

## CHAPTER 17.410 – TELECOMMUNICATIONS

### ARTICLE I. – TOWERS AND ANTENNAS

#### DIVISION 1 – GENERALLY

##### **17.410.010. – Purpose.**

The purpose of this Chapter is to establish guidelines for the siting of all wireless, cellular, television, and radio telecommunications towers and antennas. The goals of this Chapter include the following.

1. To encourage the location of towers in nonresidential areas;
2. To minimize the total number of towers within the community necessary to provide adequate personal wireless communications services to residents of the county;
3. To encourage the joint use of new and existing tower sites among service providers;
4. To locate telecommunications towers and antennas in areas where adverse impacts on the community are minimized;
5. To encourage design and construction of towers and antennas to minimize adverse visual impacts; and
6. To enhance the ability of the telecommunications service providers to deliver such services to the community effectively and efficiently.

##### **17.410.020. – Definitions.**

(a) Except as specifically defined herein, all words used in this Chapter shall be as defined in The Latest Illustrated Book of Development Definitions (2007, Rutgers). Words not defined herein or in the above-referenced text shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence, section, and article in which they occur.

(b) For the purpose of this Chapter, certain words or terms used herein shall be defined as follows.

1. The term “erected” includes the terms “constructed,” “located,” and/or “relocated.”
2. The term “map” or “zoning map” means the official zoning map of the county.
3. The term “parcel” includes the terms “plot” and/or “lot.”
4. The terms “used” or “occupied” include the words “intended, arranged, or designed to be used or occupied.”

(c) Definitions. The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Alternative tower structure* means clock towers, bell towers, church steeples, light/power poles, electric transmission towers, manmade trees (without accessory buildings/structures), and similar natural or manmade alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

*Antenna* means any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

*Co-location* means the placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

*Department* means the county department of planning and development.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Geographic antenna placement area* means the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

*Governing authority* means the Hall County Board of Commissioners.

*Height* means the distance measured from ground level of a tower or other structure to the highest point on the same tower structure or lightning rod or appurtenance attached to the tower, when the term is used to refer to a tower or other structure.

*Pre-existing tower and/or antenna(s)* means structures as set forth in subsection 17.410.030 (d).

*Public officer* means the director of the county department of planning and development when used in reference to the procedures and legal remedies found in O.C.G.A. §§ 41-2-7 to 41-2-17.

*Scenic views* means those geographic areas containing visually significant or unique natural features, as indicated on the county's comprehensive plan or other official county documentation.

*Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term "tower" includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, manmade trees (with accessory buildings/structures), and other similar structures.

*Visual quality* means the appropriate design, arrangement, and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

#### **17.410.030. – Application of chapter.**

(a) *District height limitations.* Except as set forth in subsection (c) of this section, the requirements of this chapter shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of, 50 feet.

(b) *Governmental exemption.* The provisions of this chapter shall not apply to governmental facilities and structures, including those of Hall County, Georgia.

(c) *Amateur radio; receive-only antennas.* This chapter shall not govern any tower, or the installation of any antenna, which is 75 feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or which is 75 feet or less in height and is used exclusively as a receive-only antenna.

(d) *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance from which this chapter is derived shall not be required to meet the provisions of this chapter, other than the requirements of sections 17.410.160 and 17.410.170. Any such towers or antennas shall be referred to in this chapter as "pre-existing towers" or "pre-existing antennas."

(e) *Additional antennas.* If an additional antenna is co-located upon a pre-existing tower after adoption of this chapter, then fencing and landscaping requirements of sections 17.410.130 and 17.410.140 shall be met as part of the permitting process.

#### **17.410.040. – Removal of abandoned towers and antennas.**

(a) Any tower or antenna that is not operated for a continuous period exceeding six months shall be considered abandoned, and the owner of any such antenna or tower shall remove the structure within 60 days of receipt of notice from the department that the tower or antenna is considered by the county to be abandoned.

(b) If, after receipt of notice of abandonment from the department, the owner of a tower or antenna does not remove the abandoned tower or antenna within 60 days, the governing authority may, in the

manner provided by O.C.G.A. §§ 41-2-7 to 41-2-17, remove such antenna or tower at the owner's expense. If there are two or more users of a single abandoned tower or antenna, then notice shall not be sent by the department until all users cease to utilize the tower or antenna.

(c) Prior to the issuance of a permit for the construction of a tower or antenna, the owner of the tower or antenna facility shall procure a bond or a letter of credit from a surety doing business in the State of Georgia with an office located in Hall County, Georgia, in an amount not less than \$25,000.00 conditioned upon the removal of the tower and/or antenna, should it be deemed abandoned under the provisions set forth in this section. Such bond or letter of credit must be renewed at least every two years during the life of the tower or antenna, and the failure to renew a bond or letter of credit shall be grounds for revocation of the tower or antenna permit.

