

**TOWN OF BOW MAR
ORDINANCE NO. 321**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
BOW MAR AMENDING CHAPTER 16 OF THE BOW MAR MUNICIPAL
CODE TO ADD A NEW ARTICLE II, ENTITLED "WIRELESS
COMMUNICATION FACILITIES"**

WHEREAS, pursuant to the Telecommunications Act of 1996 (the "Act"), local governments are provided authority over decisions regarding the placement, construction, and modification of wireless communication facilities; provided that any such regulation does not unreasonably discriminate among providers of functionally equivalent services, or prohibit, or have the effect of prohibiting the provisions of personal wireless services;

WHEREAS, such regulation is also subject to Section 6409 ("Section 6409") of the Middle Class Tax Relief and Job Creation Act of 2012, which requires a local government to approve any eligible facilities request for a modification of an existing wireless tower or base station that does not "substantially change" the physical dimensions of such tower or base station;

WHEREAS, the Colorado General Assembly passed House Bill 17-1193 which also provides certain mandatory procedural requirements and regulations for installation of small cell facilities within a municipality's right-of-way; and

WHEREAS, the Board of Trustees now wish to establish a procedure for review of applications for the installation of wireless communication facilities within the Town in compliance with the Act, Section 6409 and House Bill 17-1193.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR AS FOLLOWS:

Section 1. Chapter 16 of the Bow Mar Municipal Code is hereby amended by the addition of a new Article II, entitled "Wireless Communications Facilities," to read as follows:

Article II - WIRELESS COMMUNICATIONS FACILITIES

Sec. 16-31. Purposes.

The purposes of this Article are: to allow the location of wireless communications facilities in the Town while protecting the public health, safety, and general welfare of the community; to act on applications within a reasonable period of time; to encourage collocation; and to prevent unreasonable discrimination among providers of functionally equivalent services.

Sec. 16-32. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

"Accessory equipment" means equipment, including buildings and structures, used to protect and enable radio switching equipment, back up power and other devices incidental to a WCF, but not including antennae.

"Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.

"Base station" means a structure or equipment, other than a tower or any equipment associated with a tower, at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, including without limitation: associated equipment such as private, broadcast, and public safety services, unlicensed wireless services and fixed wireless services such as microwave backhaul, and any structure, other than a tower, to which any of the equipment described herein is attached, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks); any structure other than a tower that, at the time the relevant application is filed with the Town under this Article, supports or houses equipment described herein that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

"Building roof-mounted WCF" means a WCF that is mounted and supported entirely on the roof of a legally existing building or structure.

"Building wall-mounted WCF" means a WCF that is mounted and supported entirely on the wall of a legally existing building or structure.

"Camouflage and Concealment Design Techniques" means measures used in the design and siting of a WCF with the intent to eliminate the visual impacts of such facility to surrounding uses so that the presence of the WCF is not readily apparent. A WCF utilizes Camouflage and Concealment Design Techniques when:

1. The facility is integrated as an architectural feature of an existing structure, such as a tower, clock tower, bell steeple, cupola, penthouse, architectural feature or other similar structure;
2. The facility is integrated into vertical infrastructure such as a traffic signal, flagpole, light pole or other similar structure; or
3. The facility uses a design which mimics and is consistent with landscaping features (such as artificial rocks, trees, and other vegetation), while maintaining authenticity in its application.

"Eligible facilities request" means a request for modification of an existing tower or base station that does not substantially change the physical dimensions of such

tower or base station involving: co-location of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

"Eligible support structure" means any tower or base station existing at the time the application is filed with the Town.

"Existing" means a constructed tower or base station that has been reviewed and approved by the Town or under another state or local regulatory review process.

"Equipment storage shelter" means buildings, storage shelters, and cabinets used to house WCF equipment.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

"Freestanding WCF" means a WCF that consists of a stand-alone support structure such as a tower or monopole, and antennae and accessory equipment.

"Microwave antenna" means a disk-type antenna used to link communication sites together by wireless voice or data transmission.

"Micro WCF" means a WCF that is no larger than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height, with exterior antenna, if any, of no more than eleven (11) inches in length.

"Pole-mounted WCF" means a WCF with antennae that are mounted and supported entirely on a legally existing traffic signal, utility pole, street light, flagpole, light pole or other similar structure.

