

NORTH CAROLINA)
ALLEGHANY COUNTY)

An Ordinance Imposing A Moratorium On The
Construction, Erection and/or Placement of
Wireless Communication Towers in Alleghany County

BE IT ORDAINED by the Board of Commissioners of the County of Alleghany:

Purpose

Wireless communication towers involve a use of land requiring careful consideration by local governments. Special concerns associated with wireless communication towers include, without limitation, the danger of falling towers, the danger of children falling from towers, and the visual impacts in residential neighborhoods and scenic areas. The Telecommunications Act of 1996 has greatly increased the demand for such towers. This moratorium is enacted as a temporary measure in order to give the County sufficient time to consider regulation governing the construction, erection and/or placement of such facilities in such a manner as will ensure the public health, safety and welfare.

Authority

This ordinance is enacted pursuant to the authority granted to the County by virtue of General Statutes Section 153A-121.

Definition

For the purpose of this ordinance, the term “wireless communication tower” means any tower exceeding 35 feet in height erected for the purpose of transmitting or receiving signals, including, without limitation, telephonic, radio, television, cable television, or microwave signals.

Jurisdiction of Ordinance

This ordinance shall be effective within the jurisdiction of the County of Alleghany.

Moratorium

There is hereby imposed a moratorium on the construction, erection and/or placement of wireless communication towers with the jurisdiction of the County of Alleghany. This moratorium shall continue in force and effect for the term of 180 days from the date of its adoption after which term it shall expire.

Exceptions

This moratorium shall not apply to the following uses or activities:

- a. The reconstruction, re-erection or relocation of wireless communication towers existing as of the date of this moratorium;

- b. The co-location of new wireless communication antennas on existing towers;
- c. The construction, erection and/or placement of new wireless communication towers by governmental agencies;
- d. The construction, erection and/or placement of structures intended solely for a non-commercial individual use such as residential television antennas, satellite dishes, or ham radio antennas.

Variance

The Board of Commissioners will consider situations where a severe hardship may arise. Anyone desiring a variance from the terms of this moratorium shall make application in writing, stating the justification for the request. Before the Alleghany County Commissioners make a decision on any such application for variance, it shall hold a public hearing.

Effective Date

This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 5th day of March, 2001.

ATTEST:
Karen Evans
Clerk to the Board
(County Seal)

The Alleghany Board of Commissioners
(sig: Ken Richardson)
Ken Richardson, Chair

(sig: Robert E. Edwards)
Robert E. Edwards, Vice-Chair

(sig: Charity Gambill)
Charity Gambill, Member

(sig: J. Warren Taylor)
Warren Taylor, Member

(sig: Patrick N. Woodie)
Patrick Woodie, Member

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by Lizabeth R. Roupe
Register of Deeds]
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