

FCO 2017-13 14

Floyd County Board of Commissioners
Ordinance Amending FCO-2010-3 Road Cut/Right of Way Permit

Whereas, the Floyd County Board of Commissioners met on April 18, 2016 on this matter pursuant to IC 36-7-4-600 series

Whereas, the Board of Commissioners wish to address the new technologies in telecommunications and their land use application;

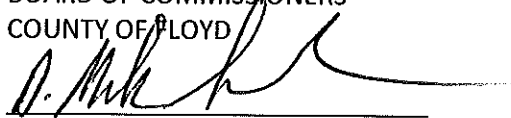
Whereas, the Board of Commissioners due amend the FC 2012-3 to provide a procedure for use of Right of Way for the installation of Small Cell Technologies;

NOW, THEREFORE,

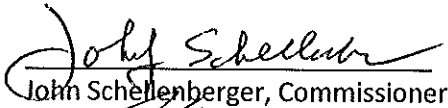
BE IT ORDAINED that Floyd County Board of Commissioners hereby amends the Floyd County Ordinance 2006-6 with the language attached in Exhibit A.

SO ORDAINED this 18th day of April 2017.

BOARD OF COMMISSIONERS
COUNTY OF FLOYD



D. Mark Seabrook, President



John Schellenberger, Commissioner



Billy Stewart, Commissioner

ATTEST:



Scott Clark, County Auditor

Exhibit A

Section 4

K. Any applicant seeking to place a small wireless cell facility shall submit an application to the County Infrastructure Coordinator.

The placement of a small wireless cell facility and support structure is considered permitted by right if the following elements are met.:

- a. Facility is located in a descriptive public right of way or dedicated easement;
 - b. Height of the facility does not exceed fifty (50) feet measured at grade;
 - c. Facility is located a minimum five (5) feet from edge of road pavement;
 - d. Facility shall consist of a metal structure and be a monopole;
 - e. Facility meets Sight Visibility Standards set in 5.24 of Floyd County Zoning Ordinance
 - f. Applicant can show that facility cannot be located on an existing utility pole or support structure(s) that is within fifty (50) feet of the proposed small wireless cell facility proposed site;
 - g. Written approval from Floyd County Board of Commissioners regarding usage of Descriptive Right of Way controlled by the Floyd County Board of Commissioners
- B. County Commissioner Office or designate shall review submitted material and provide the applicant a response to request in accordance with in Indiana code 8-1-32.3 series.
- C. The following activities associated with small cell wireless facilities are by right and exempt from any permits, charges or applications.
- a. Routine Maintenance;
 - b. Micro-wireless facilities located on existing utility poles or;
 - c. Micro-wireless facilities meeting the standards set in 5.43 A
 - d. Replacement of wireless facilities with wireless facilities that are:
 - i. Substantially similar to; or
 - ii. The same size or smaller than; the wireless facilities being replaced the installation, placement, maintenance or replacement of micro wireless facilities that are suspended on messenger cables strung between existing utility poles in compliance with applicable building, fire, electrical, plumbing, or mechanical codes by the a communications service provider.

Section 8.0 – Definitions

Small cell facility means a telecommunication facility as defined by the Federal Telecommunications Act 1996 currently in effect or which a wireless facility that satisfies the following:

- a. Each antenna including exposed elements has a volume of six (6) cubic feet or less;

- b. Primary equipment enclosure located on the facility has a volume not to exceed twenty-eight (28) cubic feet and follows all exception for measurement described in Indiana Code 8-1-32.3 series

Micro-wireless facilities means a Small cell facility is not larger in dimension than:

- a. Twenty-four (24) inches in length
- a. Fifteen (15) inches in width; and
- b. Twelve (12) inches in height.

External Antenna(s) for small cell facilities shall meet the following standards

- a. Any external antennae is no longer than eleven (11) inches

Utility Pole means a structure that is:

- 1. Owned or operated by:
 - a. A public utility
 - b. A communication service provider
 - c. A municipality
 - d. An electric membership corporation
 - e. A rural electric cooperative; and
- 2. Designed or used to:
 - a. Carry lines, cables, wires for telephony, cable television, or electricity;
 - b. Providing lighting;
 - c. Providing traffic control or
 - d. Providing signage