

INTERIM APPLICATION PROCESS

COUNTY OF MADISON
LOCAL ORDINANCE #01-24 OF THE YEAR 2001

WHEREAS, by the enactment of the Telecommunications Act of 1996, there is anticipated substantial growth in the erection of wireless telecommunications facilities; and

WHEREAS, there has been discussion concerning the construction of such facilities within the County of Madison; and

WHEREAS, there are significant shortcomings with respect to the current County of Madison's law; and

WHEREAS, the County wishes to implement, revise or replace a law to more effectively protect the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of an application, and for reviewing and analyzing an application, and for granting a permit to construct and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communication services; and

WHEREAS, a reasonable time for the County to complete its aforementioned review, and for the County to enact any required legislation resulting therefrom is deemed to be three (3) months from the date such local law enacting said interim application process is filed with the office of the Secretary of State; and

WHEREAS, the County has no pending applications for wireless telecommunications facilities; and

WHEREAS, this interim application process is not meant to be prohibitive or exclusionary in nature, during the interim application process, applications for a building permit, special use permit or site plan approval, or use variance or other necessary County approval for a monopole, lattice tower or other telecommunications antennae installations, including, but not limited to cellular antennae installations, shall be accepted and processed by the County. However, in accepting an application during the period of this interim application process any application must be accompanied by payment of \$8500.00 for consulting costs to assist the County in evaluating the application, and further, if a permit is issued it will be pursuant to any changes in the County Code. BE IT ENACTED by the County of as follows:

Section 1. A three (3) month interim application process, effective upon the date of filing of this local law with the Secretary of State

There is hereby enacted a three (3) month interim application process on the issuance of permits by the County of an application for the construction of wireless telecommunications facilities and related facilities.

Section 2. Effective Date- This local law shall take effect immediately.

THIS ORDINANCE NO. 01-24 SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, SECONDED AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on the 14th day of August, 2001.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Madison County, Kentucky, held on the 13th day of September, 2001, and of record in Fiscal Court Order Book 27, Page _____.

DATE ADOPTED: September 13, 2001

MOTION BY: Billy Ray Hughes

SECONDED BY: William Tudor

VOTE: YES NO

Magistrate Billy Ray Hughes	<u>✓</u>	—
Magistrate Forniss Park	<u>absent</u>	—
Magistrate William Tudor	<u>✓</u>	—
Magistrate Larry Combs	<u>absent</u>	—
Judge Kent Clark	<u>✓</u>	—

Kent Clark
MADISON COUNTY JUDGE EXECUTIVE

Attest:

Mary James Ginter
County Clerk