"Public right-of-way" means all public roads, streets, alleys, trails and other dedicated rights-of way, access easements and utility easements.

"Small cell facility" means a personal wireless service facility as defined by the federal Telecommunications Act of 1996, a micro WCF, or a WCF where: each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17) cubic feet in volume, and the following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

"Small cell network" means a collection of interrelated small cell facilities.

"Site" means, for towers other than towers in public rights-of-way, the current boundaries of the leased or owned property surrounding the tower.

"Stealth WCF" means a WCF that meets the requirements for Camouflage and Concealment Design Techniques.

"Substantial change" means a modification to the physical dimensions of an existing tower or base station under the following circumstances:

1. A substantial change in the height of an existing tower or base station occurs as follows:

a. For a tower outside of a public right-of-way, when the height of the tower is increased by more than ten percent (10%), or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater.

b. For other eligible support structures located in a public right-of-way, when the height of the structure increases by more than ten percent (10%) or by more than ten (10) feet, whichever is greater.

2. Changes in height are measured as follows:

a. When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment.

b. When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.

3. A substantial change in the width of an existing tower or base station occurs as follows:

a. For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

b. For other eligible support structures in a public right-of-way, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet.

4. A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:

a. When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or

b. When the change involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets.

5. A substantial change occurs for any existing tower or base station as follows

a. When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four (4) new cabinets, whichever is less;

b. When the change entails any excavation or deployment outside the current site;

c. When the change would defeat the concealment elements of the eligible support structure; or

d. When the change does not comply with conditions associated with the original approval of the construction or modification of the eligible support structure or base station equipment, provided that this limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (1) through (5)(b), hereof.

"Tower" means a structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennae and their associated facilities, including without limitation private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Transmission equipment" means equipment that facilitates transmission of any FCC-licensed or authorized wireless communication service, including without limitation radio transceivers, antennae, coaxial or fiber-optic cable, and regular and backup power supply, and equipment associated with wireless communications services, including without limitation private, broadcast, and public safety services, unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Whip antenna" means an array of antennae that is cylindrical in shape.

"Wireless service" means data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

"WCF" means a facility, including a small cell facility, used to provide personal wireless services as defined under 47 U.S.C. § 332(c)(7)(C), along with any transmission equipment and the support structure to which the WCF and its

components are attached; except that "wireless service facility" does not include coaxial or fiber-optic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

Sec. 16-33. Standards for all WCFs.

A. **Applicability.** This Article applies to all WCFs in the Town, except:

1. Amateur radio antennas owned and operated by a federally licensed amateur radio station or receive-only antennas, provided that the height requirements set forth in Section 16-13 of this Code are met.

2. Antennae used for reception of television, multi-channel video programming and radio such as Over-the-Air-Receiving Device (OTARD) antennae, television broadcast band antennae, and broadcast radio antennae; provided that any requirements related to accessory uses or height contained in Section 16-13 of this Code are met.

B. **Co-location.** To minimize the number of WCF sites, the Town encourages co-location of WCFs when feasible. To further the goal of co-location:

1. No WCF owner or operator shall unreasonably exclude another provider of telecommunications service from using the same facility or location. Upon request by the Town, the owner or operator shall provide evidence explaining why co-location is not possible at a particular facility or site; and

2. If a telecommunications provider attempts to co-locate a WCF, and the parties cannot reach an agreement, the Town may require a third-party technical study to be completed at the expense of either or both parties to determine the feasibility of co-location.

C. **Compliance with law.** All WCFs shall meet current standards of the FCC and any applicable law. By adopting this Section, the Town is not attempting to regulate radio frequency power densities or electromagnetic fields, which are controlled by the FCC. Upon a request by the Town at any time, a WCF owner or operator shall verify that:

1. The WCF complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts;

2. The WCF complies with the current FCC standards for cumulative field measurements of radio frequency power densities; and

3. The WCF complies with the current FCC standards for controlling human exposure to radio frequency fields.

D. **Abandonment.** If a WCF ceases operation for any reason for one hundred eighty (180) consecutive days:

1. The owner or operator shall remove the WCF; and
2. Any permit for the WCF shall automatically expire.

E. Height limit. Notwithstanding any other height limitations in this Article, in no case shall a WCF located on property owned by the Town or in any public right-of-way exceed thirty (30) feet in height.

