

Ordinance No. 17-04

**AN ORDINANCE
AMENDING THE TOWN OF MONTEAGLE ZONING ORDINANCE
WITH REGARDS TO TELECOMMUNICATION FACILITIES AND USES**

WHEREAS, it is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations for development of telecommunications facilities in Monteagle; and

WHEREAS, it is important to accommodate the growing need and demand for telecommunications services while protecting the character of Monteagle and its neighborhoods; and

WHEREAS, there is a need to establish standards for location, aesthetics and compatibility for small cell communication structures and uses, and to update the standards for other kinds of telecommunications facilities; and

WHEREAS, it is necessary to encourage the location and collocation of equipment on existing structures in order to reduce the need for new towers, thereby, minimizing visual clutter, public safety impacts, and effects upon the natural environment; and

WHEREAS, there is a need to encourage the availability of affordable, high-speed internet and cellular telephone access for residents, businesses, schools, governments, emergency responders, tourists, and the general public; and

WHEREAS it is important to encourage coordination between suppliers and providers of telecommunications services to maximize use of existing facilities and structures; and

WHEREAS, establishing predictable and balanced regulations within the authority reserved for local land use determination is in the interest of citizens in Monteagle; and

WHEREAS, there have been recent changes to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities; and

WHEREAS, a mechanism for the zoning and permitting of small cell telecommunications uses and an update of existing zoning provisions for other kinds of telecommunications uses is in the best interest of the citizens of Monteagle.

BE IT ORDAINED by the Board of Mayor & Aldermen of the Town of Monteagle that:

SECTION 1. Section 2.020 of the Monteagle Zoning Ordinance is hereby amended by adding the following definition:

Telecommunications Facility. Includes any antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, fiber, wire, and associated structures, enclosures, assemblages, devices and supporting elements that generate, transmit or produce a signal used for communication that is proposed by an entity other than Town of Monteagle, including but not limited to radio/tv/satellite and broadcast

towers, telephone service, including new microwave or cellular towers, PWSF, DAS, small cell facilities, and COWs. **For additional definitions pertaining to telecommunications facilities, see Section 4.170.**

SECTION 2. Section 4.170 of the Monteagle Zoning Ordinance is hereby amended by deleting all current text and inserting the following:

4.170 Telecommunications Facilities

- A. Purpose and Intent. This section establishes guidance and requirements for the location, construction, and compatibility of telecommunications facilities within Monteagle. These regulations, which include applicable provisions from the Telecommunications Act of 1996, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, FCC rulings, and caselaw, are intended to enable providers to meet the growing demand for telecommunications services while minimizing adverse impacts such facilities may have on nearby properties. These regulations are further intended to protect public safety, ensure compatibility with adjacent land uses, protect community assets including historic resources, reduce adverse visual impacts, and discourage unnecessary proliferation of wireless facilities.
- B. Section Definitions. Due to the technical nature and precise meaning of certain words used in regulation of telecommunications facilities, the following definitions shall apply to this section. Other words and meanings shall have their standard dictionary meaning or definition as given in Section 2.02.

Alternative Structure. A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including but not limited to buildings, water tanks, pole signs, billboards, church steeples, electric power transmission poles/towers, and streetlights.

Antenna. Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized or sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas, or any other antenna elements approved by the enforcement officer.

Base Station. A structure or equipment at a fixed location that enables wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo, or other aboveground structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base Station" includes, but is not limited to: equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks); any structure other than a tower that, at the time the application is filed, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of

providing such support. "Base station" does not include any structure that, at the time the application is filed, does not support or house wireless communication equipment.

Breakpoint Technology. The engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure is not required, including eligible facilities requests and qualified collocation requests.

Cellular on Wheels (COW). A temporary PWSF placed on property to provide short term, high-volume telecommunications services to a specific location and which can be easily removed from the property.

Distributed Antenna System (DAS). A system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high-capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

Eligible Support Structure. Any tower or base station existing at the time the application is filed. For purposes of this ordinance, the definition of "eligible support structure" shall include utility structures currently hosting fiber, cable, and wire.

