

**ARTICLE IX. TELECOMMUNICATIONS REGULATIONS.**

**Sec. 86-480. In general.**

This article may be cited and referred to as the “Louisa County Telecommunications Ordinance.” In any case in which this article conflicts with any other requirement of Chapters 66 or 86 of this Code, the more specific provision shall control, notwithstanding the provisions of § 1-6 or § 86-23 of this Code, unless expressly so stated. Nothing herein shall be construed to relieve any person of any other requirement of local, state, or federal law.

(A) Nothing in this article shall be construed to impair any vested right.

(Statutory Reference: Va. Code § 15.2-2307.)

**Sec. 86-481. Applicability.**

(A) This article shall apply to the development activities including installation, construction, or modification of all wireless communications facilities.

(B) Wireless communication facilities (WCF’s) are utility facilities subject to the provisions of Article X of Chapter 86 of this Code, and must be in substantial accord with the relevant provisions of the Louisa County Comprehensive Plan or applicable element thereof. Notwithstanding this provision, facilities that are by-right uses or approved by a special use permit process shall be deemed substantially in accord with the Comprehensive Plan.

(Statutory Reference: Va. Code §§ 15.2-2232, 15.2-2281.)

**Sec. 86-482. Permitted uses.**

WCF	Agricultural (A-1, A-2)	Residential (R-1, R-2)	Commercial (C-1, C-2)	Industrial (IND, I-1, I-2)	Resort Development	Planned Unit Development <sup>1</sup>
Freestanding WCFs Less than Maximum Height in District	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Freestanding WCFs Between Maximum District Height and 100’ (Parcel <25 Acres)	Special Use Permit	Special Use Permit	Special Use Permit	Certificate of Compliance	Special Use Permit	Master Plan
Freestanding WCFs Between Maximum District Height and 100’ (Parcel >25 Acres)	Certificate of Compliance	Special Use Permit	Special Use Permit	Certificate of Compliance	Special Use Permit	Master Plan

<sup>1</sup> See Louisa County. Code §§ 86-177 and 86-190. A freestanding WCF is permitted in the PUD district subject to the conditions of an approved master plan.

WCF	Agricultural (A-1, A-2)	Residential (R-1, R-2)	Commercial (C-1, C-2)	Industrial (IND, I-1, I-2)	Resort Development	Planned Unit Development <sup>2</sup>
Freestanding WCFs >100' in Height	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit	Master Plan
Attached, Collocated, Combined and Mitigated Un-Licensed Frequency WCF's	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Attached, Collocated, Combined and Mitigated Licensed Frequency WCFs	Consultant Review	Consultant Review	Consultant Review	Consultant Review	Consultant Review	Consultant Review

(Statutory References: Va. Code §§ 15.2-2286(A)(1) and (3).)

**Sec. 86-483. Application requirements for WCFs for which a Conditional Use Permit is required.**

Where a use requires a Conditional Use Permit or master plan approval pursuant to § 86-482, in addition to meeting any application requirements contained in § 86-9 of this Code, such application must include:

- (A) *Statement of Justification.* No new freestanding WCF shall be permitted unless the applicant submits a statement of justification addressing the following considerations:
  - (1) A justification of the geographic search area chosen.
  - (2) A report and supporting technical data demonstrating that all antenna attachments and collocations, including all potentially useable electric utility distribution towers and other elevated structures within the proposed service area and alternative antenna configurations have been examined and found unacceptable. The report should include reasons existing facilities such as utility distribution systems and other elevated structures are not acceptable alternatives to a new freestanding WCF. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of service providers indicating that no existing wireless communications facility could accommodate the applicant's proposed facility.
  - (3) Why no existing wireless communications facilities located within the geographic search area meet the applicant's engineering requirements.

<sup>2</sup> See Louisa County. Code §§ 86-177 and 86-190. A freestanding WCF is permitted in the PUD district subject to the conditions of an approved master plan.