F. Equipment storage shelters. Equipment storage shelters shall meet the following requirements:

1. All equipment storage shelters or associated appurtenances shall be installed in an underground (flush-to-grade) or partially underground equipment vault (projecting no more than 36 inches above grade), where appropriate and reasonably feasible based upon technical, construction, and engineering requirements, or meet the minimum setbacks for buildings and structures in the underlying zone district, if located outside;

2. The total footprint coverage area of any equipment storage shelters shall not exceed three hundred fifty (350) square feet for each WCF;

3. Equipment storage shelters located outside shall be screened by fencing, vegetation or similar screening, and shall be constructed out of non-reflective materials (visible exterior surfaces only) or uses other camouflage and concealment design techniques so as to make such shelters as visually unobtrusive as possible;

4. No equipment storage shelter shall exceed twelve (12) feet in height; and

5. All equipment storage shelters shall be grouped as closely together as technically possible.

Sec. 16-34. Freestanding WCFs.

A. Setbacks. A freestanding WCF shall meet the minimum setbacks for buildings and structures in the underlying zone district, provided that, at a minimum, a freestanding WCF shall be setback by one (1) foot of distance for each foot of height of the WCF. A freestanding WCF shall not be located within one hundred (100) feet of the following: (i) any existing principal residential structure; (ii) the banks of Marston Lake; (iii) the banks of Bowles Lake; or (iv) the banks of Upper Tule Lake.

B. Maximum height. A freestanding WCF, including antennae, shall not exceed the maximum structure height in the underlying zone district without a variance. Unless otherwise required by federal law, in no case shall a freestanding WCF, including antennae, exceed thirty (30) feet in height.

C. Separation. No freestanding WCF shall be located within six hundred (600) feet of another freestanding WCF.

D. Design standards. To minimize impacts, a freestanding WCF shall meet the following design standards:

1. General. The facility shall be stealth or designed to be compatible with surrounding buildings and structures and existing or planned uses in the area through application of Camouflage and Concealment Design Techniques, subject to any applicable FAA regulations.

2. Landscaping. Existing land forms, vegetation, and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment, where feasible. All applicable landscape regulations shall be observed. A landscape plan prepared by a professional landscape architect may be required to demonstrate that such landscape appropriately shields the base and security fencing from view if the base of the facility is otherwise visible from adjacent rights-of-way. Existing vegetation shall be preserved or enhanced, to the extent practicable.

3. Construction. Any equipment that could be dangerous to persons or wildlife shall be adequately covered or fenced. The diameter of a microwave dish antenna shall not exceed four (4) feet. The facility shall be constructed by a licensed contractor and in compliance with applicable building, structural, electrical and safety codes adopted by the Town.

4. Lighting. No lighting shall be permitted unless required by the FAA.

Sec. 16-35. Pole-mounted WCFs.

A. Design standards. To minimize impacts, a pole-mounted WCF shall meet the following design standards:

1. General. The WCF shall be stealth or designed to be compatible with surrounding buildings and structures and existing or planned uses in the area through application of Camouflage and Concealment Design Techniques.

2. The WCF shall be screened from view and/or colored to match the building or structure on which the WCF is mounted.

3. Maximum height. A pole-mounted WCF, including antennae, shall not exceed the maximum structure height in the underlying zone district without a variance. Unless otherwise required by federal law, in no case shall a pole-mounted WCF, including antennae, exceed thirty (30) feet in height.

4. Lighting. No lighting shall be permitted unless required by the FAA or if the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes.

Sec. 16-36. Building mounted WCFs.

A. To minimize impacts, a building wall-mounted WCF shall adhere to the following design standards:

1. The facility shall be stealth. Wall-mounted WCFs shall be colored to match the building or structure to which it is attached.

2. The mounting of antennae shall be as flush to the building wall as possible, and in no case shall the antennae extend or protrude more than three (3) feet out from the building wall.

3. The facility shall not extend above the highest point of the roof line of the building. For purposes of this Section, the roof line shall include parapets but exclude already existing equipment and facilities on the roof.

