COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2014-01

AN ORDINANCE REGULATING THE USE OF OFF-PREMISE AND ON-PREMISE SIGNS (BILLBOARDS) FOR CELLULAR TRANSMITTING DEVICES

Whereas the City of London has received a request from individuals and companies requesting the use of off-premise signs or advertisement devices (billboards) for use by cellular telephone companies by the placement of small antennas and/or small dish devices (as defined herein), and

Whereas the City of London desires to promote business in the corporate city limits of the City of London and promote the efficient use of cellular devices by the citizenry of London. The City of London also has an obligation to provide for the safety and welfare of its citizens by making every reasonable assurance that any devices permitted in the City of London are reasonably safe.

In London City Ordinance 917, the City of London allowed, in part, by application and permission of the City of London and the London/Laurel County Zoning and Planning Commission, the placement of off premise signs ("billboards") in certain areas of the City of London. In 1999, by Ordinance No. 961, the City of London determined that no off premise signs could be placed with the City of London, but that those in existence at the time of the enactment of Ordinance No 961 would be allowed to remain, but that no off premise sign could thereafter be expanded or enlarged and if the off-premise sign was removed, destroyed or fell, it could not be replaced. London City Ordinance 917 had only authorized the placement of off premise signs ("billboards") as a limited and restricted use as signage only and not for use for cellular antennas or dish type devices.

After having been requested to consider the use of such billboards for limited cellular antenna and dish devices, the City of London has determined that such application may be granted by the City Council only for limited transmitting purposes and shall not be used to replace or instead of a cellular antenna tower as a stand-alone cellular tower or as an alternative to collation of an antenna on an existing cellular antenna tower as those devices are defined in London City Ordinance No. 2007-14.

Be it Ordained by the City Council of the City of London, as follows:

Any retail or wholesale telecommunications service that uses radio signals transmitted through cell sites or mobile switching stations that desires to place limited transmitting devices on billboards in the City of London shall make an application to the City of London by submitting for review documents and an application form to the City of London Building Inspector for his review prior to being presented to the City Council of the City of London. The documents and application shall contain the following information:

1. The following information concerning the billboard:

a. the location of the billboard

b. the owner of the billboard

c. a copy of the lease between the billboard owner and the property owner and a statement of whether the same is recorded in the office of the Laurel County Court Clerk's office and the book and page number of the recorded document.

d. a statement by an engineer or architect licensed within the Commonwealth of Kentucky stating that he/she has physically inspected the billboard and statements as to the structural integrity of the billboard, including the foundation of the billboard, any deficiencies of any nature whatsoever and any corrective measures to be made to correct such deficiencies or to maintain the structural integrity of the billboard. The statement shall include information recognizing the size, number and weight of the antennas and/or dishes and the manufacturer of the same which are to be located on the billboard structure and any other changes or additions recommended by the engineer or architect to be made to the billboard structure for its utilization for the cellular devices and a design drawing of the same. Such statement shall also include that the structural integrity of the billboard will not be compromised by the additional cellular devices being located on the billboard and that the location of the cellular devices on the billboard presents no known or anticipated risk of safety to the citizens of the City of London. There shall be no other use by any other cellular telephone company on the billboard. The permission granted herein may <u>not</u> in any way be expanded in any manner beyond the specific permission granted herein.

e. The applicant shall provide a copy of any contract for labor, materials, equipment to be used in the construction, repair, or modifications or the billboard for the placement of the cellular devices on the billboard.

f. Prior to the commencement of any repair, replacement or modifications of the billboard for the planned use for cellular devices as described herein, the applicant shall provide or cause to be provided certificates of insurance evidencing general liability insurance as well as the statutory limits of worker compensation insurance.

g. An application fee of Two Thousand Five Hundred Dollars and 00/100 ($2,500.00) shall be made payable to the City of London for processing of the application.

2. The City of London Building Inspector shall review all applications prior to the submission of the application to the City Council for consideration. The Building Inspector and the Mayor of the City of London shall have full authority to refuse to recommend/place the item on the agenda of the City Council for consideration until full and complete compliance with the requirements of the application process.

3. If permission is granted by the City Council of the City of London based on the application, prior to any construction, repairs, modification, remodeling or renovation of the billboard, the cellular company shall provide, prior to any construction, remodeling, modifications or repairs of the billboard, a certificate of general liability insurance, including but not limited to property damage and personal injuries, of not less than Five Million Dollars and 00/100 ($5,000,000.00), which shall name the City of London as an additional insured. It shall be the responsibility of the cellular company to provide to the City Clerk of the City of London a copy of the certificate of insurance on each occasion of the insurance renewal or a copy of any replacement insurance. Failure to provide such proof of insurance with the City named as an additional insured will be considered a material default in the granting of this use of the billboard, without the necessity of notice by the City of London and will result in the immediate discontinuance of any grant or permission by the City for the continued use of the billboard for cellular purposes. By applying to the City for use of the billboard for cellular purposes, the applicant agrees to completely indemnify and hold the City harmless for any claims of any nature whatsoever, including any and all attorney fees court costs or any other expense of any nature whatsoever, incurred by the City arising from the granting of the application to the applicant.

4. This Ordinance is not intended to exceed any state or federal law or regulation regulating or restricting the use or placement of devices addressed in this Ordinance. There must be compliance with any and all permissions, permits, applications or other qualifying acts required by the state or federal governments prior to the placement of such any devices authorized by this Ordinance. Notwithstanding any other language in this Ordinance, compliance must be made with other London City Ordinances, when applicable to location of the billboard.

5. If permission is granted by the City to the applicant, said permission may not be transferred, sold, leased or held in any other manner by any person other than the applicant. Any violation of this provision shall be considered a material default in the granting of this use of the billboard, without the necessity of notice by the City of London and will result in the immediate discontinuance of any grant or permission by the City for the continued use of the billboard for cellular purposes.

6. This Ordinance shall be effective immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Troy Rudder
Mayor Troy Rudder

Attested: Carolyn Adams
Carolyn Adams
City Clerk

First Reading Date: January 24, 2014
Second Reading Date: February 3, 2014
Publication Date: February 7, 2014