- (4) Technical data included in the report shall include certification by a registered professional engineer licensed in the Commonwealth of Virginia or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed WCF, and accompanying maps and calculations demonstrating the need for the proposed WCF.
- (5) At least one letter of commitment from a wireless communications provider committing to locate on the new freestanding WCF.
- (B) *Location and geographic search area.* A vicinity map delineating the location and classification of all major public or private streets and rights-of-way, driveways, public parking areas, pedestrian ways, trails and bikeways within 500 feet of the subject property's boundary, including zoning district boundaries and the geographic search area overlaid on the map, together with a list of property owners within 1,000 feet in agriculturally zoned (A-1 and A-2 districts) and 500 feet in all other districts of the subject property and keyed to the map. The map shall be prepared at a scale sufficient to clearly identify the required features. A list compiled from Louisa County tax assessment records shall be sufficient compliance with this requirement.
- (C) *Visual impact.* The applicant shall provide simulated photographic evidence of the proposed WCF's appearance from any and all residential dwellings or lots within 1,000 feet or vantage points approved by the community development department including the facility types the applicant has considered and the impact on adjacent properties including:
  - (1) Overall height.
  - (2) Configuration.
  - (3) Physical location.
  - (4) Mass and scale.
  - (5) Materials and color.
  - (6) Illumination.
  - (7) Architectural design.

The applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed WCF on all adjacent residential zoning districts. Concealed and monopole-type structures are preferred.

- (D) *Height.* It is intended that all new WCFs be 199 feet or less in height. Under no circumstance shall any WCF exceed 300 feet. All new WCFs in excess of 199 feet shall be subject to the following additional requirements:
  - (1) Evidence that the WCF service area will be so substantially compromised that there would be a requirement of additional WCFs within a distance of two miles.
  - (2) The WCF shall be designed to allow for a future reduction of elevation to no more than 199 feet, or the replacement of the WCF with a monopole-type structure at such time as the wireless network had developed to the point that such heights can be justified.

- (E) *Design for collocation.* All freestanding WCFs should be engineered and constructed to accommodate collocation.
- (F) *Certificate of conformance with FAA regulations.* Proof of compliance and documentation of the manner of compliance with 14 C.F.R. Part 77, subpart C, "Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities."
- (G) *Conformance with comprehensive plan.* All applications must show conformance with the Louisa County Comprehensive Plan.
- (H) *Site plan required.* WCFs greater than 100 feet in height must comply with Article VII, Division 2 of this Ordinance.

(Va. Code §§ 15.2-2232, 15.2-2280, 15.2-2286(A)(1) and (3); 47 U.S.C. § 332(c)(7).)

**Sec. 86-484. Conditional Use Permit requirements.**

Where a Conditional Use Permit is required under the provisions of § 86-482, the following provisions shall apply. To the extent necessary to comply with the policies of the Louisa County Comprehensive Plan, an application pursuant to Article X of Chapter 86 of this Code may be processed and acted upon simultaneously with the process set forth below. The Conditional Use Permit approval process shall generally follow the process set forth in § 86-9 of this Code, with the following additional procedures:

- (A) *Preapplication meeting.* Prior to submitting a Conditional Use Permit application, the applicant shall meet with County staff to discuss the process and requirements of the County Code and the Comprehensive Plan. At the time of the preapplication meeting, the applicant shall demonstrate that the following notice was mailed via certified U.S. Mail, postage prepaid, to all other wireless service providers licensed to provide service within the county:

"Pursuant to the Louisa County Zoning Ordinance, Article IX, we are hereby providing you with notice of our intent to meet with county staff in a preapplication meeting to discuss the location of a freestanding wireless communications facility that would be located at \_\_\_\_\_ (physical address, latitude and longitude, Louisa County tax map number). In general, we plan to construct a support structure \_\_\_ feet in height for the purpose of providing \_\_\_\_\_ (type of service). Please inform county staff if you have any desire to place additional wireless facilities or equipment within a two-mile radius of the proposed facility. Please provide both us and county staff with such information within 20 business days of receipt of this letter. Your cooperation is sincerely appreciated. Sincerely, \_\_\_\_\_ (name of applicant)."

