

**An Ordinance to Amend
the Oconee County Utility Accommodation Ordinance**

WHEREAS, it is necessary to make certain Amendments Section 8 of the Utility Accommodation Ordinance to comply with an order of the Federal Communications Commission issued September 26, 2018, and

NOW THEREFORE, be it resolved that the Oconee County Board of Commissioners adopts an amendment to the Utility Accommodation Ordinance as follows, to become effective on adoption, such that Section 8.3 shall read as follows:

Sec. 8.3 Application and fees.

- (a) *Permit required.* No person shall place any wireless infrastructure of any size in the rights-of-way, without first filing a small cell wireless infrastructure permit application and obtaining a permit therefore, except as otherwise provided in this section. An application for wireless facilities to be co-located may contain the information for multiple sites. An application requiring a new facility or pole shall only contain a single site, although it may provide for multiple wireless facilities located on such facility or pole.
- (b) *Permit application.* All applications for permits filed pursuant to this section shall be on a form, paper or electronic, approved by the County Public Works Director. The applicant may designate documents and materials which it reasonably believes to contain trade secrets, as the same are defined in the Georgia Open Records Act, by clearly marking each page of such materials accordingly and by providing the affidavit required in O.C.G.A. §50-18-72(a)(34). The applicant may also designate portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly. The County will take reasonable measures to ensure proprietary or confidential information is kept confidential; however, applicant agrees and understands that such information may not be protected under the Georgia Open Records Act.
- (c) *Application requirements.* The application shall be made by the wireless infrastructure provider or its duly authorized representative and shall contain the following:
- (1) The applicant's name, address, telephone number, and e-mail address.
 - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
 - (3) The legal owner of all property constituting the facility, if different from the applicant.
 - (4) A description of the proposed work and the purposes and intent of the small cell wireless infrastructure. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
 - (5) A specific description of the proposed installation, including the wireless facility, the proposed location, and any structure upon or within which the wireless facility is to be installed. Applicant shall provide construction plans certified by a properly licensed professional engineer, which shall state that the installation is safe and consistent with sound engineering practices.
 - (6) In the case of any installation involving attachment of a wireless facility to a structure owned by a third party, a certification that the applicant has obtained, or will obtain prior to any construction or installation activity, the legal right to attach facilities to such structure. The County may require the applicant to provide additional information to demonstrate such legal right to the satisfaction of the County. Any permit issued under this section shall be effective and conditioned upon the applicant's demonstration of compliance with this subsection.
 - (7) A statement that the small cell wireless infrastructure will be maintained in a safe manner, and in compliance with all applicable standards;

- (d) *Maintenance and replacement.* An application shall not be required for: (i) routine or emergency maintenance; or (ii) the replacement of a small cell wireless facility with another small cell wireless facility that is the same or smaller in size, weight, and height.
- (e) *Information updates.* Any amendment to information contained in a permit application shall be submitted in writing to the County within 30 days after the change necessitating the amendment.
- (f) *Application fees.* Unless otherwise provided by law, all applications for permits pursuant to this section shall be accompanied by a nonrefundable fee for actual, direct, and reasonable costs incurred by the County related to processing the application, which at the adoption of this Ordinance are \$500.00 for each application for collocated wireless facilities plus an additional \$100 for each wireless facility in excess of five included in the application. If the installation of the wireless facility requires a new pole or other new structure for its installation the fee shall be \$1,000.00.

BE IT FURTHER RESOLVED, that the County Clerk is directed to make the changes set forth in such Amendment to the Utility Accommodation Ordinance; and

BE IT FURTHER RESOLVED, that the Utility Accommodation Ordinance, as Amended, is hereby ratified, confirmed and readopted after a first reading on the 27th day of November, 2018, and a final reading and adoption on the 4th day of December, 2018.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

Chairman

Member

Member

Member

Member

ATTEST:

Rethy Hayes
Clerk, Board of Commissioners



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