B. To minimize impacts, a building roof-mounted WCF shall adhere to the following design standards:

1. Building roof-mounted WCFs shall not be permitted on a pitched roof, unless located entirely within a dormer or cupola.

2. A building roof-mounted WCF, including antennae, shall not extend more than five (5) feet above the roof line of the building or structure to which it is attached. For purposes of this Section, the roof line shall include parapets but exclude already existing equipment and facilities on the roof.

3. The facility shall be stealth. Roof-mounted WCFs shall be architecturally compatible with the surrounding area through application of Camouflage and Concealment Design Techniques.

4. The facility shall be set back such that it is not visible from ground level on adjacent rights-of-way or residential uses or zones at a distance of one hundred (100) feet or less.

5. The diameter of a microwave dish antenna shall not exceed four (4) feet.

C. If feasible, accessory equipment for a building roof or wall-mounted WCF shall be placed inside a building.

Sec. 16-37. Small cell facilities.

A. The siting, mounting, placement, construction, and operation of a small cell facility or a small cell network shall be considered a permitted use by right in all zone districts, subject to administrative review.

B. A telecommunications or broadband provider may locate or co-locate small cell facilities or small cell networks on light poles, light standards, street lights, traffic signals, flagpoles, legally existing freestanding WCF or utility poles owned by the Town or located in the public right-of-way, subject to the following:

1. A small cell facility or a small cell network shall not be located or mounted on an apparatus, pole, or signal with tolling collection or enforcement equipment attached.

2. Approval of an Application for Location Review under Section 16-39(C) is required.

3. An executed license agreement with the Town authorizing such use is required.

4. If upon inspection, the Town concludes that a WCF fails to comply with any applicable law and constitutes a danger to persons or property, the owner or operator shall have thirty (30) days from the date of written notice to bring the WCF into compliance. Upon good cause, the Town may extend such compliance period not to exceed ninety (90) days. If the owner or operator fails to bring the WCF into compliance within said time period, the Town may remove the WCF at the owner's expense and prohibit future use of the public right-of-way by the owner or operator.

Sec. 16-38. Micro WCFs

A. Except as provided below, no permit shall be required for the installation, placement, operation, maintenance, or replacement of a micro WCF that is suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with applicable law.

B. A permit for installation, placement, operation, maintenance, or replacement of micro WCF is required where the Town determines that it:

1. Involves working within a highway travel lane or requires the closure of a highway travel lane;

2. Disturbs the pavement or a shoulder, roadway, or ditch line; or

3. Requires any specific precautions to ensure the safety of the traveling public, the protection of public infrastructure, or the operation of public infrastructure, and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the existing permit for the facility or structure upon which the micro WCF is attached.

Sec. 16-39. Application and approval.

A. District allowances. WCFs other than small cell facilities and small cell networks shall be allowed as follows:

<i>Use</i>	<i>Freestanding</i>	<i>Pole mounted</i>	<i>Roof mounted</i>	<i>Wall mounted</i>
Residential	V	V	V	V
Agricultural	V#	A	A	A
Recreational	n/a	V	V	V
PD	V#	V#	A	A
PROW	n/a	A	n/a	n/a

A = Permitted use, administrative approval required.

V = Variance required.

n/a = Not allowed.

= If facility is 10' or less in height or stealth facility not exceeding 16' in height, only administrative approval by Building Commissioner required.

B. General. An application for approval of new WCF, including an application for location or co-location of a small cell facility or small cell network or replacement or modification of a small cell facility or small cell network, shall include all information regularly required for other development applications, plus:

1. A written narrative statement describing in detail, how the proposed WCF will comply with each of the applicable design standards set forth in this Article;

2. If requested by the Town, documentation showing that existing WCFs can accommodate co-location or there are limiting factors that render existing WCFs unsuitable or unavailable for co-location;

3. If requested by the Town, photographic simulations showing the proposed facility and, if applicable, the structure on which it will be attached;

4. Site plan or plans drawn to a scale of one (1) inch equals ten (10) feet or one (1) inch equals twenty (20) feet, including "before and after"

photographs (simulations) specifying the location of antennas, support structures, transmission buildings and/or other WCFs, accessory uses, access, parking, fences, signs, lighting, landscaped areas and all adjacent land uses within one hundred fifty (150) feet;