- (B) *Balloon Test* For WCF's proposed to be greater than 100 feet in height; the applicant shall carry out a balloon test prior to submittal of a Conditional Use Permit application. The applicant shall arrange to raise a colored balloon no less than three feet in diameter to the maximum height of the proposed WCF and within 50 horizontal feet of the proposed antenna support structure. The applicant shall inform county staff and abutting property owners of the date and time of

balloon test in writing at least 14 days in advance. The applicant shall cause the date, time, and location of the balloon test to be advertised in a newspaper of general circulation at least seven but no more than 14 days prior to the test date. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.

- (C) *Planning Commission.* The Planning Commission shall hold a public hearing following notice and advertisement as set forth in Va. Code § 15.2-2204 and make a recommendation to the Board of Supervisors within 90 days of the date of application, unless the applicant agrees in writing to an extension of the time for a recommendation. Failure to make a recommendation will be construed to be a recommendation of approval to the Board of Supervisors.
- (D) *Board of Supervisors.* Following recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing following notice and advertisement as set forth in Va. Code § 15.2-2204 and approve or disapprove the application.
- (E) *Final Site Plan Approval.*

(Statutory Reference: Va. Code §§ 15.2-2204, 15.2-2285(B); 47 U.S.C. § 332(c)(7)(B)(ii).)

**Sec. 86-485. Certificate of Compliance or Special Use Permit requirements.**

WCFs subject to a certificate of compliance or special use permit requirement under § 86-482 will be processed as follows:

- (A) *Conceptual plan required.* The applicant must submit an application and conceptual sketch plan prepared at a scale sufficient to clearly identify the required features and includes the following:
  - (1) Location of the proposed structure by GPS coordinates.
  - (2) Location and size of existing or proposed buildings and structures.
  - (3) Setbacks from property lines, right-of-ways, and existing structures.
  - (4) Street, driveway, and parking layout.
  - (5) Exterior lighting, if any. If illumination is desired, all attached light structures shall be mounted no higher than 20 feet measured from ground level, and be in compliance with dark sky lighting standards as approved by Louisa County.
  - (6) Name of owner, developer and individual who prepared the plan.
  - (7) Tax map and parcel number.
  - (8) Zoning district.
  - (9) Description of any variances or zoning proffers applicable to the site.
  - (10) Magisterial district.
  - (11) Voting district.
  - (12) County and state.
  - (13) North point.
  - (14) Date of drawing.
  - (15) Minimum setback lines.
  - (16) Departing lot lines.

- (17) Approximate boundary dimensions.
  - (18) Vicinity map.
  - (19) Location of existing and proposed utilities.
  - (20) Any application requirements of this subsection may be waived by the Zoning Administrator if the applicant provides satisfactory explanation in writing.
  - (21) Copy of the recorded plat or survey.
  - (22) A certification of structural integrity from a professional engineer licensed to practice in the Commonwealth of Virginia, or a certification of testing and design from the manufacturer of the pole structure and that the antennas meet or exceed FCC emissions and interference requirements.
- (B) *Other application requirements (Special Use Permits only).*
- (1) Although not required, an endorsement from any applicable property owners' association, architectural review board, or neighbors may be taken into consideration.
  - (2) Any other matter the applicant believes relevant to the Board's consideration.
  - (3) The Board may waive the application requirements of this section if requested by the applicant.
- (C) *Board of Supervisors public hearing (Special Use Permits only).* The Board hereby reserves to itself the right to issue special use permits pursuant to this Article. The Board may impose reasonable conditions to mitigate impacts of the proposed WCF. In determining whether or under what conditions to issue a special use permit, the Board shall hold at least one public hearing following notice and advertisement as set forth in Va. Code § 15.2-2204. The Board may consider the following criteria, without limitation, in granting, denying, or granting with conditions a special use permit under this Article:
- (1) Impacts on the light and views of the public and neighboring properties;
  - (2) Whether a need exists for such infrastructure in the area;
  - (3) Whether any applicable property owners' association favors or opposes the application;
  - (4) Whether the application serves Comprehensive Plan goals; and
  - (5) Any other reasonable consideration.

