

## **Town of Southern Shores**

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Resolution 2007-05-02

### **A RESOLUTION IN OPPOSITION TO NORTH CAROLINA GENERAL ASSEMBLY SENATE BILL #831 WIRELESS TELECOMMUNICATIONS FACILITIES**

**WHEREAS**, Senate Bill #831, Wireless Telecommunications Facilities, has been presented to the North Carolina General Assembly; and

**WHEREAS**, there are numerous issues included in Senate Bill #831 about which the Town of Southern Shores is concerned; and

**WHEREAS**, these issues of concern and Southern Shores' position on each include, but are not necessarily limited to:

- Section 62A-42 (c) (4) establishes maximum review fees for collocation and new location for cell towers. Review fees should be set by the local body for all types of development and not superseded by the state for one type of development.
- The proposed legislation does not allow the use of a financial surety to ensure that facilities are maintained, nor does it allow a time limit for use. Local governments should be allowed to require a tower be removed if it is inactive for an established period of time.
- Section 62A-42 (c) (11) prohibits "inflexible separation" requirements. This is subjective and arbitrary. Local ordinances should be allowed to establish specific numerical distance for separation; such an arbitrary process would not prevent, for example, an undesirable concentration of facilities.
- Section 62A-42 (c) (12) prohibits the requirement of an ANSI inspection report for collocation. Considering the climate of the Outer Banks and our strong risk of severe weather, from the position of providing for public safety, the inability to require a structural analysis for collocation is not wise.
- Per 62A-43 (a) a local jurisdiction may not deny an application and require collocation if collocation is economically burdensome or impracticable due to contractual, engineering, or other similar impediments. The proof of economically burdensome collocation is arbitrary and eviscerates any goal of minimizing tower locations.

**NOW, THEREFORE, BE IT RESOLVED** that the Southern Shores Town Council hereby goes on record opposed to Senate Bill #831 and encourages our legislative delegation to also oppose this legislation; and

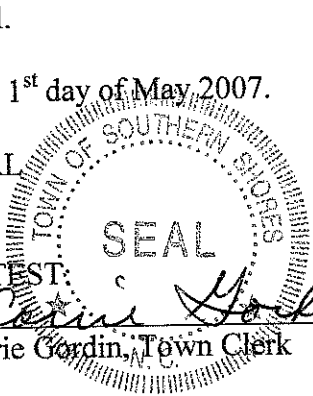
**BE IT FURTHER RESOLVED** that the Southern Shores Town Council urges adoption of similar language by the other Dare County local governments at their earliest convenience so that all of Dare County will go on record in support of preserving the rights and responsibilities of local government and in opposition to transferring those rights and responsibilities to another level.

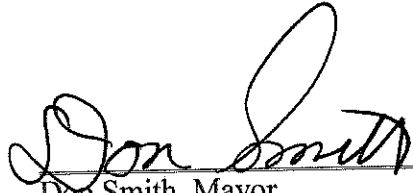
This 1<sup>st</sup> day of May 2007.

SEAL

ATTEST:

Carrie Gordin, Town Clerk



  
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Don Smith, Mayor