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COMMONWEALTH OF KENTUCKY
OWEN COUNTY
ORDINANCE # 126

AN ORDINANCE FOR THE INTERIM APPLICATION PROCESS.

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 Owen; and

WHEREAS, there are significant shortcomings with respect to the current County of Owen'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 communications 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

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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 \$8,500.00 for consulting costs to assist the County in evaluating the application, and further, if a permit is issued it will be issued pursuant to any changes in the County Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF OWEN:

SECTION I

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

SECTION II:

This local law shall take effect immediately.

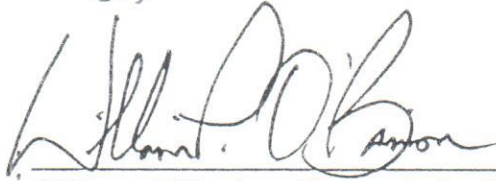
Approved on first reading on 25th day of April, 2001.

Approved on second reading on 8th day of May, 2001.

Published in the News Heard on _____ day of _____, 2001.

Adopted on 8th day of May, 2001.

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William O'Banion, County Judge/Executive

ATTEST:



Mary Kay Duncan, Clerk