**Sec. 86-486. Uses for which no Conditional Use Permit or Special Use Permit required.**

- (A) WCFs of less than the maximum height allowed in the general regulations for the underlying zoning district.
- (B) WCFs greater than the maximum height allowed in the general regulations for the underlying zoning district, but less than 100 feet tall, provided:
  - (1) The parcel on which the WCF is located is zoned Agricultural or Industrial and at least 25 acres in area.
  - (2) Setbacks from all lot lines, including from roads, are at least 200 feet.
  - (3) Not more than one WCF per parcel.
  - (4) The applicant provides certification by a registered professional engineer licensed in the Commonwealth of Virginia that the antenna support structure has sufficient structural

integrity to support the proposed antenna and feed lines, in addition to any other equipment located or mounted on the structure.

**Sec. 86-487. Exempt installations.**

The following installations are exempt from the provisions of this article:

- (A) Noncommercial, FCC-licensed amateur radio antennas.
- (B) Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than twenty feet above grade in all zoning districts. A waiver may be granted by the Zoning Administrator to these size specifications when it is demonstrated by the applicant that the satellite earth station is used exclusively by the land owner and is not regulated by the FCC.
- (C) A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the county Board of Supervisors or designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this article beyond the duration of the state of emergency.
- (D) A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the county Board of Supervisors or designee and approved by the county Board of Supervisors or designee; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this article up to three months after the duration of the state of emergency.
- (E) A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the county Board of Supervisors or designee, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this article for up to one week after the duration of the special event.
- (F) Non-commercial, government-owned WCFs.
- (G) Non-commercial WCFs, such as home receivers and wireless access points attached to an existing structure, intended only for onsite, in-home use.

(Statutory References: Va. Code §§ 44-146.17, 44-146.21.)

**Sec. 86-488. Mitigation and replacements.**

- (A) *Mitigation of existing freestanding WCFs.* An antenna support structure or other WCF will be considered a lawful nonconforming use provided it meets the following criteria:
  - (1) *Height.* The height of a mitigated antenna support structure shall not exceed 115 percent of the height of the antenna support structure that is being mitigated.
  - (2) *Breakpoint technology.* A mitigated WCF shall use breakpoint technology in the design of the replacement facility.

- (3) *Buffers*: At the time of mitigation, the WCF equipment compound shall be brought into compliance with the buffer requirements of § 86-489(C).
  - (4) *Illumination*. If the mitigation of the WCF results in a non-illuminated WCF to require illumination then the mitigated WCF will not be treated as lawfully nonconforming.
- (B) *Antenna element replacements*. Antenna element replacements will require a certification from a professional engineer licensed to practice in the Commonwealth of Virginia that the antenna support structure or structure to which the antenna is attached is structurally able to support the antenna.

**Sec. 86-489. Development standards for attached, collocated, and combined licensed frequency WCFs.**

- (A) *Attached wireless communication facilities*.
- (1) *Concealed and non-concealed*:
    - (a) *Height*. The top of an attached WCF shall not be more than 20 feet above the existing or proposed building or structure.
    - (b) *Setbacks*. An attached WCF and its equipment compound shall be subject to the setbacks of the underlying zoning district. When an attached WCF is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
    - (c) *Visibility*. Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture.
  - (2) *Attached non-concealed WCFs*. Allowable locations: Shall only be allowed on electrical transmission towers and existing light stanchions.
  - (3) *Certification*. At the time of application for a building permit, the applicant must provide certification by a registered professional engineer licensed in the Commonwealth of Virginia that the antenna support structure and/or building or structure to which the antenna will be attached has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.
- (B) *Collocated or combined facilities*.
- (1) *Buffers*. At the time of installation, the WCF equipment compound shall be brought into compliance with any applicable buffer requirements (*see* § 86-489(C)).
  - (2) *Antenna mounting elevations*. A collocated or combined antenna or antenna array shall not exceed the maximum height prescribed in the conditional use permit (if applicable) or increase the height of an existing WCF by more than 20 feet.
  - (3) *Visibility*. New antenna mounts shall be flush-mounted onto existing antenna support structures, or mounted in accordance with an existing CUP or site plan, as applicable.
  - (4) *Certification*. At the time of application for a building permit, the applicant must provide certification by a registered professional engineer licensed in the Commonwealth of Virginia that the antenna support structure and/or building or structure to which the antenna will be attached has sufficient structural integrity to support the proposed



antenna and feed lines in addition to all other equipment located or mounted on the structure.