**17.410.050. – Legal status provisions.**

Whenever the regulations of this chapter require a greater width, depth, or size of yard or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this chapter shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this chapter, the provisions of such statutes or covenants shall govern.

**17.410.060. – Annual registration of telecommunications towers.**

(a) On or before May 1 of each calendar year, the owner of any telecommunications tower shall register such tower with the director of the county department of planning and development on a form (or via electronic means) prescribed by the department. The initial annual registration shall identify such telecommunications tower by tax parcel number, physical street address, and/or GIS coordinates, and shall describe all structures and equipment on site associated with such telecommunications tower. Annually thereafter, each subsequent registration shall identify any transfer of ownership or such tower, and/or any modifications to such tower which occurred during the preceding calendar year.

(b) For all telecommunications towers which were constructed more than ten years prior to the submittal of the annual registration, at least once every three years the owner of such tower shall submit certification to the director that such tower was inspected and that a registered professional engineer has determined that no signs of defect, disrepair, or other hazardous condition exist.

(c) Any telecommunications tower owner which owns more than 20 towers that are subject to subsection (b) of this section shall be deemed to be in compliance with its requirements so long as all of such tower owner's towers which are more than ten years old are inspected within three years of the first deadline for registration under this section.

(d) The annual registration fee for each telecommunications tower shall be \$100.00 for the first registration year and \$50.00 per tower per year thereafter.

**DIVISION 2 – GENERAL PROVISIONS**

**17.410.070. – Principal or accessory use.**

A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including, but not limited

to, setback, buffer, and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a leased area within such lot or parcel. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

**17.410.080. – Inventory of existing sites.**

(a) The county's department of planning and development shall maintain an inventory of all towers or alternative tower structures, active and inactive, which are present in the county. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type, and general suitability for antenna co-location of each tower, and other pertinent information as may be decided by the department.

(b) To facilitate the co-location of antennas, each applicant seeking to locate a new tower, alternative tower structure, or antenna, or modify any such existing structure, shall provide to the department an affidavit setting forth an inventory of its existing towers or alternative tower structures as provided for below. The applicant shall specifically identify its towers or alternative structures, active or inactive, which are present in the county. Applicants seeking to erect an amateur radio tower or antenna shall be exempt from this provision.

(c) The applicant's affidavit shall include all of its structures that are within the jurisdiction of the governing authority; within a municipality located in whole or in part within the county; or within one mile of the border of the county, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type, and general suitability for antenna co-location of each such tower, and other pertinent information as may be required by the department. The department may share such information with other applicants for a tall structure permit under this chapter or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided however that the department shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.

(d) An application for a tall structure permit shall not be considered complete without this affidavit of inventory.

**17.410.090. – Co-location; design requirements.**

In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following criteria:

1. For towers up to 125 feet in height, the structure and fenced compound shall be designed to accommodate at least two providers; and
2. For towers greater than 125 feet in height, the structure and fenced compound shall be designed to accommodate at least four providers.

**17.410.100. – Co-location; availability of suitable existing structures.**

(a) No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the department and board of commissioners that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements that no

existing tower is suitable. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

1. That no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
  2. That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
  3. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna(s) on the existing towers or structures would cause interference with the applicant's proposed antenna(s).
  4. That the cost or contractual provisions required by the tower owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  5. That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (b) For each of the above, the applicant must submit an affidavit listing the existing towers which were considered, and ultimately rejected, by the applicant and provide a detailed explanation of why the existing towers are not useable.

#### **17.410.110. – Aesthetics.**

The guidelines set forth in this section shall govern the design and construction of all towers, and the installation of all antennas governed by this chapter.

1. Towers and/or antennas shall either maintain a galvanized steel or concrete finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
3. For antennas installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be a neutral color so as to make the antenna and related equipment visually unobtrusive.
4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. In the event that a tower requires lighting by virtue of its height, the county may require the construction of the tower at a lower height in order to avoid lighting requirements.
5. No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within the county.

#### **17.410.120. – Setbacks and separation.**

The following setbacks and separation requirements shall apply to all towers:

1. Towers shall be set back a distance equal to one-half of the height of the tower, from its base, to any public way or property line of the lot or parcel containing the tower. All towers in

residentially-zoned areas in excess of 50 feet shall be set back a distance equal to the full height of the tower from any adjoining off-site residential structure.

2. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
3. In zoning districts other than S-S, H-B, I-I, and I-II, or county-owned property, towers over 100 feet in height shall not be located closer than 1,500 feet from any existing tower that is over 100 feet in height. This requirement shall not apply to amateur radio towers.

