Pickens County
Planning & Development Office
Outdoors Telecommunication and Associated Structures

Fee Schedule

Application Fee:

(A) Application fee of $1,000.00 (Non refundable)

Permit Fee:

(B) Proposed towers totaling 195 feet in height: $2,625.00

If towers are LESS than 195 feet in height:

(C) Proposed towers up to 150 feet in height: $10.00 per foot
(D) Proposed towers in excess of 150 feet in height:
    after the first 150 feet ($150.00): $25.00 per foot

Co-Locates

(E) Collocation on existing tower structure: $500.00
Chapter 66

TELECOMMUNICATIONS*

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*Cross references—Businesses, ch. 18; utilities, ch. 74.
State law references—Regulation of cable television systems by counties, O.C.G.A. § 36-18-1 et seq.; avoiding or attempting to avoid charges for use of cable television service, O.C.G.A. § 46-5-2.

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ARTICLE I. IN GENERAL

Sects. 66-1—66-30. Reserved.

ARTICLE II. COMMUNITY ANTENNA TELEVISION SYSTEMS

Sec. 66-31. Definitions.

For the purpose of this article the following terms, phrases, words and their derivations shall have the meaning given in this section:

Commence operation means the completion of at least one of the following:

(1) The stringing of at least one-half mile of coaxial cable on utility or other poles in the public ways of this county, or

(2) The installation of the receiving antenna and facilities capable of receiving satisfactory reception and retransmission according to the technical standards enumerated in this article, the television signals from at least one television station located in Atlanta.

Commissioner means the present governing body of the county or any future body governing the county.

Community antenna television system or CATV means the coaxial cables, waveguides, or other conductors and equipment for providing television and audio communication services by cable or through its facilities as contemplated in this article.

Franchisee means the person(s) or corporation(s) to whom or which a franchise under this article is granted by the commissioner and the lawful successor or assignee of such person(s) or corporation(s).

Gross receipts means any and all compensation and other consideration in any form whatever and any contributing grant or other subsidy received directly or indirectly from subscribers, users, television stations or others in payment for the franchisee's services in providing television signals or electrical impulses to subscribers within the county; and gross receipts shall be taken to mean all those yearly gross receipts of the franchise collected by such franchisee which such franchisee would not have received but for the grant of such franchise, and such figures shall not be abated by any formula, or in any way, to reflect the percentage of such receipts attributable to the use of the county's public ways in relation to the capital investment of the franchise in the remainder of the franchisee's facilities. Gross receipts shall not include any taxes on the service furnished by the grantee imposed directly on any subscriber by the county, state or other governmental unit by the franchisee for such governmental unit.

Public way means any street, highway, road, walk, freeway, parkway, lane, alley, court or drive, in which the public has a right-of-way, or any easement which the county controls and
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the terms of which are broad enough to include the passage of transmission lines for CATV cables, now or hereafter existing as such. Included in this definition shall be the areas on, above or below the surface of such ways in so far as the public right extends thereto.

Subscribers means any person or entity receiving for any purpose the CATV service of the franchisee in this article.

TV means television.
(Ord. of 2-6-1989, § 1)

Cross reference—Definitions generally, § 1-2.

Sec. 66-32. Advertising for proposals for CATV.

This article shall be referred to and incorporated by reference in any advertising which this county may wish to do inviting proposals for the granting of an exclusive franchise to construct, erect, operate and maintain upon the public ways of this county a CATV system, and shall be referred to and incorporated by reference in any franchise which may hereafter be granted by this county.
(Ord. of 2-6-1989, § 2)

Sec. 66-33. Substantive legal bases.

Any franchise granted under this article shall be based on the powers set forth in the official Code of Georgia and such other provisions of the general law of this state as are not in conflict with this article.
(Ord. of 2-6-1989, § 2)

Sec. 66-34. Uses permitted by franchise.

(a) Any franchise granted pursuant to the provisions of this article shall authorize and permit the franchisee to engage in the business of providing and operating a CATV system in the county; to install, repair, replace, reconstruct, maintain and retain in, on, under, upon, across and along any public way such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities on properties rented or leased from a public utility franchised or permitted to do business in the county.

(b) No franchise, or any renewal thereof, granted by the commissioner under this article shall be for a term longer than 25 years following the date of acceptance of such franchise or the renewal thereof, by the franchisee. Any such franchise may be terminated prior to its expiration by the commissioner in the event that after 60 days' notice to franchisee by the county of franchisee's failure to comply with a material provision of this article or notice to
cease violation by act or omission of any term or condition of this article and such condition continues to exist, then after such commissioner shall have found after notice and public hearing, that:

(1) The franchisee has failed to comply with any material provisions of this article, or has, by act or omission, violated any term or condition of any franchise or permit issued under this article, or

(2) The provisions of this article have become invalid or unenforceable, and the commissioner further finds that such provisions constitute a consideration material to the grant of such franchise; provided, however, that the franchisee shall be given at least 60 days' notice of any proposed termination proceeding.

(c) No provision of this article shall be construed to preclude the franchise from introducing program material into a franchised CATV system or portion thereof.
(Ord. of 2-6-1989, § 3)

Sec. 66-35. Franchise fee.