Existing. A constructed tower or base station is "existing" if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process. A tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is "existing" for purposes of this definition.

Pedestrian Travelway. The portion of a sidewalk or multi-use path intended to facilitate the unobstructed through-movement of pedestrians and/or bicyclists.

Personal Wireless Service Facility (PWSF). Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless

broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower or support structure. Facilities may include new, replacement, or existing towers and support structures, replacement towers and support structures, collocation on existing towers and support structures, base station-attached concealed and non-concealed antennas, dual-purpose facilities, concealed towers and support structures, and non-concealed towers and support structures (monopoles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Qualified Collocation Request. Collocation of PWSF on a tower or base station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

Shared Use. See Collocation.

Site. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Small Cell Facility. A wireless service facility that either meets both of the following qualifications or is within a stealth design that is consistent with the design guidelines:

1. Each antenna is located inside an enclosure of no more than five (5) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than five (5) cubic feet, however, the maximum dimensions of the antenna shall not exceed 36" in height and 16" in diameter; and
2. Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, underground enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

Small Cell Network. A collection of interrelated small cell facilities designed to deliver wireless service.

Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following:

1. For towers located outside of public rights-of-way (ROW), the modification increases the height of a tower or support structure by more than 20 feet or 10%, whichever is greater.

2. For towers located within public rights-of-way and for all base stations, the modification increases the height of the structure by more than ten (10) feet or 10%, whichever is greater.
3. For towers located outside of public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
4. For towers located within public rights-of-way and for all base stations, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.
5. The modification involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. For towers in public rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
6. The modification entails any excavation or deployment outside the current site.
7. The modification would defeat the concealment elements of the eligible support structure.
8. The modification fails to comply with all conditions associated with the prior approval of the structure, unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

Support Structure. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including towers and alternative structures, but excluding antennas.

Telecommunications Facility. Includes any antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, fiber, wire, and associated structures, enclosures, assemblages, devices and supporting elements that generate, transmit or produce a signal used for communication that is proposed by an entity other than Town of Monteagle, including but not limited to radio/tv/satellite and broadcast towers, telephone service, including new microwave or cellular towers, PWSF, DAS, small cell facilities, and COWs.

Tower. Any structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, microwave backhaul, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or non-concealed. Non-concealed towers include:

Guyed - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice - A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas. Lattice structures are not permitted within Monteagle.

Monopole - A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Transmission Equipment. Equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, microwave backhaul, public, public safety, licensed or unlicensed, fixed or wireless), including but not limited to radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

- C. Principal or Accessory Use. Support structures, including towers, may be considered to be either principal or accessory uses. Additional facilities may be constructed on a lot with existing towers or structures.
- D. Aesthetics. All facilities shall be located and constructed to achieve minimum visual impact on adjacent properties and pedestrian environments, while retaining viable opportunities for future collocation. The use of stealthing is encouraged, provided that the design is visually harmonious with the surrounding natural or built environment. The design of base stations and any other structures and equipment shall use colors, landscaping, materials, screening, and textures that blend them into the natural setting and surrounding buildings. Towers shall either maintain a galvanized steel finish or be painted a neutral color to reduce visual obtrusiveness, subject to any applicable FAA requirements.
- E. Building Codes and Safety Standards. Telecommunications facilities shall meet or exceed all applicable standards, including without limitation those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity, American Concrete Institute (ACI), American Standards Testing and Materials Institute (ASTM), the National Electrical Code, and the American Steel Institute. In addition, telecommunications facilities shall comply with all applicable building codes and federal, state, and local regulations. Towers must be able to withstand winds of a minimum of 70 MPH with 0.5-inch radial ice. Applicants shall also comply with Section 106 of the National Historic Preservation Act of 1966. Upon request by the enforcement officer, applicants shall provide documentation of compliance with all applicable codes and requirements, including certification by a qualified engineer. If, upon inspection, the tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon written notice being given, the owner shall have thirty (30) days to bring such structure or

facility into compliance. Failure to do so shall constitute grounds for removal of the structure or facility at the owner's expense.

