c) The residential facade requirement may be waived following the execution of a waiver by all property owners within the 150 feet. This waiver must be submitted to the Mayor by the communications company.

DIVISION 5. ZONING

Section 1. Permitted Uses.

Zoning exists in the Town of Stonewall. Zoning regulations will apply.

DIVISION 6. PERMITTING

Section 1. Permitting Requirements.

- (a) An applicant for a permit for a tower installation shall pay a base permit fee of \$2.00 per linear foot of tower height in addition to the permit fee of \$1,000.00 per ground pedestal for guy wires.
- (b) A co-location on an existing structure is specifically excluded from the requirements of this section, unless a new equipment shelter is planned, which would require payment of the base permit fee.
- (c) In addition to submittal requirements elsewhere in this article, development applications for towers shall include the following supplemental documentation:

Identification of owners of all antennae and equipment to be located on the site;

Written authorization from site owner for application;

Copies of easements, if applicable;

Evidence that a valid Federal Communications Commission license for the proposed activity has been *issued* (for towers constructed by *service providers*);

Documentation that the *proposed* tower complies with regulations administered by the FAA;

A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, fences, and existing land uses on adjacent property;

A copy of typical specifications for proposed structures and antennas, including description of design characteristics and material stamped by a Louisiana licensed professional engineer;

A tower form to be provided by the Mayor;

Any additional information required by the Mayor.

Section 2. Time Limit on Construction.

Once a tower installation is permitted for construction, the completion of the permitted project must occur within one (1) year of permit issuance. Extensions may be granted at the discretion of the Mayor, following written request by the applicant,

Upon completion of tower, a letter stating tower is operational must be sent to the Mayor, Town of Stonewall, DeSoto Parish, Louisiana.

DIVISION 7. NONCONFORMING USES

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Section 1. Existing Nonconforming Uses.

The lawful use of any communications tower existing, at the time of enactment of this article, may be continued, although such use does not conform with the provisions of this article, excluding the lighting provisions for towers which do not have existing lighting systems.

DIVISION 8. REGISTRATION

Section 1. Registration of Existing Sites.

- (a) Within ninety days of adoption of this article, a current map, drawn to scale, showing locations of existing towers and a tower registration form shall be submitted by all service providers to the Mayor. The registration application shall be on a form provided by the Town of Stonewall.
- (b) The purpose of this registration is to identify those structures which do not conform to the provisions of this article.
- (c) If the tower owner fails to register the structure, the Mayor may prohibit that tower owner from submitting any applications requiring approval by the Town of Stonewall:
- (d) For registration purposes, an official tower map will be kept on file by the Town of Stonewall in the Mayor's Office.

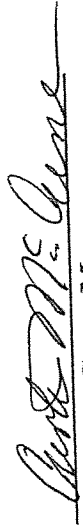
BE IT FURTHER ORDAINED that any ordinance or parts of any ordinance in conflict herewith be and the same are hereby repealed.


Upon motion made by Council Member Bill Steven, seconded by Council Member Bryant Yopp, the above and foregoing ordinance was duly adopted on the 12th day of October, 1999, with the vote as follows:

4 Yeas

0 Nays

1 Absent


Curtis McCune, Mayor
Town of Stonewall


Kay Betty
Town Clerk

CERTIFICATE

I, the undersigned, do hereby certify that the above, and foregoing is a true and correct copy of an ordinance, adopted by the Town of Stonewall, DeSoto Parish, Louisiana, convened in regular session on the 12th day of October 1999.


Kay Betty
Town Clerk