

*Filed
2-18-02*

**COMMONWEALTH OF KENTUCKY
COUNTY OF TRIMBLE
ORDINANCE NO. 340.7
AN ORDINANCE RELATING TO:
AN INTERIM APPLICATION PROCESS FOR WIRELESS
TELECOMMUNICATIONS FACILITIES**

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

WHEREAS, there have been discussions among members of the Trimble County Fiscal Court concerning the construction of wireless telecommunications facilities within Trimble County, and

WHEREAS, there is significant work to be done with respect to review of current laws and enactment of a comprehensive ordinance to deal with construction of wireless communications facilities, and

WHEREAS, the County wishes to implement a local ordinance to more effectively protect the health, safety and welfare of the citizens of Trimble County, and to assure the orderly development of wireless technology in the community, including but not limited to the development of procedures governing the filing of applications, and for reviewing and analyzing applications, 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, three (3) months from the date this ordinance enacting said interim application process is filed with the Secretary of State and/or the Public Service Commission is deemed to be a reasonable time for the County to complete its aforementioned review, and for the County to enact any required legislation resulting therefrom; 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 required, accepted and processed by the County. However, in filing 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 the permit is issued it will be issued pursuant to any new Ordinance drafted for purposes of regulating the construction of telecommunications facilities or any county planning ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF
TRIMBLE COUNTY, KENTUCKY AS FOLLOWS:**

Section 1.) A three (3) month interim application process:

There is hereby enacted a three (3) month interim application process on the issuance of permits by Trimble County on applications for the construction of wireless telecommunications facilities and related facilities. Application forms may be picked up at the office of the Trimble County Judge/Executive.

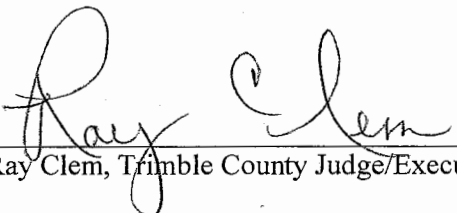
Section 2.) Effective date: This local ordinance shall take effect immediately upon approval on second reading by the Fiscal Court and publication as required by the Kentucky Revised Statutes.

Section 3.) Procedure: Any person, partnership, corporation or other entity desiring to construct, improve or change any wireless telecommunications facility in Trimble County, Kentucky shall file an application with the office of the Trimble County Judge/Executive and shall pay the sum of \$8,500.00 into an escrow deposit account at the time of filing the application. Said sum shall be placed in an escrow deposit account for the sole purpose of paying those fees connected with the consideration of the application including, but not necessarily limited to consulting fees and other costs incurred by the Trimble County Fiscal Court in connection with the consideration of the application. The \$8,500.00 escrow fee is an initial fee only. If costs of having the application reviewed by a consultant exceed the initial \$8,500.00, the consulting firm will notify the applicant that more monies must be deposited to the escrow fund to continue consideration of the application. If monies remain in the fund when the application has been completely processed, those monies will be returned to the applicant.

Section 4.) Application fee: Any person, partnership, corporation or other entity desiring to construct, improve or change any wireless telecommunications facility in Trimble County, Kentucky shall pay the sum of \$5,000.00 as an application fee when they file an application with the office of the Trimble County Judge/Executive. The application fee shall cover the costs to the County for advertising, public hearings and miscellaneous expenses incurred by the County in addition to those fees covered by the escrow deposit set out in Section 3 above. No portion of the application fee will be returned to the applicant.

After second reading on December 17, 2001, 2001 the foregoing Ordinance was approved to be published and on the same occasion was signed in open Court by the County Judge/Executive, Honorable Ray Clem as evidence of his approval, attested under the seal of the Trimble County Fiscal Court Clerk.

Dated: 12/17/01


Ray Clem, Trimble County Judge/Executive

Attest: Susan Barnes
Susan Barnes, Clerk

Approved as to form and content by the undersigned, Trimble County Attorney.


Perry R. Arnold, Trimble County Attorney