**17.410.130. – Security fencing/anti-climbing devices.**

- (a) All towers and supporting equipment shall be enclosed by fencing not less than six feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, work, or other approved alternative.
- (b) Amateur radio towers and antennas, or receive-only antennas, shall not be subject to the provisions of this section unless compliance is required by the board of commissioners through the tall structure permit process.

**17.410.140. – Landscaping.**

The following requirements shall govern landscaping surrounding (and in the general vicinity of) all towers:

1. Where adequate vegetation is not present, tower facilities shall be landscaped with a strip of plant materials which effectively screens the view of the tower, accessory buildings and equipment, and the tower compound generally. Landscaped strips of plant material shall be a minimum of ten feet in width and located outside the fenced perimeter of the tower compound. Landscaped strips of plant material shall satisfy the minimum design and planting requirements for landscaped buffers established in the county's tree protection ordinance and other applicable ordinances relating to buffers.
2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.
3. Amateur radio towers and antennas, or receive-only antennas, shall not be subject to the provisions of this section unless compliance is required by the board of commissioners through the tall structure permit process.

**17.410.150. – Review of tower and antenna erection.**

If, upon receipt of an application for the erection of any tower or alternative tower structure governed by this chapter, the department deems that the proposed structure may interfere with the use of the airway of the county by the public or interfere with the operation of existing or proposed airport facilities, a copy of the application shall be submitted by the department for review to the appropriate governmental or aviation authority.

**17.410.160. – Federal requirements.**

All towers must meet or exceed current standards and regulation of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards

and regulations are changed, the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with any such revised standards and regulations within six months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided by O.C.G.A. §§ 41-2-7 through 41-2-17.

**17.410.170. – Building codes; safety standards.**

To ensure the structural integrity of towers, the tower's or alternative tower structure's owner, permittee, or subsequent lessee shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, the department concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice to the owner, permittee, or lessee of the tower, said party shall have 15 days to bring the tower into compliance with such standards. If the owner, permittee, or lessee fails to bring the tower into compliance within the 15-day period, the governing authority may remove the tower at the expense of the owner, permittee, or lessee. Prior to the removal of any tower, the department may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above-referenced compliance period. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

**17.410.180. – Change of ownership notification.**

Upon transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the tower permittee shall notify the department of the transaction in writing within 30 days of the effective date of the transaction.

**DIVISION 3 – PERMITTED USES**

**17.410.190. – Generally.**

The uses listed in this division are deemed to be permitted uses and shall not require administrative review or approval of a tall structure permit. However, all such uses shall comply with requirements set forth in division 2 of this article and all other applicable codes and ordinances.

**17.410.200. – Co-location of antennas required.**

Applicants for the erection of a tower or placement of an antenna shall be required to co-locate upon an existing tower or alternative tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the department, and that no suitable alternative tower structure is available as set forth in section 17.410.100.

**17.410.210. – Uses.**

- (a) If it is adequately demonstrated that antenna co-location, as required by section 17.410.200, is not possible for a given geographic antenna placement area, the following uses are permitted uses.
1. Constructing a new tower, including the placement of a service building or other supporting equipment used in connection with said tower or antenna, in the following zoning districts provided, however, that all structures shall meet the setback, screening, and buffer requirements contained herein, and shall be located a minimum distance of two times the height of the tower from any residentially-zoned property:
    - A. S-S (Suburban Shopping District);
    - B. H-B (Highway Business District);
    - C. I-I (Industrial District);
    - D. I-II (Heavy Industrial District).
  2. Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure) that is 50 feet in height or greater, if the additional antenna height adds no more than 20 feet to the height of the existing structure, subject to the zoning district restrictions of subsection (1) of this section in the following zoning districts:
    - A. S-S (Suburban Shopping District);
    - B. H-B (Highway Business District);
    - C. I-I (Industrial District);
    - D. I-II (Heavy Industrial District);
    - E. POD (Planned Office District);
    - F. PCD (Planned Commercial District);
    - G. PID (Planned Industrial District).
- (b) If it is adequately demonstrated that antenna co-location, as required by section 17.410.200, is not possible for a given geographic antenna placement area, the following uses are permitted subject to approval by the county's board of commissioners per the provisions of section 17.380 et seq. of the Hall County Code of Ordinances.
1. Constructing a new tower, including the placement of a service building or other supporting equipment used in connection with said tower or antenna, in the following zoning districts provided, however, that all structures shall meet the setback, screening, and buffer requirements contained herein, and shall be located a minimum distance of two times the height of the tower from any residentially-zoned property:
    - A. AR-III (Agricultural Residential - III District);
    - B. AR-IV (Agricultural Residential – IV District).



