**RESOLUTION ADOPTING RULES, REGULATIONS, AND GUIDELINES RELATING TO THE PERMITTING, INSTALLATION, AND CONSTRUCTION OF SMALL WIRELESS FACILITIES AND SUPPORT STRUCTURE POLES IN COUNTY RIGHTS-OF- WAY**

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WHEREAS, earlier this year the Alabama Legislature passed Senate Bill 76, which became Act # 2021-5, relating to wireless telecommunications. That Legislation established a procedure to authorize wireless providers to collocate, mount, or install small wireless facilities on existing poles, or to install new poles on the rights-of-way of the State of Alabama or any agency, county, or municipality thereof. That legislation exempted small wireless facilities from certain zoning review and approval procedures and established a procedure for the application and permitting of the development of small wireless facilities and poles in the rights-of-way of the state. That legislation, among other things, also established rates and fees for permits for small wireless facilities and established allowable charges for access to a County’s right-of way or for the co-location of small wireless facilities on poles owned or controlled by a County;

WHEREAS, the County Commission believes that the expansion of wireless communication services to all parts of the County is in the best interests of the citizens of the County;

WHEREAS, the County Commission is also of the opinion that it is in the best interests of its citizens to adopt rules, regulations, and guidelines relating to the permitting, installation, and construction of small wireless facilities and support structure poles in County’s rights of way;

WHEREAS, the purpose of this Resolution is to establish rules, regulations, and guidelines relating to the permitting, installation, and construction of small wireless facilities and support structure poles in County rights-of-way in order to comply with federal and state laws, orders, and regulations;

WHEREAS, this Resolution is intended to prevent interference with the use of streets, sidewalks, alleys, parkways, and other public ways and places by pedestrians, vehicular traffic, and utilities;

WHEREAS, this Resolution is also intended to prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicle and pedestrian traffic;

WHEREAS, this Resolution is also intended to prevent interference with the facilities and operations of facilities lawfully located in rights-of-way, or installed on public infrastructure;

WHEREAS, this Resolution is also intended to protect against environmental damage;

WHEREAS, this Resolution is also intended to facilitate the deployment of small wireless facilities to provide the benefits of wireless services to County residents and businesses;

WHEREAS, this Resolution is also intended to protect other important County interests, including the public health, safety, aesthetics, and local property values, while establishing an orderly process for the siting of small wireless facilities in the County’s rights-of way;

WHEREAS, it is not the purpose or intent of this resolution to: prohibit or have the effect of prohibiting wireless communication services, unreasonably discriminate among providers of functionally equivalent wireless communication services; regulate the placement, construction, or modification of small wireless facilities on the basis of the environmental effects of radiofrequency omissions where it is demonstrated that the wireless communications facility does or will comply with applicable FCC regulations; or prohibit or effectively prohibit collocations or modifications that are allowable under state or federal law.

NOW, it is therefore resolved by the County Commission as follows:

1. That the County Commission hereby adopts the document titled Rules, Regulations, and Guidelines Relating to the Permitting, Installation, and Construction of Small Wireless Facilities and Support Structure Poles in the County’s Rights-of-Way, which is attached to this resolution as Exhibit A and incorporated herein by reference as if fully set forth herein.

2. That the County Commission reserves the right to change, revise, or amend the attached Rules, Regulations, and Guidelines from time to time as the County Commission deems is necessary to protect the interests of the citizens of the County as well as private property, public roads, and rights-of-way.

**ADOPTED** and **APPROVED** by the County Commission of \_\_\_\_\_\_\_\_\_\_\_\_ County, Alabama, on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **COUNTY COMMISSION**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Chairman of County Commission)

Its: Chairman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Its: County Administrator