(a) The franchisee of any CATV franchise granted under this article shall pay to the county from and after the granting of a franchise and until its expiration or until such earlier time as the rate provided in this section may be renegotiated, five percent per annum of the CATV gross receipts. Such monies paid to the county shall be in addition to all other occupancy and license taxes or other taxes on the right to do business which are or may be imposed on the franchisee by the county; provided, however, that nothing in this section shall be construed so as to apply to gross receipts for areas incorporated within the county, or for operations of the franchisee unrelated to CATV.

(b) Payment of such franchise fee shall be made on or before March 1 of each year for the calendar year preceding. Franchisee shall file with the county clerk at the time of payment a financial statement prepared by a certified public accountant showing in detail the total gross receipts, as defined in the article, of franchisee, its successors or assigns, during the preceding 12-month period.

(c) The county shall have the right of inspection of franchisee's records from which its gross receipts are computed.
(Ord. of 2-6-1989, § 4)

Sec. 66-36. Limitations of franchise.

(a) No privilege or exemption shall be granted or conferred by any franchise granted under this article except those specifically prescribed in this section.

(b) Any privilege claimed in any public way by the franchisee under such franchise shall be subordinate to any prior lawful occupancy of such public way or public property.
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(c) Any such franchise shall be a privilege to be held in personal trust by the original franchisee. It cannot in any event be sold, transferred, leased or assigned, disposed of in whole or in part, either by forced or voluntary sale, merger, consolidation, or otherwise without prior consent of the county expressed by resolution, and then only under such conditions as may be therein prescribed; provided, however, that no such consent shall be required for any transfer in trust, mortgage or other hypothecation, as a whole or in part, to secure an indebtedness. The consent of the county may not be arbitrarily refused; provided, however, the proposed assignee must show financial responsibility and must agree to comply with the provisions of this article.

(d) Time shall be of the essence of any franchise granted under this article. The franchisee shall not be relieved of its obligation to comply promptly with any of the provisions of this article, or by any failure of the county to enforce prompt compliance.

(e) Any right or power in, or duty imposed upon, any officer, employee, department or board of the county is subject to transfer by the commissioner to any other officer, employee, department, or board of the county.

(f) The franchise shall have no recourse whatsoever against the county for any loss, cost, expense or damage, arising out of any provision or requirement of this article or its enforcement.

(g) Franchisee is subject to all requirements of the county ordinance, rules, regulation and specifications of the county heretofore or hereafter enacted or established, including but not limited to, those concerning street work, street excavation, use, removal, and relocation of property within a street, and other street work.

(h) Any franchise granted under this article shall not relieve the franchisee of any obligation involved in obtaining pole space from any department of the county, the utility companies, or from others maintaining pole space in the public ways of this county, wherein the franchisee finds it necessary under its operation to make use of those poles as may now exist or which may hereafter exist in the rights-of-way of this county.

(Ord. of 2-6-1989, § 5)

Sec. 66-37. Rights reserved to the county.

There is hereby reserved to the county every right and power which is required to be reserved or provided in this section by any ordinance of the county or by general law, and the franchisee, by his acceptance of this franchise, agrees to be bound thereby, and to comply with any action or requirement of the county in its exercise of any such right or power, heretofore, or hereafter enacted or established.

(Ord. of 2-6-1989, § 6)

Sec. 66-38. Time of performance.

Franchisee shall, within 24 months after obtaining FCC permits, equitably and reasonably extend its energized cable plant to a minimum of 30 percent of the subscribers in the unserved franchise area and thereafter continue to expand its facilities until completed insofar as
franchisee is technically and financially able to do so. Provided that the franchisee shall not be obligated to extend its lines to those areas in which there are less than an average of 40 subscriber homes along each mile of cable plant that would be required to serve such homes. (Ord. of 2-6-1989, § 7)

Sec. 66-39. Location of franchisee's properties.

(a) Any poles, wires, cable lines, conduits or other properties of franchisee to be constructed or installed in the public ways shall be so constructed or installed only at such locations and in such manner as shall be approved by the appropriately designated county official, acting in the exercise of his reasonable discretion.

(b) The franchisee may install or erect any facilities or apparatus on public property or rights-of-way within the county upon obtaining written approval of the appropriately designated county official, in advance.

(c) Construction or installation of franchisee's cable lines or conduits in all other public places, owned or controlled by the county, shall be subject to the approval of and regulation by the commissioner in advance.

(d) The "designated county official" shall not under this section require franchisee to construct or install its cable plant in any manner contrary to generally accepted engineering principles or contrary to economic feasibility. Should any disagreement occur between the designated county official and franchisee, construction and/or installation shall cease until the matter is resolved by the commissioner, and such cessation by franchisee shall not be considered a violation of any provision of this article. (Ord. of 2-6-1989, § 8)

Sec. 66-40. Removal or abandonment of property of franchise.

(a) In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of 12 months, or in the event such system or property has been installed in any public way or public place without complying with the requirements of its franchise, or the franchise has been terminated, or cancelled or has expired, the franchisee upon being given notice shall promptly remove from the streets or public places all such property and poles, or such system other than that which the commissioner may permit to be abandoned in place. In the event of any such removal, the franchisee shall promptly restore the public way or other area from which such property has been removed, to a condition satisfactory to the commissioner.