**17.410.220. – Public Notice/appeal.**

- (a) At least ten days prior to the issuance of a building permit for the construction of a tower as a permitted use, the department of planning and development shall cause a sign to be posted on the property and the publication of public notice in a newspaper of general circulation within the territorial boundaries of the county. Said public notice shall state the nature of the application, street location of the proposal and height of the proposed structure.
- (b) If during the public notice period an objection to the building permit application is raised, the validity of the application and all pertinent documentation shall be determined by the county's planning commission. The objection shall be placed on the first available agenda of a regularly scheduled meeting following the expiration of the ten day appeal period. The planning commission shall dispense with the objection by either determining that the application is valid and meets all applicable criteria of this chapter, which shall result in the issuance of a building permit, or determining that the application is in error. Applications found to be in error must, as a result, be processed through the tall structure permit process set forth in division 5 of this article.

**17.410.230. – Appeal of administrative determination.**

If a building permit application for a tower as a permitted use is determined by the department of planning and development to not meet all applicable criteria of this chapter, the building permit applicant may appeal the determination to the county's planning commission. The planning commission shall dispense with the objection by either:

1. Determining that the application is valid and meets all applicable criteria of this chapter, which shall result in the issuance of a building permit; or
2. Determining that the application does not satisfy all applicable criteria of this chapter. Applications that do not satisfy all applicable criteria must, as a result, be processed through the tall structure permit process set forth in division 5 of this article.

**DIVISION 4 – ADMINISTRATIVE APPROVALS**

**17.410.240. – General.**

- (a) The department may administratively approve the placement of additional antennas upon towers or alternative tower structures as set forth in section 17.410.260.
- (b) Each applicant requesting an administrative approval under this chapter shall submit a scaled site plan, scaled elevation view and supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including topography (utilizing minimum two-foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses, and any other information deemed by the department to be necessary to assess compliance with this chapter and compatibility with surrounding uses.
- (c) Amateur radio antennas shall meet the requirements of the county's construction code. Certain documentation requirements of this section may be waived by the director for amateur radio antenna applications.

- (d) The department shall respond to each application within 30 days of its receipt by either approving or denying it. One 30-day extension of this review period may be exercised by the department if such additional time is deemed necessary to adequately assess the request. If the department fails to respond to the applicant within a maximum of 60 days, the application shall be deemed to be approved.
- (e) As part of any administrative approval, the department may administratively reduce setback requirements by up to ten percent to compensate for irregularly shaped lots or parcels.
- (f) If a request for administrative approval is denied, the applicant may appeal the decision to the county's planning commission. In such an instance, the planning commission may authorize such variances from the terms of the telecommunications tower and antenna ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship upon a finding by the planning commission that the denial of the variance presents a significant detriment to the telecommunications service provider making application, and that the denial of the variance is insubstantially related to the public welfare.

**17.410.250. – Co-location of antennas required.**

Applicants for the erection of an antenna, except for amateur radio operators, shall be required to co-locate upon an existing tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area utilizing that tower inventory maintained by the department, and that no suitable alternative tower structure is available as set forth in section 17.410.100. The applicant must present an affidavit that lists the available existing towers and reasons why co-location on those towers is not possible.

**17.410.260. – Uses allowed by administrative approval.**

The following uses may be approved by the department after conducting an administrative review.

1. Installation of an antenna on any alternative tower structure, and further including the placement of additional structures or other supporting equipment used in connection with said antenna, provided that any such addition does not add more than 20 feet to the height of the existing structure;
2. Installation of an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, provided that any such addition does not add more than 20 feet to the height of the existing tower.

**DIVISION 5 – TALL STRUCTURE PERMIT REQUIRED**

**17.410.270. – Generally.**

- (a) If the proposed location, height, setback, or other aspect of a tower or antenna cannot comply with the minimum requirements established in division 3 or division 4 of this article, then a

tall structure permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.

(b) The following provisions shall also govern the issuance of tall structure permits for telecommunications and personal wireless service towers and antennas:

1. In granting a tall structure permit, the board of commissioners may impose conditions to the extent that the board concludes such conditions are necessary to minimize adverse effects from the proposed tower on adjoining or nearby properties, including limiting the height of proposed towers located in or near residential areas. In no event shall a new tower exceeding 100 feet in height be placed on residentially-zoned property, nor shall a new tower exceeding 195 feet in height be placed on property with any zoning classification.
2. All information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer or qualified industry expert.
3. Amateur radio antennas shall meet the requirements of all applicable county codes.

**17.410.280. – Application; contents; fee.**

All applications for tall structure permits shall be submitted to the department of planning and development. Each application shall contain as a part thereof detailed plans and specifications as set forth in section 17.410.290. An application for a tall structure permit shall not be accepted for processing without the information required in this chapter. An application fee shall be charged by the department for each such application consistent with applicable law in an amount calculated to reimburse the County for the cost of processing and administering the tall structure application.

