

Wireless

Telecommunications

Facilities

Ordinance

Town of Hollis Maine

Enacted: November 4, 2008

Amended: \_\_\_\_\_

Attested Copy: 

# WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

## Table of Content:

1. Purpose	2
2. Authority	6
3. Administration	6
4. Applicability	7
5. Performance Standards	8
6. Procedure	11
7. Application for Planning Board Approval	12
8. Effective Date of the Ordinance	14
9. Conflicts with other Ordinances	14
10. Validity and Severability	14
11. Abandonment	15

# WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

## 1. Purpose:

The purpose of this ordinance is to provide a uniform and comprehensive set of performance standards and requirements to be used by the Planning board when it reviews an application for the placement and construction of wireless telecommunication facilities. These standards and requirements are intended to:

A. Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;

B. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities;

C. Allow competition in telecommunications service;

D. Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of the Town of Hollis;

E. Permit and manage reasonable access to the public rights of way of the Town of Hollis for telecommunications purposes on a competitively neutral basis;

F. Ensure that all telecommunications carriers providing facilities or services within the Town of Hollis comply with the ordinances of the Town of Hollis;

G. Ensure that the Town of Hollis can continue to fairly and responsibly protect the public health, safety and welfare;

H. Encourage the co-location of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community;

I. Enable the Town of Hollis to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development;

J. Further the goals and policies of the comprehensive plan, while promoting orderly development of the Town with minimal impacts on existing uses; and

K. Protect the scenic and visual character of the community.

Town of Hollis, Maine

Ordinance Enacted: 11/04/08  
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Wireless Telecommunications Facilities

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**1.1 Definitions: The terms used in this ordinance shall have the following meanings:**

**Accessory facility or structure:** An accessory facility or structure serving or being used in conjunction with wireless Telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to utility or transmission equipment storage sheds or cabinets.

**Antenna:** means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

**Antenna Height:** means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**Co-location:** means the use of a wireless telecommunications facility by more than one wireless telecommunications provider. Specifically, it is the sharing by two or more service providers of the structure, tower or facility that supports the antennas and other equipment, where feasible. It does not mean merely sharing of the site, compound or ground area in which a Wireless Telecommunication Facility is located. Further, "collocation" does not mean the construction of additional separate towers or other structures that support wireless telecommunication equipment within one compound, leased area or site.

**Communication tower:** A guyed, monopole or self supporting vertical structure, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

**FAA:** means the Federal Aviation Administration, or its lawful successor.

**FCC:** means the Federal Communications Commission, or its lawful successor.

**Historic or Archaeological Resources:** means resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08

Amended: \_\_\_\_\_

Attested: 

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programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or

5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

**Historic District:** means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

**Historic Landmark:** means any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

**Line of sight:** means the direct view of the object from the designated point such as a scenic resource.

**Modification of Existing Facilities:** any change, or proposed change in power input or output, number of antennae, in antennae type or repositioning of antennae, or change in dimensions of an existing and permitted tower or structure designed to support telecommunication equipment.

**Monitoring:** The measurement, by use of instruments in the field, of non-ionizing radiation exposure from telecommunications facilities, towers, antennas, or repeaters.

**Monopole:** A single self-supporting vertical pole with no guy wire anchors with below grade foundations.

**Parabolic Antenna:** (also known as a satellite dish antenna) means an antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

**Pre-existing towers and antennae:** Any tower or antennae for which a permit has been issued prior to the effective date of this Ordinance.

**Principal Use:** the primary use to which the premises are devoted, and for the main purpose for which the premises exist.

**Public Recreational Facility:** means a regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.

**Designated Scenic Resource:** means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency that consists of:

1. A three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or
2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

**Targeted Market Coverage Area:** means the area which is targeted to be served by this proposed telecommunications facility.

**Unreasonable Adverse Impact:** means that the proposed project would produce an end result which is:

1. Excessively out-of-character with the designated scenic resources affected, including existing buildings structures and features within the designated scenic resource, and
2. Would significantly diminish the scenic value of the designated scenic resource.

**Viewpoint:** means that location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

**Wireless Telecommunications Facility or Facilities:** means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services. This includes without limit, Towers of all types and kinds and structures that employ camouflage technology, including but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate visual impact of an Antenna and a tower or functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site.

Wireless Telecommunications Facility includes a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the Town's siting, building and permitting authority, excluding those used exclusively for the Town's fire, police or exclusively for private, non-commercial radio and television reception and private citizens band, amateur radio and other similar non-commercial Telecommunications where height of the facility is below the height limits set forth in this ordinance.

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08

Amended: \_\_\_\_\_ Attested

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## 2. Authority:

This ordinance is adopted/ Amended pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 et seq. In addition, Local zoning of Wireless Telecommunication Facility's and related buildings are authorized by The Telecommunications Act of 1996.