(b) Any property of the franchise remaining in place 90 days after the termination of the franchise shall be considered permanently abandoned. The commissioner may extend this time not to exceed 60 days.
(c) Any property abandoned in place by the franchisee shall be abandoned in such a manner as the commissioner may prescribe. Under permanent abandonment of the property of the franchisee in place, the property becomes that of the county and the franchisee shall submit to the county an instrument, to be approved by the county attorney, transferring to the county the ownership of such property.
(Ord. of 2-6-1989, § 9)

Sec. 66-41. Changes required by public improvements.

The franchisee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street, public way or public place, or remove from the public way or public place, any property of the franchise when required by the commissioner or its designee by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or other type of structures or improvements by governmental agencies when acting in a governmental or proprietary capacity, or any other structures of public improvements; provided, however, that franchisee shall in all such cases have the privilege and be subject to the obligations to abandon any property of the franchisee in place as provided in section 66-39.
(Ord. of 2-6-1989, § 10)

Sec. 66-42. Failure to perform street work.

Upon failure of the franchisee to complete any work required by law or by the provisions of this article to be done in any public way, within the time prescribed and to the satisfaction of the commissioner or its designate, the county may cause such work to be done and the franchisee shall pay to the county the cost thereof in the itemized amounts reported by the properly designated county official to the franchisee, within 30 days after receipt of such itemized report.
(Ord. of 2-6-1989, § 11)

Sec. 66-43. Faithful performance bond.

(a) The franchisee shall, concurrently with the filing of and acceptance of the award of any franchise granted under this article, file with the county clerk, and at all times thereafter maintain in full force and effect for the term of the franchise, at franchisee's sole expense, a corporate surety bond, in a company approved by and in a form to be approved by the county attorney, in the amount of $25,000.00, renewable annually, provided that such bond may be waived in its entirety on demonstration to the satisfaction of the commissioner that the net worth and the ability of the company to perform, justify such waiver. The bond shall be conditioned upon the faithful performance of franchisee and that in the event franchisee shall fail to comply with any one or more of the material provisions of this article, that there shall be recoverable jointly and severally from the principal and surety of such bond, any damages or loss suffered by the county as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the franchisee as prescribed hereby which may be in default, plus a reasonable allowance for
attorney's fees and costs, to the full amount of the bond; such condition to be a continuing obligation for the duration of this franchise, and therefore until the franchisee has liquidated all of its obligations with the county that may have arisen from the acceptance of this franchise by the franchisee or from its exercise of any privilege granted in this article. The bond shall provide that 30 days' prior written notice of intention not to renew, cancellation or material change, be given to the county.

(b) Neither the provision of this section, any bond accepted by the county, nor any damages recovered by the county shall be construed to excuse faithful performance by the franchisee or limit the liability of the franchisee under this franchise or for damages, either to the full amount of the bond or otherwise.

(Ord. of 2-6-1989, § 12)

Sec. 66-44. Indemnification of the county.

(a) Franchisee agrees that at all times during the existence of this franchise it will maintain in force, furnish and file with the county, at its own expense, a general comprehensive liability insurance policy, in protection of the county, its boards, commissions, officers, agents and employees, in a company authorized to do business in the state and in a form to be approved by the county attorney, protecting the county and such persons against liability for loss or damages for personal injury, death, and property damage or civil suit occasioned by the operations of franchisee under this franchise with a minimum liability limit of $100,000.00 for personal injury or death of any one person, and $300,000.00 for personal injury or death of any two or more persons in any one occurrence, and, $50,000.00 for damage to property resulting from any one occurrence, provided that nothing in this section shall restrict such commissioner from amending these minimums at any time after two years from date of granting such franchise.

(b) The policies mentioned in subsection (a) of this section shall name Pickens County as an additional insured, and shall also contain a provision that a written notice of cancellation or reduction in coverage of such policy shall be delivered to the county not less than ten days in advance of the effective date thereof. If such insurance is provided in either case by a policy which also covers franchisee or any other entity or person than those named in this subsection, then such policy shall contain the standard cross liability endorsement.

(c) No franchise granted under this article shall become effective unless and until each of the foregoing policies of insurance as required by this section has been delivered to the county.

(Ord. of 2-6-1989, § 13)

Sec. 66-45. Operational standards.

The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of the CATV industry, to the effect that subscribers shall receive the highest possible quality service. In determining the satisfactory extent of such standards, the following will apply:

(1) The CATV system shall be installed using all-band equipment capable of passing the entire VHF television and FM spectrum.
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(2) The system shall have the further capability of converting UHF (ultra high frequency) signals to VHF (very high frequency) channels for distribution to the subscriber receivers.

(3) The system shall provide a minimum signal level of 2,000 micro-volts (across 300 ohms) at the input terminals of each of the television receivers connected to the system.

(4) The system and all equipment shall be designed and rated for 24-hour per day continuous operation.

(5) The minimum system signal to noise ratio as measured at the output of any standard trunkline amplifier shall be 46 db or better on all channels carried on the system.

(6) Hum modulation of the video (picture) shall be less than five percent.