**17.410.290. – Exhibits required.**

Each applicant requesting a tall structure permit under this chapter shall submit a scaled site plan, scaled elevation view, and supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals or qualified industry experts, showing the location and dimensions of all improvements, including topography (utilizing minimum two-foot contour intervals), tower height requirements, setbacks, access driveways or easements, parking, fencing, landscaping, adjacent uses, affidavit of inventory as set forth in section 17.410.080, and any other information deemed by the department to be necessary to assess compliance with this chapter and compatibility with surrounding uses.

**17.410.300. – Review of application by radio-frequency engineer.**

(a) Within five business days of accepting a tall structure permit application, the department of planning and development shall refer that tall structure permit application to a radio-frequency engineer for review and recommendation. Within 30 business days after receiving the tall structure permit application for review, the radio-frequency engineer shall submit a detailed report and findings regarding the application to the department of planning and development, including, but not limited to, the need for the tower in the proposed location, whether or not the height of the tower should be lower than the height requested by the applicant, and possible alternatives for the location of the tower. These findings shall be submitted to the county's board of commissioners and the applicant for review within ten business days of receipt by the department of planning and development, along with any staff report or

recommendations prepared by the department of planning and development for the board of commissioners' consideration.

(b) The applicant shall have ten business days after receiving the findings of the radio-frequency engineer and staff report to withdraw the tall structure permit application without prejudice. If the application is not withdrawn by the applicant within such time period, it shall be placed on the next available agenda for a public hearing by the board of commissioners, consistent with the notice requirements of section 17.410.320.

**17.410.310. – Co-location of antennas required.**

Applicants for the erection of a tower or antenna, except amateur radio operators, shall be required to co-locate upon an existing tower structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing tower suitable for co-location does not exist in the geographic antenna placement area utilizing the tower inventory maintained by the department, and that no suitable alternative tower structure is available as set forth in section 17.410.100. An applicant must provide a detailed affidavit listing all towers within one mile of the proposed tower and explain why it cannot co-locate on each of the existing towers.

**17.410.320. – Public hearing.**

Before taking action upon the proposed tall structure permit, the board of commissioners shall hold a public hearing on the matter. At least 30 days prior to the date of the public hearing, the following notice requirements shall be met by the applicant:

1. A sign shall be erected, in a conspicuous location, on or adjacent to each road frontage of the property under consideration. The sign shall state the time, place, location, and purpose of the public hearing.
2. A letter shall be sent by regular mail to all property owners of record of abutting parcels, and all residentially-zoned parcels lying in whole or in part within a distance of 1,000 feet of the subject property, giving notice of the public hearing. Owners of record shall be as indicated by the county tax commissioner's records. The letter shall state the same information as required for the sign, referenced in subsection (1) of this section.

**17.410.330. – Considerations in approval or denial of a tall structure permit.**

Any denial of a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a resolution signed by the chairman of the county's board of commissioners. The governing authority shall consider, but is not limited to, the following factors in acting upon a tall structure permit application under the provisions of this chapter:

1. The height and setbacks of the proposed tower;
2. The proximity of the tower to residential structures and residential district boundaries;
3. The nature of uses, as well as the height of existing structures, on adjacent and nearby properties;
4. The surrounding topography;
5. The surrounding tree coverage and foliage;
6. The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. The proposed ingress and egress to the tower area;

8. The availability of suitable existing towers or other structures for antenna co-location;
9. The impact of the proposed tower upon scenic views and the visual quality of the surrounding area;
10. The evidence submitted regarding the need for the tower in the area, including, but not limited to, propagation maps and other similar materials;
11. The portion of the tower that will be visible from adjacent and nearby residential properties;
12. The number of required trips to the tower site on a monthly basis;
13. The tower's effect on property values of adjacent and nearby residential properties;
14. The ratio of the height of the proposed tower to the height of the tallest adjacent and nearby residential structure;
15. Safety concerns associated with the proposed tower or antenna;
16. The tower's effect upon potential purchasers of adjacent and nearby residentially-zoned property; and
17. The coverage or lack of coverage experienced by cell phone users in the area of the proposed tower.

## CHAPTER 7.412 – SMALL WIRELESS FACILITIES AND ANTENNAS

### ARTICLE I – GENERALLY

#### **17.412.010. – Authority and applicable law.**

Federal law, specifically Title 47 U.S.C. § 253 (c) provides that counties, including Hall County, have the authority to manage their public rights-of-way. State law, specifically O.C.G.A. § 32-4-42 (6) provides that counties, including Hall County, have the authority to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic signals and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the county. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act, found at O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights-of-way belonging to counties.