**Sec. 86-490. Setbacks.**

New freestanding WCFs and equipment compounds shall be subject to the setbacks prescribed in this section.

- (A) WCFs are subject to the accessory structure setbacks for side and rear yards applicable to the zoning district in which they are located, subject to the provisions contained in this section.
- (B) For freestanding antenna support structures, if the antenna support structure is to be constructed using breakpoint design technology, the minimum distance from the nearest occupied residential structure, whether or not it is located on the same parcel, must be equal to or greater than 110 percent of the distance from the top of the structure to the breakpoint level of the structure.
- (C) Certification by a registered professional engineer licensed by the Commonwealth of Virginia of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. The property owner may request a waiver to this requirement as a part of the conditional use permit or special use permit process.
- (D) For freestanding antenna support structures, if the antenna support structure has not been constructed using breakpoint design technology, the minimum distance from the nearest occupied residential structure must be equal to or greater than 110 percent of the height of the proposed antenna support structure.
- (E) Notwithstanding the provisions of § 86-18 of this Code, the road setback for pole-mounted wireless communication facilities in all districts shall be 25 feet from the edge of the easement or right-of-way line. All roads shall be deemed to have a minimum right-of-way width of 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.
- (F) The setback provisions of § 86-18.1 of this Code are not affected by this subsection.
- (G) An attached, collocated, or combined WCF is subject to the setbacks of the structure to which it is attached. If the structure has a lawfully nonconforming setback, then such lawfully nonconforming setback prevails.

**Sec. 86-491. Development standards for freestanding antenna support structures greater than 100 feet in height.**

- (A) *Setbacks.* New freestanding WCF's and equipment compounds shall be subject to the setbacks prescribed below:
  - (1) If the antenna support structure has been constructed using breakpoint design technology (section [86-2](#), definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, plus the minimum side and rear yard requirements.
  - (2) Certification by a registered professional engineer licensed by the State of Virginia of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant.

- (3) If the antenna support structure has not been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the height of the proposed antenna support structure.
  - (4) However, in all instances, the minimum setback distance from the setback line of any residentially zoned property, with an inhabited residence or proposed residences, shall be at least 200 percent of the height of the entire proposed structure.
- (B) *Equipment cabinets.* Cabinets shall not be visible from the path of travel on the nearest public or private road. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (C) *Fencing.* All equipment compounds shall be enclosed with a fence, or wall, and gate, at least six feet in height.
- (D) *Screening buffers.* A screening buffer, with a minimum buffer width of 10 feet, shall be provided around all antenna support structures and equipment compounds. Screening shall meet the following standards:
- (1) Landscaping consisting of one evergreen tree every 10 linear feet on average, or an eight-foot tall opaque fence and gate(s), subject to the following standards:
    - (a) No invasive plant species may be planted.
    - (b) Required evergreen trees shall be planted at a minimum height of six feet.
    - (c) More than one species of tree shall be used when planting a landscape screen.
    - (d) Fences shall be constructed of wood, wrought iron, or masonry materials.
    - (e) Fences used to meet the screening requirements of this subsection may be counted towards meeting the requirement of subsection (B).
  - (2) An evergreen hedge row planted adjacent to any road, street, or private lane, subject to the following criteria:
    - (a) No invasive species may be planted.
    - (b) Required shrubs shall be planted at a minimum height of 24 inches tall or minimum container size of three gallons.
    - (c) More than one species of shrub shall be used.
  - (3) When existing site conditions restrict or significantly limit the implementation of the above design standards or substantially comply with the above standards, an alternative design may be accepted by the Zoning Administrator, provided that it substantially complies with this subsection.
- (E) *Signage.* Commercial messages shall not be displayed on any WCF. In addition to the provisions of Article VI of Chapter 86 of this Code, noncommercial signage shall be subject to the following:
- (1) The only signage that is permitted upon an antenna support structure, equipment cabinets, or fence shall be informational, and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility; i.e., the address and telephone number, security or safety signs, and property manager signs (if applicable).
  - (2) If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the antenna support structure, signs located every 20 feet and