(7) The system shall use components having a VSWR of 2.0 or less, as measured utilizing standard back-matching techniques. This shall apply to all passive components only.

(8) The system as installed shall be capable of passing color television signals with a material degradation of the color fidelity or the imposing of any sync clipping on the color burst information contained on the color-modulated video carrier of the station carried.

(9) FM (frequency modulation) signals distributed on this system shall be balanced as to amplitude in the same manner that television signals distributed shall have amplitude balance within the guidelines set forth under cable attenuation characteristics with the cable utilized in the system for distribution of signals.

(Ord. of 2-6-1989, § 14)

Sec. 66-46. Miscellaneous provisions.

(a) All notices provided for in this section shall be dispatched by certified mail to parties concerned as follows: for the county, commissioner, Pickens County Courthouse, Jasper, Georgia 30143; for the franchisee, as provided by any franchise granted pursuant to the provisions of this article. All matters provided to be filed with the county shall be filed with the county clerk.

(b) The franchisee shall maintain a regular office and service department so located as to be able to provide prompt and efficient service to the subscribers located in this county at all times.

(c) In the event of the Public Utilities Commission of the State of Georgia or the Federal Communications Commission taking jurisdiction over all or a part of the regulations listed in this article as a part of this article, then the authority vested in the county by this article in the applicable areas shall cease.

(d) The franchisee shall deliver adequate television signals from at least one educational television channel, so long as there is such a channel available, and at least 12 other channels.

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(e) Programs carried on any channel shall not be interrupted or altered by the CATV franchisee except as may hereafter be required by local, county, state or national civil defense authorities or as otherwise provided by law.
(Ord. of 2-6-1989, § 15)

Sec. 66-47. Nonexclusive franchise.

Any franchise granted under this article shall not be exclusive, and the commissioner reserves the right to grant a franchise under the same terms and conditions to more than one franchisee.
(Ord. of 2-6-1989, § 16)

Sec. 66-48. Compliance with requirements.

No franchise issued under this article shall become effective until all of the requirements of this article are fully met, including the filing of the certificates of insurance required by this article with the county clerk.
(Ord. of 2-6-1989, § 17)

Sec. 66-49. Specific limitation.

Any applicant granted a CATV franchise in the county shall have 100 percent physical control and carry 100 percent maintenance responsibility for all the equipment, installation and maintenance of the CATV plant; and further, these responsibilities shall not be delegated to any other individual, firm or organization without the approval of the commissioner.
(Ord. of 2-6-1989, § 18)

Secs. 66-50—66-70. Reserved.

ARTICLE III. COUNTY CELL TOWER ORDINANCE*

Sec. 66-71. Purpose and legislative intent.

The Telecommunications Act of 1996 affirmed Pickens County's authority concerning the placement construction and modification of wireless telecommunications facilities. Pickens County finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character, and environment of the county and its inhabitants. The county also recognizes that the development of wireless service technology can be an asset to the economic development of the county as well as providing significant benefits to the county and its residents. In order to insure that the placement, construction, and/or

modification of wireless telecommunications facilities is consistent with the county’s land use policies, the county shall adopt a single and comprehensive application and permit process for the placement, construction, and modification of wireless telecommunications facilities.

The intent and purpose of this article is to regulate the placement, construction, and/or modification of wireless telecommunications facilities in a manner which:

(1) Accommodates the communication, radio, television, and electric generation needs of wireless telecommunication facilities while protecting the health, safety, and welfare of Pickens County and its inhabitants;

(2) Minimizes the adverse environmental and visual impacts of wireless communication facilities;

(3) Maximizes the use of existing and approved towers, buildings, or structures to accommodate new wireless telecommunication facilities;

(4) Avoids potential damage to adjacent properties;

(5) Minimizes the hazards these facilities pose to birds.

The above shall be accomplished through location, structural, and construction standards accompanied by a comprehensive review of the site location, the design and engineering principles described in the application, as well as the implementation of those design and engineering principles in the placement, construction, and/or modification of wireless telecommunications facilities in the county.

(Res. of 12-16-2010)

Sec. 66-72. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this article or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable and the remaining provisions of this article, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Any permit issued under this article shall be comprehensive and not severable. If part of a permit is found to be invalid or unenforceable in any material respect by a competent authority the permit shall be void in total.

(Res. of 12-16-2010)

Sec. 66-73. Definitions.

For purposes of this article, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present
tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**Applicant.** Any entity desiring to place a wireless telecommunications facility within Pickens County.

**Co-location.** The location of the equipment required to meet an applicant's needs upon an existing wireless telecommunications facility. No additional permit is required to co-locate equipment on a facility which has already been permitted by the county. However, notification and fees are required by Pickens County prior to the commencement of work required for the co-location.

**FAA.** The Federal Aviation Administration, or its duly designated and authorized successor agency.

**FCC.** The Federal Communications Commission, or its duly designated and authorized successor agency.

**Formal party of record.** Formal parties of record shall consist of the county planning and development office, the applicant, and persons making a filing as proscribed in section 66-78 below.

**Modification.** The addition, removal or change of any of the physical and visually discernable components or aspects of a wireless telecommunications facility which either increases the overall height of the facility or which modifies the facility outside of the fenced boundaries of the facility as originally permitted.