#### **17.412.020. – Findings.**

The county finds that it is in the best interest of the county, and its residents and businesses to establish requirements, specifications, and reasonable conditions regarding placement of small wireless facilities and poles in the public rights-of-way. These requirements, specifications, and conditions are adopted in order to protect the public health, safety, and welfare of the residents and businesses of the county and to reasonably manage and protect the public rights-of-way and its uses in the county. The goals of this chapter are to: (i) implement the SWFAA and (ii) ensure use of the public rights-of-way is consistent with the design, appearance, and other features of nearby land uses; protects the integrity of historic, cultural, and scenic resources; and does not harm residents' quality of life.

#### **17.412.030. – Definitions.**

- (a) Words not defined shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence, section, and article in which they occur.
- (b) The following words shall be defined as follows in the following subsections.

*Antenna* means communications equipment that transmits, receives, or both transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or other similar equipment used for the transmission, reception, or both transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

*Applicable laws* means applicable local, state, and federal law, including uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the state or county or are otherwise applicable in the county.

*Applicant* means any person that submits an application.

*Application* means a written request submitted by an applicant to the county for a permit to (i) co-locate a small wireless facility in a right-of-way, or (ii) install, modify, or replace a pole or decorative pole in a right-of-way on which a small wireless facility is or will be co-located.

*Articles* means Articles I, II, and III of chapter 7.412 of the Official Code of Hall County, Georgia.

*Authority pole* means a pole owned, managed, or operated by or on behalf of the county. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.

*Co-locate or co-location* means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

*Communications facility* means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

*Communications service provider* means a provider of communications services.

*Communications services* means cable service as defined in 47 U.S.C. § 522 (6); telecommunications service as defined in 47 U.S.C. § 153 (53); information service as defined in 47 U.S.C. § 153 (24), as each such term existed on January 1, 2019; or wireless services.

*Consolidated application* means an application for the co-location of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the co-location of associated small wireless facilities.

*Decorative pole* means an authority pole that is specially designed and placed for aesthetic purposes.

*Electric supplier* means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.

*Eligible facilities request* means an eligible facilities request as set forth in 47 U.S.C. § 1.40001(b)(3), as it existed on January 1, 2019.

*FCC* means the Federal Communications Commission of the United States.

*Fee* means a one-time, nonrecurring charge based on time and expense.

*Historic site* means: (i) any site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.iv of the Nationwide Programmatic Agreement codified by 47 U.S.C. § Part 1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, referred to as the Georgia Historic Preservation Act; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

*Law* means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.

*Micro wireless facility* means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

*Permit* means a written authorization, in electronic or hard copy format, required to be issued by the county to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.

*Person* means and individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

*Pole* means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right-of-way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

*Rate* means a recurring charge.

*Reconditioning work* means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.

*Replace, replacement, or replacing* means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001 (b) (7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.

*Replacement work* means the activities associated with replacing an authority pole.

*Right-of-way* means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the county and shall not include property or any interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used

for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view, and/or access.

*Small wireless facility* means radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications:

1. Each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and
2. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility:
  - a. Electric meters;
  - b. Concealment elements;
  - c. Telecommunications demarcation boxes;
  - d. Grounding equipment;
  - e. Power transfer switches;
  - f. Cut-off switches; and
  - g. Vertical cable runs for connection of power and other services.

Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

*State* means the State of Georgia.

*Support structure* means a building, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electrical transmission structure, or pole.

*Wireless infrastructure provider* means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.

*Wireless provider* means a wireless infrastructure provider or a wireless services provider.

*Wireless services* means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.

*Wireless services provider* means a person that provides wireless services.



*Wireline backhaul facility* means an above ground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with a small wireless facility or facilities to a network.

- (c) In the event that any federal or state law containing definitions used in this chapter is amended, the definition in the referenced section, as amended, shall control.

**17.412.040. – Permit.**

A permit is required to co-locate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or a decorative pole in the public right-of-way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6 (e) or (f).

**17.412.050. – Application.**

Any person seeking to collocate a small wireless facility in the public right-of-way or to install, modify, or replace a pole or decorative pole in the public right-of-way shall submit an application to the county department of planning and development for a permit. Applications are available from the county department of planning and development. Any material change to information contained in an application shall be submitted in writing to the county department of planning and development within 30 days after the events necessitating the change.