attached to the fence or wall shall display in large, bold, high contract letters (minimum height of each letter four inches) the following: "HIGH VOLTAGE – DANGER."

- (F) *Lighting.* Lighting on WCFs shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following requirements:
  - (1) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.
  - (2) Any security lighting for on-ground facilities and equipment shall be in compliance with dark sky lighting standards as approved by the County.
- (G) *Equipment compound.* An equipment compound shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a WCF equipment compound, nor shall compound be used as habitation.
- (H) *Compliance with federal standards.* All WCFs must at all times comply with all state and federal standards for interference protection and emissions of electromagnetic radiation.
- (I) *Sounds.* No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Generators shall not be stored or operated at WCFs except during power outages.
- (J) *Parking.* One parking space is required for each antenna support structure or equipment compound. The space must be provided within the leased area, the equipment compound, or the development area shown on the site plan.

**Sec. 86-492. Abandoned and nuisance structures.**

- (A) *Owner's responsibility.* It is the responsibility of the owner of a wireless communication facility to maintain it in safe and usable condition and remove it once its useful life has ended. The Board of Supervisors finds and declares that wireless communication facilities that fall into disrepair and become unsafe are a danger to the public health, safety, and general welfare.
- (B) *Notice to repair.* If the County determines that a wireless communication facility is in unsafe condition, the County Administrator may issue a written notice to the owner of the wireless communication facility or the property on which it is located, or both, demanding that the nuisance be abated within 30 days or such period of time as the County building official may determine is reasonable.
- (C) *Abatement of nuisance by judicial action.* If a wireless communication facility is in unsafe condition and the owner does not abate the nuisance in accordance with subsection (B) above, the County Attorney may institute action in the appropriate court to enjoin the nuisance. This subsection does not in any way limit other remedies that the County may pursue.
- (D) *Immediate nuisance.* Notwithstanding the provisions of subsections (B) and (C) above, if the County building official determines that a wireless communication facility presents an imminent and immediate threat to life or property, then the County Administrator may cause such facility to be abated, razed, or removed, and the County Attorney may institute action in the

appropriate court to recover necessary costs incurred for the removal and for any public emergency services reasonably required to abate the nuisance.

(Statutory Reference: Va. Code § 15.2-900.)

**APPENDIX A SCHEDULE OF FEES**

Telecommunications structures

Certificate of Compliance .....	\$100
Un-licensed Collocation .....	\$100
Special Use Permit .....	\$300* <sup>1</sup>
Un-licensed Wireless Communications CUP application/review .....	\$500* <sup>1</sup>
Licensed Collocation .....	\$1,200* <sup>1</sup>
Licensed Wireless Communications CUP application/review.....	\$3,700* <sup>1</sup>

\*Notification and processing fees, refunds and waived fees

There will be a \$20.00 fee charged per adjacent/adjoining property owner for notification and advertisement. There will also be an additional \$250.00, plus a \$20.00 fee charged per adjacent/adjoining property owner for re-notification and re-advertisement each time an application is delayed or postponed at the request of the applicant or necessary due to some act or failure to act on the part of the applicant.

Any fees for items requiring notice and advertisement may be granted a refund, or partial refund, at the discretion of the Director of Community Development with written request for withdrawal by the applicant if submitted prior to any certified mail notices or advertisements being sent.

<sup>1</sup>Any additional engineering fees the County may incur to provide full review of a CUP request are the responsibility of the applicant.