### 2.1 Relief, Waiver, or Exemptions

Any applicant desiring relief, waiver or exemption from any aspect or requirement of this may request such at the pre-application meeting, provided that the relief or exemption is contained in the original application for either a Conditional Use Permit, or in the case of an existing or previously granted Conditional Use Permit a request for the modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. The applicant shall bear all costs of the Town in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, the relief, waiver or exemption is necessary.

## 3 Administration:

3.1 The Hollis Planning Board shall be responsible for the review of applications and issuance of Conditional Use Permits for construction or expansion of Wireless Telecommunication Facilities as defined in this ordinance.

A. Expansion of an Existing Facility and Co-location. Conditional Use Permit Approval by the Planning Board is required for any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunications facility; or co-location on an existing wireless telecommunications facility.

B. New Construction Conditional Use Permit and Site Plan Approval by the Planning Board is required for construction of a new wireless telecommunications facility and any expansion of an existing wireless telecommunications facility, which increases the height by more than 20 feet.

3.2 The Code Enforcement Officer (CEO) shall be responsible for ensuring the conditions of the permit are enforced.

### 3.3 Appeal

Appeal from the decision of the Planning Board shall be to Superior Court, according to state law.

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08

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### 3.4 Amendment of this Ordinance

3.4.1 Procedure : In all cases of proposed amendments the Planning Board shall:

3.4.1.1 Hold at least two public hearings within sixty days and thirty days prior to the meeting of the governing body.

3.4.1.1.1 Notice of Public Hearings shall be:

A. Posted in the Municipal Office 14 days prior to the hearing; and

B. Published at least twice in a newspaper of general circulation in the area. The date of the first publication must be at least 14 days prior to the first public hearing and the date of the second publication must be at least 7 days prior to the first public hearing.

3.4.2 Proposed amendments may be brought to the planning Board by:

The Planning Board,  
Board of Selectmen,  
Petition of citizens or  
Other means allowed by law

3.4.3 Approval of amendments:

3.4.3.1 By a majority vote of ballots cast at a Town Meeting if the proposed amendment is recommended by the Planning Board; or

3.4.3.2 By a two-thirds majority vote of the ballots cast at a Town Meeting if the proposed amendment is not recommended by the Planning Board;

3.4.2.1 For zoning changes involving only clerical errors the Planning board has the Authority to make only non-substance clerical corrections that do not alter the meaning to the ordinance that are administered by the Planning Board of the Town of Hollis.

## 4. Applicability:

4.1 All wireless telecommunication facilities existing on or before the effective date of this ordinance shall be allowed to continue as they presently exist, providing they remain unmodified

4.2 Except as otherwise provided in this section, this ordinance shall apply to all construction or expansion of Wireless Telecommunication Facilities (towers, antennas, satellite devices, and the like including all supports and guy wires) and associated buildings for the re-transmission and/or amplification of Communication Services (cellular, radio, satellite, television, and the like) located within the Town of Hollis.

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08 Amended: 11/04/08

Copy: \_\_\_\_\_



**4.3** Wireless Telecommunication Facilities are permitted as a Conditional Use in the Town providing they meet all applicable standards set forth in the Hollis Zoning Ordinance (HZO) unless specifically noted otherwise in this ordinance; current Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and any other applicable Federal or State agency requirements; and comply with the additional standards set forth in this section.

**4.4** The following are exempt from the provisions of this ordinance:

**4.4.1** Emergency Wireless Telecommunications Facility. Temporary wireless communication facilities for emergency communications by public officials. Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

**4.4.2** Parabolic antenna. Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.

**4.4.3** Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

**4.4.4** Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty days.

**4.4.5** Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit.

## **5. Performance Standards:**

**5.1 General:** In addition to the findings required by this Ordinance, the Planning Board shall find its decision on an application to be consistent with the provisions of the Federal Telecommunications Act of 1996 or most current edition; the Hollis Zoning Ordinance; the Hollis Shoreland Zoning Ordinance; and other land use ordinances that may apply.

The applicant shall provide the Town with registered notification ninety (90) day prior to abandonment of the facility.

**5.2 Infrastructure:** All roads, buildings, etc. associated with the Wireless Telecommunication Facility must comply with the standards set forth in all other applicable Hollis zoning ordinances, and to the extent possible blend with the type of environment surrounding them.

**5.3 Height:** Wireless Telecommunication Facilities and all equipment located thereon shall not exceed 195 feet in height above the existing ground level, and shall be galvanized or painted a neutral color so as to be non-reflective and to reduce visual obtrusiveness.

**5.4 Lighting:** Wireless Telecommunication Facilities and buildings themselves shall not be permitted to have exterior lights of any type visible from dusk till dawn, with the exception of lights required for illumination for safety during maintenance or repair activities and shall be used only when personnel are conducting these activities on site.