**17.412.060. – Pre-application meeting.**

Any person who intends to submit an application to the county pursuant to this chapter shall meet with the county department of planning and development at least 30 days prior to the submitting an application for a permit. The purpose of such meeting shall be to inform the county, in good faith, when the applicant expects to commence deployment of small wireless facilities and poles within the county, the number of small wireless facilities and poles it expects to deploy during the 24 months after commencement, and the expected timing of such deployment. All documents or other information provided by the applicant in the course of or in association with such pre-application meeting shall be presumed confidential and proprietary and a trade secret as such term is defined in O.C.G.A. § 10-1-761 and exempt from disclosure as specified in Article 4 of Chapter 18 of Title 50, known as the Georgia Open Records Act.

**17.412.070. – Requirements for application.**

All small wireless facility permit applications required by this chapter shall be filed via the county's electronic permitting system. Each application shall be submitted by the applicable wireless provider or its duly authorized representative and shall contain the following:

1. The applicant's name, address, telephone number, and e-mail address, including emergency contact information for the applicant;
2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, action on behalf of the applicant with respect to filing the application;
3. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and

- character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;
4. Detailed construction drawings regarding the proposed use of the right-of-way;
  5. To the extent the proposed facility involves collocation on a pole or support structure, a structural report performed by a duly licensed engineer evidencing that the pole or support structure will structurally support the collocation (or that the pole or support structure can and will be modified to meet structural requirements) in accordance with applicable codes;
  6. For any new above-ground facilities, visual depictions or representations if not included in the construction drawings;
  7. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right-of-way, of the small wireless facility for which the application is being submitted;
  8. If the application is for the installation of a pole, a certification that complies with O.C.G.A. § 36-66C-6(k).
  9. If the small wireless facility will be collocated on a pole or support structure owned by a third party, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure;
  10. If the applicant is not a wireless services provider, a certification that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify, or replace the pole or decorative pole at the requested location; and
  11. The applicant may designate portions of its application materials that it reasonably believes contains trade secrets or other proprietary or confidential information by submitting with it an affidavit affirmatively declaring that specific information in the records constitutes trade secrets pursuant to Article 27 of Chapter 1 of Title 10. The applicant shall be solely responsible for clearly identifying and labeling as “proprietary” or “confidential” each page of such materials, but shall undertake all reasonable efforts to minimize the scope and frequency of such designations. If the applicant submits such an affidavit, the county and the applicant shall follow the requirements of O.C.G.A. § 50-18-72 (a) (34).

**17.412.080. – Application fees.**

Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5 (a) (1), (a) (2), and (a) (3). Such maximum application fees shall automatically increase on January 1 of each year beginning on January 1, 2024, as provided under O.C.G.A. § 36-66C-5 (b).

**17.412.090. – Application review period.**

The county department of planning and development shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

**17.412.100. – Approval of application.**

Applications for permits shall be approved unless the requested collocation of a small wireless facility or the requested installation, modification, or replacement of a pole or decorative pole:

1. Interferes with the operation of traffic control equipment;
2. Interferes with sight lines or clear zones for transportation or pedestrians;

3. Fails to comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., or similar laws of general applicability regarding pedestrian access or movement;
4. Requests that ground-mounted small wireless facility equipment be located more than seven and one-half feet in radial circumference from the base of the pole, decorative pole, or support structure to which the small wireless facility antenna would be attached, provided that the county shall not deny the application if a greater distance from the base of the pole, decorative pole, or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise protect public safety;
5. Fails to comply with applicable codes;
6. Fails to comply with the maximum limitations set forth in O.C.G.A. § 36-66C-7 (h) or (i);
7. With respect to an application to install a pole or decorative pole, interferes with the widening, repair, reconstruction, or relocation of a public road or highway by the county or the department of transportation that has been advertised for bid and scheduled for completion within six months after the application is filed;
8. With respect to an application to install a pole or decorative pole, interferes with a public works construction project governed by Chapter 91 of Title 36 which is advertised for bid and scheduled for completion within six months after the application is filed;
9. Fails to comply with O.C.G.A. § 36-66C-10, O.C.G.A. § 36-66C-11, or O.C.G.A. § 36-66C-12;
10. Fails to comply with laws of general applicability addressing pedestrian and vehicular traffic and safety requirements; or
11. Fails to comply with laws of general applicability that address the occupancy or management of the right-of-way and that are not inconsistent with this division.

**17.412.110. – Special rules for deployment in residentially zoned areas.**

For application for new poles in the public right-of-way in areas zoned for residential use, the county department of planning and development may propose an alternate location in the public right-of-way within 100 feet of the location set forth in the application, and the wireless provider shall use the county department of planning and development proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination to the county department of planning and development.

**17.412.120. – Nature of permission authorized by permit.**

A permit issued under this chapter shall authorize such person to occupy the public rights-of-way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7 (h) (3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitation set for the in O.C.G.A. § 36-66C-7 (h) (1) and (h) (2).