- F. **Lighting.** Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If site lighting is required for safety or security purposes, it shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets.
- G. **Height.** Unless another standard is specified within this section, support structures including towers shall meet the general height restrictions of the zoning district in which they are located. The board of zoning appeals may approve a taller structure upon all engineering concerns being addressed to the board's satisfaction. The BZA may require a Supplemental Review as a prerequisite to approving a taller support structure. The maximum height of any tower or facility in the Town of Monteagle shall be 250 feet.
- H. **Collocation.** To prevent the unnecessary proliferation of wireless facilities, collocation, or location on existing alternative structures, is required whenever possible. Applicants for a new telecommunications facility shall explore all collocation opportunities and opportunities to locate their antenna on existing alternative structures.
- I. **Tower Type.** All new towers shall be monopoles; no lattice structures shall be permitted within the Town of Monteagle.
- J. **Telecommunication Facilities Outside Public Rights-of-Way.**
 - 1. **Screening Requirements.** An opaque fence or wall at least eight (8) feet in height shall surround the support structure base and base station equipment. Evergreen screening plants with a mature height of at least 8 feet shall be planted around the fence. Evergreen screening shall also be installed around each guy anchor on a guyed tower. These screening requirements may be waived by the board of zoning appeals if all base station equipment is located underground or effectively stealthed, or if the board determines that the screening requirements conflict with the aesthetic goals of this ordinance for the proposed project and location.
 - 2. **New support structures or substantial changes to eligible support structures 150 feet and taller shall be designed to accommodate a minimum of three (3) PWSF providers.**
 - 3. **Tower Setbacks.** All new towers shall be monopoles; no lattice structures shall be permitted within the Town of Monteagle. Towers shall be set back from all property lines by a distance equal to 100% of the tower height plus ten percent (10%) or twenty (20) feet, whichever is greater (the additional 10%/20 feet is necessary to accommodate future eligible facilities requests). The BZA may approve a smaller setback based on engineering certifications that a tower will collapse within a smaller fall radius through the use of breakpoint technologies. Guy wire anchors, if used, shall be set back a minimum of five (5) feet from all property lines.

4. Alternative Structures. Telecommunications facility placements on alternative structures shall be designed with screening or other stealth elements so as to minimize the visual impact from any abutting public right-of-way, excluding alleys. Such facilities shall be architecturally harmonious and visibly indiscernible to the casual observer. Subsequent modifications must be consistent with the established design guidelines.

K. Telecommunication Facilities within Public Rights-of-Way.

1. Support structures and above-ground transmission equipment are prohibited within the pedestrian travelway, but may be located within a grass strip or frontage zone. For substantial changes to eligible support structures or for new telecommunications use of an alternative structure, the structure shall be relocated outside of the pedestrian travelway and all above-ground utilities consolidated with the permit application.
2. No new support structure may be erected in the public right-of-way within five hundred (500) feet of an existing support structure. This subsection shall not apply to the relocation or replacement of a pole pursuant to part "a." (above).
3. Applicants for new or relocated telecommunication facilities shall place all transmission equipment, excluding antennas and remote radio units, underground and flush to grade to the extent possible. If transmission equipment cannot be placed underground, written justification, excluding cost, shall be provided.
4. New support structures may not be erected to a height greater than the height surrounding utility poles or street lights, whichever is greater. If no utility poles are present, the total height shall be built to a maximum height of thirty-five (35) feet, including antennas, lightning rods, or other extensions. All new structures within the ROW shall be designed for a minimum of two PWSF providers.

L. Application Requirements.

1. Eligible Facilities Requests. Applications for eligible facilities requests shall include the following information:
 - a. Applicant name and contact information.
 - b. Proof of applicant's certification by the Tennessee Regulatory Authority.
 - c. Name and contact information for the wireless company or telecommunications provider that will own or utilize the facility or transmission equipment once installed.
 - d. Tax map and parcel number as well as the physical address where the facility will be located.
 - e. A schematic site plan and elevation view of the facility to be placed on the site, including any underground components. The site plan shall include information about materials, colors, and lighting (if required). If available, photographs of a similar facility or installation as the one proposed shall be submitted.

