

SEC. 13-2. REGULATIONS OF TELECOMMUNICATION TOWERS.

All telecommunication towers shall adhere to the following regulations:

- (1) Prior to the issuance of any building or electrical permit, a site development plan, including a horizontal and birds-eye view of proposed construction which should depict the items shown below, shall be presented to the permit office for approval:
 - a. Type of structure (guyed tower, self-support, or monopole).
 - b. Height of the structure.
 - c. Setback from the perimeter of the tower or monopole to any residence within a distance equal to one hundred (100) percent of the height of the tower plus thirty (30) feet.
 - d. Setbacks from the perimeter of the tower or monopole to any adjacent property lines within a distance equal to one hundred (100) percent of the height of the tower plus thirty (30) feet.
 - e. Vicinity map showing five hundred (500) foot radius.
 - f. Location and configuration of all accessory buildings and/or external equipment cabinets.
 - g. Paving and curb cuts.
 - h. Fencing and proposed landscaping.
 - i. Submission of drainage impact study to planning commission engineer for review. No permit shall be issued until all fees for review of said drainage impact study, due and payable by company requesting permit, are received.
- (2) All sites shall have a lease and or title with legal description tied by metes and bounds to a government section corner.
- (3) All elevations shall be based on the flood insurance rate maps.
- (4) Construction plans shall be stamped by an independent registered civil engineer, not an employee of the tower or communication company.
- (5) A statement from the same civil engineer shall be submitted with the plans, which through rational engineering analysis certifies that the tower is designed to withstand winds in accordance with ANS/EIA/TIA 222, latest revision, standards; and describes the tower's capacity including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users, and at a minimum, self-support/lattice or guyed towers shall be able to accommodate three (3) users.
- (6) Before a permit for permanent power shall be issued, a letter from the engineer who stamped the construction plans must be submitted to the permit office, stating that the structure was built according to the plans.
- (7) The height of a telecommunications tower shall not exceed four hundred fifty (450) feet. Tower height shall be measured from the base of the tower.

- (8) Monopole, lattice or guyed telecommunication towers shall not be located within seven hundred fifty (750) feet of any existing monopole, lattice or guyed telecommunication tower.
- (9) Equipment storage and/or any structures on the site shall have a building permit from the parish permit office and conform to all building codes and FEMA requirements.
- (10) Mobile or immobile equipment not used in direct support of a tower, or in the housing of equipment needed to operate the tower, shall not be stored or parked on the site, unless new construction or repairs are being made.
- (11) Removal of abandoned or unused facilities. All abandoned or unused telecommunication tower facilities shall be removed by tower owner/operator within ninety (90) days of the cessation of use, unless ownership and use thereof has been discontinued for one hundred eighty (180) consecutive days. Telecommunications towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision.
- (12) The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited, except as required by any federal agency.
- (13) Towers or monopoles shall be constructed of galvanized or unpainted metal or shall be painted in neutral colors, designed to blend into the surrounding environment, except as required by any federal agency.
- (14) Each application, to allow construction of a telecommunication tower, shall include a statement that the construction and placement of the tower:
 - a. Is in compliance with Federal Aviation Administration (FAA) regulations.
 - b. Is in compliance with the rules and regulations of other federal or state agencies that may regulate telecommunication tower siting, design and construction.
 - c. Is in compliance with current radio frequency emissions standards of the Federal Communications Commission.
 - d. Will not unnecessarily interfere with public safety communications and the usual customary transmission or reception of radio and television service enjoyed by adjacent residential and non-residential properties.
- (15) Notwithstanding the above provisions of this section, antennas shall be permitted to be placed on existing towers or structures with sufficient loading capacity. A permit shall be obtained from the permit office prior to commencing construction. The permit application shall include a site plan which depicts all proposed ancillary buildings and equipment cabinets. The permit fee for placing antennas on existing towers or other structures shall be five hundred dollars (\$500.00).
- (16) Notwithstanding the above provisions of this section, towers in existence as of December 1, 1997, may be replaced with a tower of equal or less visual impact after approval and permit is issued by the permit office.