The replacement of any components of a wireless telecommunications facility with identical components and normal repair and maintenance of a wireless telecommunications facility shall not be considered a modification.

**Stealth design technology.** A wireless telecommunications facility which appropriately models or mimics in size, shape, scale, and color something which exists in the immediate landscape or which could be legally placed there. Examples include silos in a farm setting, trees in forested lands, church steeples, water towers, or other existing tall structures in the vicinity of the proposed wireless telecommunications facility.

**Wireless telecommunications facility.** Any structure designed for the purposes of promoting wireless telecommunications as contemplated by the Federal Telecommunications Act. Also referred to herein as "facility".

(Res. of 12-16-2010)

**Sec. 66-74. Applicability.**

Any and all placement, construction, and/or modification of wireless telecommunications facilities subsequent to the adoption of this article must receive a permit from the county commissioner before any work can commence on the facility. No permit shall be transferrable between applicants or properties. Permits expire six months from issuance.

(Res. of 12-16-2010)
Sec. 66-75. Permit requirements.

To obtain a permit for the placement, construction, and/or modification of wireless telecommunications facilities, the applicant must present to the county planning and development office a survey, plans and specifications of the facility, title certificate, and statement as described below. In addition to the following documentation, the applicant will also be required to submit an application fee in an amount sufficient to pay advertising costs as well as staff employees, independent engineers, and other related experts and consultants to be hired by the county to review the documentation submitted and to inspect the site during the construction or modification of the wireless telecommunications facility. Said fee shall be as published in the county planning and development office.

Once the documents have been filed and the application fee paid, the county planning and development office shall issue a written notification to the applicant that the application has been received. The county shall post a notice of the filing upon the property and upon the property's access point to the public road in a manner consistent with notices for land use reclassification hearings. The county shall deliver notice of the filing to contiguous land owners in a manner consistent with notices for land use reclassification hearings. The county shall advertise the filing for two weeks in the local legal organ in a manner consistent with notices for land use reclassification hearings. The county shall post the notice together with the application on its web site in a format which will enable the documents to be downloaded by the public. The notices shall state that any person wishing to classify themselves as a formal party of record should make the appropriate filing with the county planning and development office within 30 days.

Should the county determine that the applicant's information fails to meet the requirements outlined below, or should the applicant fail to provide additional information as required by the county, the permit will be denied. If the construction or modification of the wireless telecommunications facility deviates from the submitted documentation, the permit will be revoked.

(a) Survey. At a minimum, the survey shall have the following information. Additional information may be required. All surveys shall bear the signature and seal of a Georgia registered surveyor and shall otherwise comply with the requirements to be recorded in the county superior court clerk's office.

1. Boundaries of the parcel of property upon which the wireless telecommunications facility is to be located.
2. Contour lines showing the elevation of the property.
3. Identification of all contiguous landowners.
4. Identification of all parties in possession of the surveyed property.
5. A site location of the wireless telecommunications facility (including fencing) as it is to appear on the parcel showing it to be at least 200 feet from the boundary line of the property.
6. Access from the wireless telecommunications facility to a public road.
(7) A description of all utility easements as they exist on the property together with a statement that the wireless telecommunications facility shall not be placed within said easement.

(8) A description of all public and private right-of-ways as they exist on the property together with a statement that the wireless telecommunications facility shall not be placed within said right-of-way.

(b) Plans and specifications. At a minimum, the plans and specifications shall meet the following requirements. Additional information may be required. All plans and specifications shall bear the signature and seal of a Georgia registered engineer.

(1) Professional qualifications of the engineer preparing the plans and specifications for the placement, construction, and/or modification of the wireless telecommunications facility.

(2) A list of each wireless telecommunications facility or similar structure which the engineer has designed. Said list shall include at a minimum a description of the structure, the location of the structure, and the local governing authority who issued the permit for the placement, construction, and/or modification of the structure.

(3) A list of at least five sites where the proposed wireless telecommunications facility is currently in use.

(4) A description of the wireless telecommunications facility to be constructed or the modifications to the existing structure.

(5) All plans and specifications shall provide for a monopole design of the wireless telecommunications facility which shall not be more than 195 feet in height as measured from ground level prior to construction.

(6) A construction schedule for the proposed wireless telecommunications facility. The use of temporary mobile wireless telecommunications facilities shall be limited to 24 hours. All construction shall be completed within six months of the issuance date of the permit.

(7) Copies of applications, permits, and licenses from the FCC and FAA for the facility owner and tenants, as applicable.

(8) A statement that the proposed design complies with all manufacturer's specifications for the equipment used with the wireless telecommunications facility.

(9) A statement that the proposed design complies with all state and local building and electrical codes.

(c) Title certificate. At a minimum, the title certificate shall have the following information. Additional information may be required. All title certificates shall be issued by an attorney licensed to practice law in the State of Georgia.

(1) The attorney shall certify the title to Pickens County, Georgia.
(2) The certificate shall be based on a search of the public record for the preceding 50 years.

(3) The property certified to shall be the exact same property as shown in the applicant's survey.

(4) The certificate shall set forth all matters pertaining to the marketability of said title, including but not limited to all utility easements, any covenants and restrictions running with the land, and liens against any party with an ownership interest.

