

VILLAGE OF FOLSOM
STATE OF LOUISIANA

ORDINANCE GOVERNING COMMUNICATION TOWERS AND ANTENNAS

BE IT ORDAINED by the Board of Aldermen of the Village of Folsom, State of Louisiana that the Village of Folsom, Code of Ordinances, Chapter 36 "Communication Towers and Antennas" be enacted as follows:

Section 36.1 Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. "Communications 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.
- b. "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form of the information as sent and received.
- c. "Antenna" means a device, dish or array used to transmit or receive commercial telecommunications signals.
- d. "Height" of a communication tower is the distance from the base of the tower to the top of the structure. The base shall be the bottom of the building or other structure if the antenna is located on a building or other structure.

Section 36.2 Communications tower and antenna permitted only as conditional use.

A communication tower or communication antenna may be permitted upon determination that all applicable conditions in this ordinance are met and that municipal conditional approval is granted.

- a. Zoning districts in which communication towers are not permitted:

not permitted: Residential

not permitted: C-1 Commercial

b. Zoning districts in which communication towers are permitted: height limitations.

C-2 Commercial: free standing or guyed tower with height not exceeding 180 feet shall be a conditional use; height of 180 feet or more shall require a zoning variance.

Industrial and Institutional: free standing or guyed tower with height not exceeding 180 feet shall be a conditional use; height of 180 feet or more shall require a zoning variance.

Section 36.3 Application requirements.

The applicant for a conditional use zoning permit for construction of a commercial communication tower or placement of a commercial telecommunication antenna on an existing structure must file a building application accompanied by the normal building fee and the zoning fee along with the following documents, if applicable:

- a. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
- b. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, elevation drawings or photographs depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property. A site plan is required if antenna is to be mounted on an approved existing structure.
- c. A current map, or update of an existing map, showing locations of applicant's antennae, facilities, existing towers and proposed towers.
- d. A written report from a structural engineer showing the tower antennae capacity by type and number together with a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
- e. Identification of the owners or operators of all antennae and equipment to be located on the site.
- f. Written authorization from the site owner for the application.
- g. Evidence that a valid FCC license for the proposed activity has been issued.
- h. Building permit application forms completed.
- i. A written agreement to remove the tower or antennae within one year after cessation of use.

j. Additional information as required to determine that all applicable zoning regulations are met.

Section 36.4 Conditions.

Applicant must show that all applicable conditions are met.

a. The proposed communication tower, antenna or accessory structure must be placed in a reasonably available location in order to minimize the visual impact on the surrounding area and to allow the facility to function according to minimum standards imposed by applicable communication regulations and technical design requirements. Minimum lot sizes must be at least the lot sizes required by the zoning district in which the facility is located. If minimum lot sizes are not indicated, a minimum lot size of 4000 square feet shall be required. Land owned by the municipality should be considered as first priority use for such facilities; other publicly owned facilities should be considered as secondary priority.

b. Applicant must show that existing structures or towers under the control of applicant or the municipality cannot accommodate the proposed antenna as required by applicable regulations and technical design requirements.

c. When lighting is required and permitted by the FAA or other federal or state authority, the lighting shall be so oriented as to avoid projection onto surrounding residential property.

d. Prior to consideration of a building permit for locating commercial communication towers on privately owned property, applicant must show that publicly owned sites are not available or not suitable for operation of the proposed facility. A commercial communication tower will not be permitted if suitable space is available on existing communication towers or if suitable existing communication tower sites are available within the area to be served by the new site.

e. Applicant must show that the new commercial communication tower is designed to accommodate additional antennae equal in number to applicant's present requirements and anticipated future requirements.

f. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements will be met.

g. A commercial communication tower or antenna must be properly marked and lighted in accordance with FCC and FAA safety requirements.

h. A permit for a proposed commercial communication tower or commercial communication structure within the municipal limits shall not be issued unless the applicant:

- i. certifies that an existing site does not meet applicant's structural specifications and technical design requirements or
 - ii. certifies that a co-location agreement could not be obtained.
- i. Barbed wire or razor wire will not be allowed as fencing material.
 - j. With the exception of height and setback restrictions as set forth in this ordinance, municipal land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all municipal land use regulations shall apply to the use of commercial communication towers or commercial communication structures.
 - k. The minimum property line setback distance for commercial communication towers shall be a distance equal to one-half the height of the tower. This requirement may be waived by the municipal governing authority.
 - l. The distance between the base of commercial transmission towers, radio towers, masts, aerials or antennae and any residential zoning district or residential structure shall not be less than one-half the height of the structure, measuring from the top of the antenna to grade.