- f. Other information required by this ordinance or as may be reasonably requested by the enforcement officer to process the eligible facilities request.
2. Applications Other than Eligible Facilities Requests. Applications for towers, qualified collocation requests, substantial changes to existing structures, and other applications which do not qualify as an eligible facilities request shall include the following information:
 - a. Applicant name and contact information.
 - b. Proof of applicant's certification by the Tennessee Regulatory Authority.
 - c. Name and contact information for the wireless company or telecommunications provider that will own or utilize the facility or transmission equipment once installed.
 - d. Tax map and parcel number as well as the physical address where the facility will be located.
 - e. A schematic site plan and elevation view of the facility to be placed on the site, including any underground components. The site plan shall include information about materials, colors, and lighting (if required). If available, photographs of a similar facility or installation as the one proposed shall be submitted.
 - f. Locations and dimensions all property lines, public rights-of-way, roads, sidewalks, easements, existing and proposed utilities, existing and proposed structures, and proposed points of ingress and egress.
 - g. Zoning of the subject property and all adjacent properties.
 - h. Guy wire anchor locations (minimum of five (5) feet from all property lines).
 - i. For new towers or substantial changes to existing towers, a proximity map showing any residential zoning districts, or districts that permit residential uses, within 1,000 feet of the tower location. The map shall also include a line or circle illustrating the fall radius, taking into account any breakpoint technologies.
 - j. Screening including fencing and landscaping elements for facilities located outside public rights of way (see section J(1)). If seeking a screening waiver from the board of zoning appeals, written explanation why a waiver is justified shall be submitted.
 - k. Areas reserved for future collocations including communication equipment, shelters, or vaults.
 - l. If the application is not for collocation, the applicant shall submit technical information and other justifications as necessary to document the reasons why collocation is not possible. Upon request by the enforcement officer, the applicant shall provide a list of all eligible support structures and alternative structures within a

one-mile radius that were considered as alternatives to the proposed location with written explanation as to why the alternatives considered were not feasible due to technical or physical reasons.

- m. Documentation of the number of additional users that can be accommodated on the structure. In addition, the applicant shall provide a statement indicating the owner's commitment to allow feasible shared use for collocation. If the application is for a tower, certification from a qualified structural engineer that the tower has sufficient structural integrity and equipment space to accommodate multiple users shall also be submitted.
 - n. Other information required by this ordinance or as may be reasonably requested by the enforcement officer to process the application.
- 3. Site Inventory. Applicants shall submit an inventory of their existing or approved towers and sites within the Town of Monteagle, including specific information about the location, height, and design of each structure. This information may be shared with other applicants applying for a telecommunications facility under this ordinance. By sharing this information, neither the applicant nor the government of Monteagle is certifying that such site is suitable for collocation or tower construction.
 - 4. Application Fees. The applicant shall pay any application fees as may be required by the Town of Monteagle in addition to the cost for a supplemental review, if required (see Section N).

M. Review of Applications.

- 1. Timeframes for Review. To expedite the review process and for the sake of consistency with state and federal law, including applicable FCC Final Orders and Rulings, the following timeframes apply to respective telecommunications facility requests:
 - a. Eligible facility requests shall be approved or denied within 60 days of application submission, accounting for any tolling.
 - b. Qualified collocation requests shall be approved or denied within 90 days of application submission, accounting for any tolling.
 - c. All applications which are not eligible facilities requests or qualified collocation requests shall be approved or denied within 150 days of application submission, accounting for any tolling.
- 2. Tolling of the Timeframe for Review -- Incomplete Applications. The 60, 90, or 150-day timeframe for review begins to run when the application is submitted and may be tolled only by mutual agreement or in cases where the Town of Monteagle determines an application is incomplete.
 - a. To toll the timeframe for incompleteness, the enforcement officer shall provide written notice to the applicant within 30 days of the receipt of the application

specifically delineating all missing documents or information. The timeframe for review begins running again when the applicant makes a supplemental submission in response to a notice of incompleteness. Following a supplemental submission, the enforcement officer shall notify the applicant in writing within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe shall be tolled in the case of second or subsequent notices pursuant to the procedures of this paragraph. If the limit of the timeframe for review is reached and the application is still incomplete, the applicant and Monteagle may agree to an extension of the review period, or else the application may be denied for reasons of incompleteness.