(d) **Statement of applicant.** At a minimum, the statement of applicant shall have the following information. Additional information may be required. All statements of applicant shall be signed under oath by the applicant.

(1) An explanation as to why a new wireless telecommunications facility is needed. This explanation shall include but not be limited to:
   a. A feasibility study on co-location with existing wireless telecommunications facilities within a one-mile radius.
   b. The feasibility of other entities co-locating wireless telecommunications facilities upon the facility to be permitted.
   c. A feasibility study on locating the proposed wireless telecommunications facility a distance outside of a one-mile radius of existing wireless telecommunications facilities.

(2) A description of the visual impact to be caused by the proposed wireless telecommunications facility. This description shall include but not be limited to:
   a. A detailed plan to screen the wireless telecommunications facility with landscaping and other efforts including but not limited to the use of stealth technology.
   b. A detailed plan to use building materials, colors, textures, screening, as well as landscaping efforts to blend the wireless telecommunications facility with the existing environment to the greatest extent possible.
   c. Detailed description of applicability and compliance of Section 106 of the National Historic Preservation Act of 1966.

(3) A statement agreeing not to place lighting, signage, or other messaging upon the facility unless required by federal, state, or local authorities (for example, addressing requirements of 911 services, FCC licensing requirements). However, an unlighted, four-foot square sign shall be affixed at each of the cardinal points of the compass on the fence surrounding the wireless telecommunications facility. This sign shall contain a statement identifying the site as a wireless telecommunications facility and prohibiting unauthorized access to the site. Said notice shall also contain the 911 address of the facility together with the name and emergency contact information of the applicant or its agent.
(4) Evidence of insurance for premises liability including but not limited to adequate coverage for wrongful death, personal injury, and property damage. Coverage shall be a minimum of $1,000,000.00 per occurrence with a $2,000,000.00 aggregate.

(5) A statement agreeing to maintain security on the premises which reasonably prohibits unauthorized access. At a minimum, this shall include an eight-foot high locked chain link fence with three strands of barbed wire across its top. The first 12 feet of the tower shall be designed to prevent climbing.

(6) A statement agreeing to remove the wireless telecommunications facility if it remains unused for a period of 12 months once construction has been completed.

(7) A copy of all required state and federal licenses for the wireless telecommunications facility to be built.

(8) A written statement from all persons or entities holding an interest in the property consenting to the location of a wireless telecommunications facility upon the property.

(9) A description of the ownership interest of the applicant which gives it the legal ability to place a wireless telecommunications facility upon the property (a copy of a lease or vesting deed will suffice).

(10) A statement that all county ad valorem taxes levied against the property that can be paid have been paid, together with a copy of the most recent property tax bill.

(11) Names, addresses, and tax parcel identification numbers of all contiguous landowners.

(12) Names, addresses, and phone numbers of applicant.

(13) A maintenance and safety plan which insures the continued safety of the wireless telecommunications facility for the life of the facility.

(Res. of 12-16-2010)

Sec. 66-76. Variances.

If an applicant requests in writing to the county planning and development office a variance to the enforcement of any of the requirements of this article, the county commissioner is authorized to grant a variance if the county planning and development office finds that one or more of the following considerations are present:

(1) The placement, construction, and/or modification of wireless telecommunications facilities is undertaken by a state or local governmental entity;

(2) The enforcement of the provisions described in the variance request would unreasonably discriminate among providers of functionally equivalent services;

(3) The enforcement of the provisions described in the variance request would prohibit or have the effect of prohibiting the provision of personal wireless services;
(4) There are unusual, exceptional, or extraordinary circumstances or conditions applying to the property upon which the placement, construction, and/or modification of wireless telecommunications facilities is proposed that do not generally apply to other property in the same vicinity or use district, and such conditions are not the result of the property owner's or applicant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or particular shape of the property being considered; and as a result of such unusual circumstance or condition, there is an unnecessary hardship or practical consideration which renders the compliance with this article unfairly difficult;

The written request for a variance to the enforcement of any of the requirements of this article shall state with particularity:

(1) Which provision of this article cannot be complied with;
(2) Which of the four considerations referenced above are applicable; and
(3) How the purpose and intent of this article are not in conflict with the variance should it be granted.

The authorization of any variance shall not conflict with the purpose and intent of this article.

In granting a variance, the county commissioner may impose such requirements and conditions with respect to the placement, construction, and/or modification of the wireless telecommunications facilities as may be deemed necessary to further the purpose and intent of this article. All requests for variances shall be made with the initial application and shall be considered as part of the application.

(Res. of 12-16-2010)

Sec. 66-77. Filings.

Except as otherwise provided in this article, all filings required or permitted by this article shall be made with and directed to the county planning and development office. All filings shall be date stamped by the county planning and development office.

Each filing required or permitted by this article shall have one original, ten copies, and an electronic version of the filing in "pdf" format on compact disc. Any person making a filing which does not possess the technical ability to file an electronic version shall certify this inability contemporaneously with the filing of the original hard copy and shall be assessed an additional filing fee which shall reflect the extra staff time needed in making this electronic filing for the person. In the event that a textual, substantive, or other type discrepancy exists between the original hard copy of the document and the electronic version filed, the contents of the original hard copy filed shall control.