Section 36.5 Building permit.

A building permit fee of Twenty Five Dollars (\$25.00) payable to the Village of Folsom shall be required for construction or installation of any commercial communication tower or antenna.

Section 36.6 Abandonment.

In the event the use of any commercial communication or transmission tower has been discontinued for a period of one year or more, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the municipal building inspector who shall have the right to request documentation and affidavits from the communication tower owner or operator regarding tower usage. Upon abandonment, the owner or operator of the tower shall have sixty days within which to

- a. reactivate the use of the tower,
- b. transfer ownership or control of the tower to another owner or operator for operation, or
- c. dismantle and remove the tower and related structures.

Section 36.7 Amateur radio facilities (HAM operators).


Except as provided below, this ordinance is not intended to regulate or restrict lawful operation of antennae required for amateur radio operation.

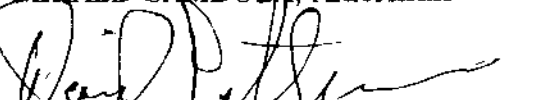
A municipal building permit shall be required for construction or installation of any amateur radio antenna or amateur radio antenna support structure. Antennae for amateur radio operations shall not exceed 65 feet in height. Operation of amateur radio antenna shall be an "accessory use" as defined in municipal ordinances governing private land use restrictions.

BE IT FURTHER ORDAINED that this ordinance shall take effect on and after its promulgation.

Folsom, Louisiana this 12th day of July, 1999.


WILLIE RICHARDSON, JR., Alderman


GERALD SAMBOLA, Alderman


DAVID PITTMAN, Alderman


Approved:

VILLAGE OF FOLSOM

By: 
MARSHELL BRUMFIELD, Mayor

CERTIFICATE

I, Joyce Core, certify that the above and foregoing is a true and correct extract of the minutes of the regular meeting of the Village of Folsom held at the Town Hall in the Village of Folsom, Louisiana on the 12th day of July, 1999. Present: Marshall Brumfield, Mayor, Willie Richardson, Jr., Alderman, Gerald Sambola, Alderman and David Pittman, Alderman. All present voted yea and there were no nays.


JOYCE CORE
Municipal Clerk

VILLAGE OF FOLSOM
STATE OF LOUISIANA

**ORDINANCE AMENDING CODE OF ORDINANCES
CHAPTER 36, COMMUNICATION TOWERS AND ANTENNAS**

BE IT ORDAINED by the Board of Aldermen of the Village of Folsom, State of Louisiana that the Village of Folsom, Code of Ordinances, Chapter 36 "Communication Towers and Antennas," Section 36.4 "Conditions," Subpart (d) be amended to read as follows:

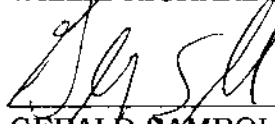
Section 36.4 Conditions.

d. Prior to consideration of a building permit for locating commercial communication towers on privately owned property, applicant must obtain written verification from the Board of Aldermen indicating that publicly owned sites are not available or that publicly owned sites are not suitable for operation of the proposed facility. A commercial communication tower will not be permitted if suitable space is available on existing communication towers or if suitable existing communication tower sites are available within the area to be served by the new site.

BE IT FURTHER ORDAINED that this ordinance shall take effect on and after its promulgation. Folsom, Louisiana this 8th day of November, 1999.



WILLIE RICHARDSON, JR. Alderman

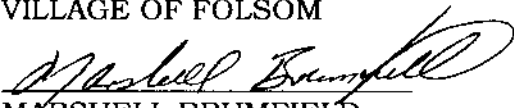


GERALD SAMBOLA, Alderman

DAVID PITTMAN, Alderman

Approved:

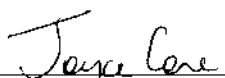
VILLAGE OF FOLSOM

By: 

MARSHELL BRUMFIELD
Mayor

CERTIFICATE

I, Joyce Core, certify that the above and foregoing is a true and correct extract of the minutes of the regular session of the Village of Folsom held at the Town Hall in the Village of Folsom, Louisiana on the 8th day of November, 1999. Present: Marshall Brumfield, Mayor, Willie Richardson, Jr., Alderman, Gerald Sambola, Alderman and ~~David P. Hickey, Alderman~~. All present voted yea and there were no nays.



JOYCE CORE, Municipal Clerk