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08 Amended: 02/28/09

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**5.5 Security:** Wireless Telecommunication Facilities shall be enclosed by a security fence and include appropriate anti-climbing devices to discourage trespassing on the property and facility.

**5.6 New Construction:** New Towers shall not be permitted unless the applicant can show conclusively that a location cannot occur on existing towers, structures without increasing height or structural capacity requirement.

The applicant shall submit a comprehensive report inventorying existing towers and other suitable structures within 3 miles of the location of any proposed new tower, unless the applicant can show some other distance is more reasonable and demonstrate conclusively why an existing tower or other suitable structure cannot be used.

**5.7 Tower height:** The applicant shall submit documentation justifying the total height of any tower, facility, and /or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of height needed to provide service primarily and essentially within Hollis and neighboring towns, to the extent practicable, unless good cause is shown

**5.8 Setbacks:** A new or expanded wireless telecommunications facility must comply with the set back requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The following exemptions apply:

Where Wireless Telecommunication Facilities are permitted, the setback may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property.

**5.9 Landscaping:** A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

**5.10 Color and Materials:** A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

**5.11 Other Impact:** The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency.

**5.11.1 Visual:** In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:

**5.11.1.1** The extent to which the proposed wireless telecommunications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource;

5.11.1.2 The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;

5.11.1.3 The amount of vegetative screening;

5.11.1.4 The distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and

5.11.1.5 The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

5.11.1.5.1 A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers.

5.11.2 **Noise:** During construction, repair, or replacement, operation of a back-up power generator at any time during a power failure, and testing of a back-up generator between 8 a.m. and 9 p.m. is exempt from existing municipal noise standards.

5.11.3 **Historic & Archaeological Properties:** The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places.

## 5.12 Co-Location

5.12.1 Co-location, as defined in this ordinance, shall be strongly encouraged as further outlined below. Co-locating on existing Wireless Telecommunication Facilities shall be required where feasible, provided said proposed co-locators have received a Conditional Use Permit for such use from the Town, and further provided that such co-location does not cause or result in unreasonable interference with other service providers located on the facility. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Town may require a third party technical study at the expense of either or both the applicant and permittee.

5.12.2 Failure to comply with the co-location requirements of this section may result in the denial of a permit request or revocation of an existing permit.

5.12.3 An application for approval by the Planning Board must meet the following Priority of Locations:

5.12.3.1 Co-location on an existing wireless telecommunications facility or other existing structure in conformance with this and other Town ordinances;

5.12.3.2 A new facility on a new structure on public or private property in an area permitted by this ordinance, provided that the applicant has demonstrated that it has exhausted all other reasonable alternatives for co-location on other existing facilities.

**5.13 Interference:** The applicant shall ensure that the proposed use will not cause localized interference with reception of area television or radio broadcasts, If upon review the Planning Board determines interference is occurring, the Board will notify the applicant in writing via certified mail. If the interference is not eliminated within 60 days of this written notice the Conditional Use Permit will be revoked and operation must cease until the condition is corrected. The Conditional Use Permit will be re-issued without additional fees by the Planning Board when it determines the cause is corrected.

## **6 Procedure:**

**6.1 Pre-application meeting:** To address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit. Costs of the Town's consultants to prepare for and attend the pre-application meeting will be borne by the applicant. Additionally, Refer to the HZO conditional use and Site Plan Review Procedures.

**6.2 Site visit:** As prescribed for Conditional Use Permits and Site Review Standards in the Hollis Zoning Ordinance.

**6.3 Public hearing:** As prescribed for Conditional Use Permits in the Hollis Zoning Ordinance.

### **6.4 Expert Assistance:**

The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.

An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the review of any application including the construction and modification of the site, once permitted. The deposit shall be (\$8,500 or as determined by the Hollis Selectmen). The placement of the fee with the Town shall precede the pre-application meeting. The Town will maintain a separate escrow account for all such funds. The Town's consultant shall invoice the Town for its services in reviewing the application including the construction and modification of the site, once permitted.

If any time during the process this escrow account has a balance less than (\$3500 or as determined by the Hollis Selectmen) the applicant shall immediately upon notification by the Town replenish said escrow account so that it has a balance of at least (\$5000 or as determined by the Hollis Selectmen). Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

## 7 Application for Planning Board Approval

An application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the information required by the HZO for Conditional Use and Site Plan Review and the following information:

7.1 A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

7.2 A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on roof tops, within a three (3) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.

7.3 **A site plan:** In addition to the Site Plan Review Standards of HZO; the Site Plan Review should include the following:

7.3.1 The location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;

7.3.2 Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required; and

7.3.3 Location map and elevation drawings of the proposed facility and any other proposed structures, showing color, and identifying structural materials.