Each filing made pursuant to this article shall be served on each formal party of record as listed on the county web site at the time the filing is made. The county shall list on its web site any person who has filed to become a formal party of record as said filing is made with the
county planning and development office. Service shall be made by delivering a copy of the filing to the party or by mailing a copy of the filing to the party's last known address as it appears on the web site. For purposes of this article, "delivering a copy" means handing it to the party or his authorized representative, or leaving it at the party's place of business with the party's clerk or other person in charge thereof, or leaving it at the party's usual place of abode with some person of suitable age and discretion residing therein. Service by mail is complete upon depositing the filing properly addressed with adequate postage in the U.S. mail or similar carrier. A proof of service shall be made to the county planning and development office with the filing.

Each filing shall:

(1) Identify the person on whose behalf it is being filed;
(2) Identify that person's address;
(3) Include a sworn verification by the appropriate persons of any facts contained therein.

In computing the time periods referenced in this article, the first day shall not be counted, but the last day shall be counted. Each calendar day shall be included in the computation of time, regardless of whether that day is a Saturday, Sunday, or legal holiday; however, if the last day of the time period falls on a Saturday, Sunday, or some other day that the county planning and development office is closed for business, then the time period shall be extended to the next business day.
(Res. of 12-16-2010)

Sec. 66-78. Formal parties of record; rebuttal.

Formal parties of record shall consist of the county planning and development office, the applicant, and persons making a filing as described below.

Any person desiring to become a formal party of record shall file the following information with the county planning and development office within 30 days from the date of filing the application:

(1) The person's name, mailing address, and residence address;
(2) The grounds for objecting or supporting the application and/or variance request;
(3) Verified expert testimony substantiating the grounds for said objection or support;
(4) The name, address, and qualifications of each person giving verified expert testimony;
(5) Any further information deemed necessary and relevant by the county planning and development office to investigate the assertions made in the filing.

In addition, all persons making said filing shall submit a filing fee in an amount sufficient to pay staff employees, independent engineers, and other related experts and consultants to be hired by the county to review the documentation submitted. Said fee shall be determined on a case by case basis.
The applicant shall have 45 days from the date of filing of the application to file any written rebuttal to the assertions made by a formal party of record. Said rebuttal testimony shall contain at a minimum the following information:

1. Verified expert testimony substantiating the grounds for said rebuttal;
2. The name, address, and qualifications of each person giving verified expert testimony;
3. Any further information deemed necessary or relevant by the county planning and development office to investigate the assertions made in the filing.

All formal parties of record shall be entitled to participate in the public hearing as described in section 66-82 of this article. However, no formal party of record may assign, transfer, or otherwise delegate their speaking time to any other person or participant. (Res. of 12-16-2010)

Sec. 66-79. Limited appearances by members of the public.

Any person who is not a formal party of record may nonetheless participate in the public hearing before the planning commission as described in section 66-82 of this article. Any statements made in the public hearing shall be added to the record; however, any person making said statements pursuant to this section shall not be entitled to service of filings or other documents.

Any person who participates in the public hearing pursuant to this section shall be required to declare said intention prior to the public hearing by signing an attendance form supplied by the county planning and development office on the day of the hearing. At a minimum, said attendance form shall be available for signature at the place designated for the public hearing 30 minutes prior to its call to order. The attendance form shall not be available for signature once the public hearing is called to order. During that portion of the public hearing set aside for limited appearances, all persons who have signed the attendance form shall be called to speak in their order of signing. No person may assign, transfer, or otherwise delegate their speaking time to any other person or participant. If a person who has signed the attendance form is not in attendance at the public hearing when their name is called, they shall be deemed to have abandoned their right to participate in the public hearing pursuant to this section, provided that persons who have left the hearing room temporarily with the prior approval of the chairman of the planning commission and who return to the hearing room prior to the expiration of that portion of the public hearing set aside for limited appearances shall be allowed to participate pursuant to this section at the end of that portion of the public hearing set aside for limited appearances. (Res. of 12-16-2010)

Sec. 66-80. Requests for information.

For purposes of preparing for rebuttal, all formal parties of record shall have access to the same information. Upon written request, a formal party of record shall be entitled to information which:

1. Is relevant to a filing already made;
(2) Is not subject to a rule of privilege recognized by Georgia or federal law;

(3) Does not pertain to a trade secret or other non-public, proprietary information.

The request for information shall be filed with the county planning and development office no later than 65 days from the filing date of the application and shall provide for inspection or production of the information within five days from the service date of the request. If inspection or production is not permitted, the party submitting the request shall note the objection in its presentation to the planning commission.

Except for requests made by the county planning and development office, all costs for the reproduction of documents obtained pursuant to this section shall be born by the party making the request. Costs for copies of any documents requested shall be $0.25 per page plus the hourly wage of the lowest paid employee of the record holder qualified to retrieve the requested information multiplied by the time necessary to retrieve the information, less the first 15 minutes required to retrieve the information. An estimate of the costs shall be provided to the requesting party within three days of its receipt of the request. Payment for copies shall be a prerequisite for obtaining said copies.

(Res. of 12-16-2010)

Sec. 66-81. Recommendation by county planning and development office; rebuttal.