- b. Second or subsequent notices for incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
 - c. The timeframe for review may not be tolled by any moratoria on review of applications issued by Monteagle.
3. Failure to Act. In the event Monteagle fails to approve or deny an application seeking approval under this ordinance within the timeframe for review (accounting for any tolling), the application shall be deemed approved. The deemed approval shall not become effective until the applicant notifies Monteagle in writing that the timeframe for review has expired, accounting for any tolling, and that the application is deemed approved.
- N. Supplemental Review. The government of Monteagle may require, at its sole discretion, a supplemental review by a qualified third party of any application for a telecommunication facility. Such review may be required where the complexity of the analysis requires technical expertise and may include investigations of: engineering and design; technical analysis; validity of conclusions and assertions; compliance with federal, state, and local requirements; and technical justifications for variance requests. Based on the results of the review, the enforcement officer may require changes to or supplementation of the applicant's submittal. The costs of such review, in an amount not to exceed \$3,500, shall be borne by the applicant. A copy of the final report from the supplemental review shall be provided to the applicant upon request and without additional fee.
1. Procedure. If the applicant is aware that a supplemental review is required and the government of Monteagle has already determined the cost for such review, payment in the exact amount may be made at the time of application submission. Alternately, a cash deposit or cashier's check in the amount of \$3,500 may be submitted with the application. Such advance payment is not required but merely suggested to expedite the review process when it is already known that supplemental review is required. If the government of Monteagle determines that a supplemental review is required and no payment for such review has yet been received, the enforcement officer shall provide written notice that a supplemental review is required as well as the cost for such review, not to exceed \$3,500, to the applicant within the initial 30-day review period for application completeness. Until payment is received by the government of Monteagle, any application requiring a

supplemental shall be considered incomplete. Failure or refusal to pay for a required supplemental review shall constitute grounds for denial of an application.

2. Balance of Funds. Any remaining funds shall be returned to the applicant within thirty (30) days of the supplemental review being completed.
- O. Notification and Community Meeting. Upon receiving an application for a new tower, the enforcement officer shall notify the mayor that an application for a new tower has been submitted. If the tower is proposed within a residential district, a district permitting residential uses (such as a mixed-use district), or within one thousand (1,000) feet of such district, the mayor may hold a community meeting on the proposed tower. Such meeting shall occur within thirty (30) days from the date on which the tower application was filed. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.
- P. Design Review. Telecommunication facilities may be subject to additional review by the Design Review Commission, and, where applicable, the Historic Zoning Commission.
- Q. Cellular on Wheels (COW). Permits for COW units shall be limited to fourteen (14) days. COWs shall be placed outside vehicular and pedestrian travelways and located to minimize visual obstruction. When circumstances reasonably warrant, the permit may be renewed.
- R. Removal of Abandoned Telecommunication Facilities. Any telecommunication facility that is not operated as a PWSF for a continuous period of twelve (12) months shall be considered abandoned and shall be removed at the owner's expense. The owner shall notify the enforcement officer of the abandonment and remove the same within ninety (90) days. Failure to do so shall be deemed to be a violation of these regulations and the owner shall be subject to the penalties as provided in this ordinance. The enforcement officer may pursue appropriate remedies as outlined in this ordinance, including removal of the facility with the cost for such removal to be paid by the owner.
- S. Surety instrument required. Prior to the issuance of a building permit for any tower, the Town of Monteagle may require a surety instrument (e.g. bond or letter of credit) be submitted to ensuring the prompt removal of the tower once it becomes obsolete. The amount of the surety instrument shall be determined by the enforcement officer and then approved by the planning commission during the site plan review process.

SECTION 3. The mayor is hereby authorized to procure the services of a qualified telecommunications consultant for supplemental reviews, not to exceed \$3,500 per review.

BE IT FURTHER ORDAINED that every section, sentence, clause, and phrase of this ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

FINALLY, BE IT ORDAINED that this ordinance shall take effect immediately upon passage, the public welfare requiring it.


MAYOR


CITY RECORDER


PASSED ON FIRST READING


PASSED ON SECOND READING