**17.412.130. – Annual payments.**

Upon the issuance of a permit under this division, and on each anniversary of such issuance, every person issued a permit shall submit to the county the maximum annual payments permitted under O.C.G.A. § 36-66C-5 (a) (4) and (a) (5); provided, however, that if such person removes its small wireless facilities from the public rights-of-way pursuant to O.C.G.A. § 36-66C-5 (e), then such person shall be

responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning on January 1, 2023, as provided under O.C.G.A. § 36-66C-5 (b).

**17.412.140. – Permit fees.**

Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5 (a) (6) and (a) (7), as applicable.

**17.412.150. – Revocation of permit.**

The county may revoke a permit issued pursuant to this chapter if the wireless provider or its equipment placed in the public right-of-way under that permit subsequently is not in compliance with any provision of this chapter or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the county may proceed according to section 17.412.160.

**17.412.160. – Restoration of right-of-way upon revocation.**

If a wireless provider occupies the public rights-of-way without obtaining a permit required by this chapter or without complying with the SWFAA, then the county may, at the sole discretion of the county, restore the right-of-way to the extent practicable in the reasonable judgment of the county, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the county in doing so, plus a penalty not to exceed \$1,000.00. The county may suspend the ability of the wireless provider to receive any new permits from the county under this chapter until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the county may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

**17.412.170. – Public inspection of applications.**

All accepted applications for permits shall be publicly available subject to the limitations identified herein and in O.C.G.A. § 36-66C-6 (c).

**17.412.180. – Consolidated application for multiple installations.**

An applicant may file a consolidated application related to multiple small wireless facilities, poles, or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

**17.412.190. – Completion of installation.**

Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7 (k) (2).

**17.412.200. – Authorized activities.**

Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification, or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten years.

**17.412.210. – Permit renewal.**

Permits shall be renewed following the expiration of the term identified in section 17.412.200 upon the terms and conditions identified in O.C.G.A. § 36-66C-7 (k) (2) (B).

**17.412.220. – Collocation on county poles.**

If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights-of-way, then the county shall, within 60 days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the county shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7 (n).

**ARTICLE II – REMOVAL, RELOCATION, RECONDITIONING, REPLACEMENT, AND ABANDONMENT**

**17.412.300. – Removal by owner/operator.**

A person may remove his or her small wireless facilities from the public rights-of-way according to the procedures of O.C.G.A. § 36-66C-5 (e).

**17.412.310. – Required restoration upon removal and county's recovery of costs.**

In the event of a removal under section 17.412.300. the right-of-way shall be, to the extent practicable in the reasonable judgment of the county, restored to its condition prior to the removal. If a person fails to return the right-of-way to its condition prior to the removal as determined by the county's reasonable judgment within 90 days of the removal, the county may, at its sole discretion, restore the right-of-way to such condition and charge the person at issue the county's reasonable and documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The county may also suspend the person's ability to receive any new permits until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the county will not suspend the ability of any person to receive any new permits who has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

**17.412.320. – Relocation to accommodate certain county projects.**

If, in the reasonable exercise of police powers, the county determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7 (l). If the wireless provider fails to relocate a pole, support structure, or small wireless facility or fails to provide a written

good faith estimate of the time needed to relocate the pole, support structure, or small wireless facility within the time period prescribed in O.C.G.A. § 36-66C-7 (l), then the county may take any action authorized by O.C.G.A. § 36-66C-7 (o), in addition to any other powers under applicable law.

**17.412.330. – Reconditioning and replacing county poles.**

The county shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7 (m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7 (m).

**17.412.340. – Required notification upon abandonment.**

A wireless provider must notify the county of its decision to abandon any small wireless facility, support structure, or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7 (p) (1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7 (p) regarding abandonment. The county may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7 (p) upon abandonment, in addition to any other powers authorized by applicable law.

ARTICLE III – STANDARDS

**17.412.400. – Standards applying to installations.**

Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities are authorized in the public right-of-way: (i) upon a receipt of a permit; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7 (h).

**17.412.410. – Concealment.**

Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

- (1) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
- (2) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts;
- (3) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights-of-way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
- (4) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent and degree possible.

**17.412.420. – Historic place or district.**

Notwithstanding any provision of this chapter to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district only upon satisfactory issuance of a permit pursuant to this chapter and compliance with applicable codes.

**17.412.430. – Collocation on decorative poles.**

Notwithstanding any provision of this chapter to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfactory issuance of a permit pursuant to this chapter and compliance with applicable codes.

**17.412.440. – Existing right-of-way agreements for deployment of small wireless facilities.**

Any existing right-of-way agreement for small wireless facility deployment by and between the county and any wireless provider that is effective and not terminated prior to the effective date of this Chapter shall remain in effect until its expiration or earlier termination and provided therein, to the extent permissible by law.