- (17) Approved telecommunication towers may be transferred to successor and assigns of the approved party, subject to all of the conditions which apply to initial approval.
- (18) Fees for communication tower construction shall be two thousand dollars (\$2,000.00) per tower and shall be collected by the permit office.
- (19) No tower shall be constructed within a horizontal distance equal to the tower height, plus thirty (30) feet, from an existing residential structure, but there shall be no setback requirements from non-residential structures.
- (20) Any application requiring a deviation from the above referenced provisions may be considered and granted by the parish council if good reason therefore is demonstrated by the applicant.
- (21) No tower shall be constructed within a horizontal distance equal to one hundred (100) percent of the tower height, plus thirty (30) feet, from adjacent property lines.
- (22) Testing/Inspection Procedures:
 - a. All telecommunication towers constructed within the unincorporated areas of the parish shall require visual inspection and observation by parish inspectors of the materials and procedures used by the contractor with certification from an independent testing lab. All fees and expenses associated with testing lab shall be borne by the permit applicant. Records of independent testing lab are to be submitted promptly to the parish.
 - b. Depending upon the nature and location of the tower, the parish may, at its discretion, require additional inspections and certification from independent testing lab.
 - c. All testing labs and engineers participating in the tower construction shall be approved by the parish.
 - d. Contractor is to notify the parish at least 48 hours in advance of the pouring of concrete structures.
- (23) Fees:
 - a. Fees for visual inspection and observation of tower construction by the parish shall be five hundred dollars (\$500.00) per tower site.
- (24) Public Notification:
 - a. Upon submission of application to the parish for construction of a telecommunication tower, a 4 x 8 foot black and white sign is to be posted, with no obstructions, within 25 feet of the nearest public right-of-way leading to the proposed site. The bottom of the sign shall be at least 4 feet from the ground. The heading of the sign shall read "PUBLIC NOTICE" written in 6-inch letters. The remainder of the sign shall be written in 4 inch letters and include the words "Construction Of A Telecommunication Tower Is Proposed For This Site."

(25) Permit Denial/Appeal:

- a.** The Parish President or designated staff have the right to require additional information or documentation as deemed necessary and may deny the issuance of a permit in the interest of the health, safety and general welfare of the population of the parish. Any persons so denied a permit may appeal the denial to the Parish Council at a regularly scheduled meeting.

VIOLATION AND PENALTY

SEC. 13-69. Whenever in this Code or in any ordinance of the parish, any act or omission is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in said Code or ordinance the doing of any act or the failure to do any act is declared to be unlawful or a misdemeanor or is prohibited, and no specific penalty is provided therefore, and state law does not provide otherwise, or for a greater penalty, the violation of any such provision of this Code or any ordinance shall be a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or a term of imprisonment of not more than thirty (30) days in the parish jail, or both. Unless specifically provided otherwise or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense. In addition, the violator shall pay all costs and expenses involved in the case. Nothing in this section shall prevent the Parish Council from taking other lawful action as is necessary to prevent or remedy any violation. Other penalty provisions of this Code do not affect this section, amended by such other provisions. (LPO 10-03)

CONFLICTING PROVISIONS REPEALED

SEC. 13-70. All ordinances or regulations or parts of ordinances or regulations in conflict with any of the provisions of these regulations are hereby repealed.

SEVERABILITY

SEC. 13-71. If any provisions of these regulations, or the applications of such provisions to any person or circumstances, shall be held invalid, the remainder of the regulations shall not be affected thereby.

EFFECTIVE DATE

SEC. 13-72. This ordinance shall take effect immediately upon its adoption.

* * * * *

Livingston Parish Planning & Development
P.O. Box 998
Livingston, LA 70754
Phone 225-686-3062 Fax 225-686-3061

APPLICATION FOR TELECOMMUNICATION TOWER

Date: _____

Application is hereby made for Approval of a Telecommunication Tower

Title of Development: _____

Approximate Number of Acres: _____

Approximate Square Feet of Structures to be added: _____

Owner of Land: _____

Address: _____

Telephone Number: _____

Address of Development: _____

Located in: Section: _____ Township: _____ Range: _____

Name of Developer: _____

Address: _____

Telephone Number: _____

Please submit with Application Fees: \$300.00

I have been given a copy of the regulations for Commercial Development. I understand that I must submit a Preliminary Site Plan and Construction Plans to the Livingston Parish Planning Commission Office and to the Parish Review Engineer's Office. I further understand I may be required to provide a Drainage Impact Study.

Sign: _____ Date: _____