Within 60 days from the date of the filing of the application, the county planning and development office shall issue a written recommendation to the planning commission describing its reasons for or against issuing a permit for the placement, construction, and/or modification of wireless telecommunications facilities, or a variances to the enforcement of any of the requirements of this article. This decision shall be served on each member of the planning commission, the applicant, and all other formal parties of record.

The applicant and any other formal party of record may file a written rebuttal to the reasons and recommendation of the county planning and development office for consideration by members of the planning commission by filing said written rebuttal with the county planning and development office within 75 days from the date of the filing of the application.

(Res. of 12-16-2010)

Sec. 66-82. Public hearing.

Within 90 days from the date of the filing of the application, the planning commission shall hold a public hearing on the recommendation of the county planning and development office. The county shall post a notice of the hearing upon the property and upon the property's access point to the public road in a manner consistent with notices for land use reclassification hearings. The county shall also advertise the filing for two weeks in the local legal organ in a manner consistent with notices for land use reclassification hearings. The county shall also post the notice together with the application on its web site in a format which will enable the documents to be downloaded by the public.
At any time during the public hearing, the planning commission shall have the authority to request and receive additional information from the applicant or any other party of interest. Said information shall include but is not limited to balloon tests and feasibility studies for the application of stealth design technology. The planning commission shall have the authority to continue the public hearing pending the results of any such information.

The format of the hearing shall be as follows:

Ten minutes: Presentation by county planning and development office describing its reasons for or against issuing a permit for the placement, construction, and/or modification of wireless telecommunications facilities, or a variance to the enforcement of any of the requirements of this article.

Ten minutes: Presentation by applicant.

Ten minutes: Presentation by other formal parties of record. Each formal party of record shall be entitled to ten minutes; each formal party of record shall make its presentation in the order of filing, with the first person to make a filing as a formal party of record going first.

Two minutes: Presentation by members of the public wishing to make a limited appearance. Each member of the public wishing to make a limited appearance shall be entitled to two minutes; this time shall not be transferable; presentations shall be made in the order of signing on the attendance sheet, with the first person signing going first.

Five minutes: Rebuttal by county planning and development office.

Five minutes: Rebuttal by applicant.

Within five days from the date of the adjournment of the public hearing, any formal party of record may file a written rebuttal with the county planning and development office to any presentation made at the public hearing.

Within 20 days from the date of the adjournment of the public hearing, the planning commission shall issue a written recommendation to the county commissioner describing its reasons for or against issuing a permit for the placement, construction, and/or modification of wireless telecommunications facilities, or a variance to the enforcement of any of the requirements of this article. This decision shall be served on the county commissioner, county planning and development office, the applicant, and all other formal parties of record.

(Res. of 12-16-2010)

Sec. 66-83. Decision from county commissioner.

Within 30 days from the date of service of the planning commission's recommendation, the county commissioner shall issue a written recommendation supported by substantial evidence contained in the written record describing its reasons for or against issuing a permit for the placement, construction, and/or modification of wireless telecommunications facilities, or a variance to the enforcement of any of the requirements of this article. This decision shall be served on the planning commission, the county planning and development office, the
applicant, and all other formal parties of record. Any appeal of the county commissioner's decision shall be filed in the county superior court within 30 days from the date of the decision. (Res. of 12-16-2010)

Sec. 66-84. Process and procedure.

For purposes of this article, and where not inconsistent with the context of a particular section, all applications requesting a permit for the placement, construction, and/or modification of wireless telecommunications facilities shall be processed as shown on the time line below.

Should no formal party of record filings be made prior to day 30, the time line shall be modified by the county planning and development office with the consent of the applicant to decrease the total time required from date of filing application to final approval of application to greatest extent possible.

Day 1: Written notification from county planning and development office to applicant that application has been received.

Day 30: Formal party of record filings due.

Day 45: Rebuttal filings by applicant due.

Day 60: Recommendation of county planning and development office served on members of the planning commission, applicant, and all other formal parties of record.

Day 65: All requests for information due.

Day 75: Written rebuttal testimony due.

Day 90: Planning commission hearing.

Five days from adjournment of hearing: Post-hearing written rebuttal testimony due.

Twenty days from adjournment of hearing: Recommendation of planning commission served on county commissioner, applicant, and all other formal parties of record.

Thirty days from service of planning commission decision: Decision from county commissioner.

Thirty days from county commission decision: Appeal to county superior court. (Res. of 12-16-2010)
PICKENS COUNTY
PLANNING AND DEVELOPMENT

Tower Application

Date: ____________________

Name of Owner: ____________________________________________

Address: ____________________________________________________

Phone #: ____________________________________________________

Property Owner: _____________________________________________

Address: ____________________________________________________

Phone: ______________________________________________________

Map & Parcel: ___________________________

Physical Location: _____________________________________________

Description of Tower: _________________________________________

Comments: __________________________________________________

Approved _________________________ Denied/Reason ____________________

Date: ____________________ Date: ____________________

Tower Application Fee: ____________________ Date: ____________________

Receipt #: ____________________

Construction Fee: ____________________ Date: ____________________

Receipt #: ____________________

Colocate Fee: ____________________ Date: ____________________