7.3.4 A report from a Registered Professional Engineer in the State of Maine that describes the tower, the technical reasons for the tower design and the capacity of the tower, including the number, type, and volume of antennas that it can accommodate and the basis for the calculation of capacity.

7.3.5 For antennas mounted to buildings, poles or towers, certification by a Registered Professional Engineer in the State of Maine that the design is adequate to support without failure the maximum forces expected from wind, earthquakes, ice, and snow loading when fully loaded with antennas, transmitters, and other equipment, and camouflaging, as described in the submitted plans.

7.4 A scenic assessment, consisting of the following: to the Site Plan Review Standards of HZO;

7.4.1 Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level;

7.4.2 A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.



7.4.3 Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

7.4.4. A narrative discussing:

7.4.4.1 The extent to which the proposed facility would be visible from or within a designated scenic resource,

7.4.4.2 The tree line elevation of vegetation within 100 feet of the facility, and

7.4.4.3 The distance to the proposed facility from the designated scenic resource's noted viewpoints.

7.5 A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

7.5.1 Evidence demonstrating that no existing building, site, or structure can accommodate the applicants proposed facility, the evidence of which may consist of any one or more of the following:

7.5.2 Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements,

7.5.3 Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements,

7.5.4 Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

7.5.5 For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

7.5.6 Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access;

7.5.7 The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

7.6 Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w (5); 36 CFR 60 and 800); and identification of environmental effects of any facility pursuant to the requirements of the National Environmental

Policy Act (NEPA).

7.7 A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

7.7.1 Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

7.7.2 Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

7.7.3 Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location;

7.7.4 Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles.

7.8 This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

7.9 A form of surety approved by the Board of Selectmen to pay for the costs of removing the facility if it is abandoned.

7.10 A map showing the locations and service areas of other Communication Structure sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service with the Town.

## 8 Effective Date of Ordinance

The effective date of this Ordinance or its amendment is immediately upon acceptance at a by the Legislative body of the Town of Hollis.

## 9 Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance regulation or statute, the more restrictive provision shall control

## 10 Validity and Severability

Should any section or provision of this Ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08 Amended: \_\_\_\_\_ Attested

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## 11 Abandonment

A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Code Enforcement Officer.

*Public Hearing  
Warrant for the Special Town Meeting*

*September 11 2008*

*To Tom Filieo, a Constable, in the Town of Hollis, County of York and State of Maine.*

*Greetings:*

*In the name of the State of Maine, you are hereby requested to notify and warn the inhabitants of said Town of Hollis, qualified to vote in Town affairs to assemble at the Hollis Districts 2 Fire Station at 405 Plains Rd., at 7Pm for the purpose of reviewing the articles that will appear on the November 4, 2008 Town Warrant*

*Dated: September 4, 2008*

*Attest to be a true copy of the said warrant*

*Signed,*



*Claire M. Dunne,  
Town Clerk*

*Officer's Return*

*To the Municipal Officers*

*I certify that I have notified the voters of Hollis of the Public Hearing on September 11, 2008 to be held at the Fire Station 2 located at 405 Plains Rd. by posting an attested copy of the Warrant at*

*Hollis Center Post Office, Your Country Store all located in the Hollis Center, Deer Pond (Big Apple) Variety Store in the North Hollis Area, Johnson's Garage in the West Buxton Village Area. The Selectmen's Office and the Town Clerk's Office, all located at the Municipal Center all being in conspicuous place*

*Dated September 4, 2008*

*Signed,*

*Tom Filieo*

*Article :2 Shall the Town vote to change the status of the Town Clerk position from an Elected three year term to an appointed position at the end of the present Term which will be in June 2011?*

*Article:3 Shall the Town vote to change the status of the Tax Collectors position from An elected three year term to an appointed position at the end of the present Term which will be in June 2010?*

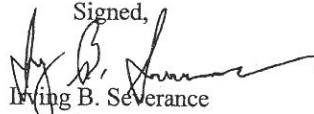
*Article: 4 Shall the Town vote to change the status of the Treasurer position from an Elected three year term to an appointed position at the end of the present Term which will be in June 2009?*

*Article 5 Shall the Town vote to change the status of the Road Commissioner position From two year term to an appointed position at the end of the present which Will be in June 2010?*

*Article:6 Shall an Ordinance entitled Hollis Cell Tower Ordinance be replaced with a New ordinance entitled Wireless Telecommunication Facilities Ordinance Dated September 9, 2008*

*Article 7 Shall an ordinance entitled Hollis Dog Ordinance be replaced with a  
New ordinance entitled Hollis Animal Control Ordinance dated September  
5, 2008*

Signed,



Irving B. Severance



Stuart B. Gannett, Sr.



Gerald W. Gannett

Dated September 4, 2008