5. Preliminary design drawings and antenna specifications, including plans and procedures to protect the public safety during the operation and maintenance of the proposed facility;

6. Scaled building elevations or "before and after" photographs/drawings simulating and specifying the location and height of antennas, support structures, transmission buildings and/or other accessory uses, fences and signs, if applicable;

7. Lighting plan and a written narrative statement indicating the size, height, location and wattage of all proposed outdoor lighting sources, including a graphic indicating the spread and degree/intensity of light from each source/fixture;

8. A construction plan, including, but not limited to: (i) the specific location of the proposed facility; (ii) a detailed description of the proposed facility, including current National Electric Code and all other applicable construction standards; and (iii) plans and procedures to protect the public safety during the construction of the proposed facility;

9. A landscape plan drawn to a scale of one (1) inch equals ten (10) feet or one (1) inch equals twenty (20) feet, including "before and after" photographs (simulations) indicating size, spacing and type of plantings and indicating steps to be taken to provide screening as required by the review standards of this Section. The landscape plans shall also indicate the size, location and species of all existing vegetation and whether each of those indicated are proposed for removal (indicate proposed mitigation), relocation (indicate from and to) or preservation;

10. A signed and executed pole attachment agreement with pole owner, or similar proof of authority as may be acceptable to the Town, if applicable;

11. A signed and executed license agreement with the Town if the facility will be located in the public right-of-way or on property owned by the Town; and

12. A title commitment or other proof of ownership of the property or site, or if the property or site is leased, a copy of the fully executed lease. The lease may be edited to black out or redact portions which the applicant does not want to become a public record, except: the term of the lease; any renewal provisions; provisions relating to termination of the lease; provisions relating to modification or removal of the facility; and the signature page.

C. Administrative review. A completed application for administrative approval of a WCF outside the public right-of-way shall be submitted to the Building and Zoning Department. Applications for administrative approval of a WCF in the public right-of-way shall be submitted to the Public Works Department.

D. Variance review. A completed application for use by variance approval shall be submitted to the Building and Zoning Department, and the Town shall act upon the application within ninety (90) days of receipt of a completed application in accordance with the procedures outlined in Section 16-17 of this Chapter. This time period may be tolled only by mutual agreement or where an application is incomplete. At the public hearing, the Board of Adjustment shall consider whether the proposed WCF complies with the design standards outlined in this Article.

E. Consolidated applications. A telecommunications provider or broadband provider may file a consolidated application to receive a single permit for small cell networks involving multiple individual small cell facilities. However, each small cell facility within the consolidated application individually remains subject to review for compliance with the requirements provided in this Article.

F. Approval. Within ninety (90) days of receipt of a completed application for administrative approval, the Town shall issue a written decision approving or denying the application. This time period may be tolled only by mutual agreement or where an application is incomplete. If the application is approved, the applicant may apply for a building permit. If the application is denied, the applicant may file an appeal with the Board of Adjustment. The decision of the Board of Adjustment shall be final.

G. Expiration. If construction of the WCF is not commenced within one hundred eighty (180) days of approval, the approval shall expire. If an appeal is filed, the 180-day period shall not begin until the appeal is finally resolved.

Sec. 16-40. Eligible facility requests.

A. An application for a modification of an eligible support structure that differs from the original approved design shall require new approval.

B. Application. An applicant for an eligible facility request shall submit only such documentation and information as is reasonably necessary to determine whether a proposed collocation or modification would substantially change the physical dimensions of an existing tower or base station. Such information may include without limitation:

1. Whether the applicant holds a valid property interest in the site;
2. Whether the structure qualifies as an existing wireless tower or base station;

3. Whether the proposal qualifies as an eligible facilities request;
4. Whether the proposal would result in a substantial change in the physical dimensions of the existing tower or base station;
5. Whether the proposal would violate a generally applicable law, regulation, or other rules or prior conditions of approval reasonably related to public health and safety; and
6. Whether the proposal raises any environmental concerns.

C. Exclusions. The application may not require the applicant to demonstrate a need or business case for the proposal.

D. Expedited review.

1. The Town shall act upon an eligible facility request within sixty (60) days of the Town's receipt of the completed application. This time period may be tolled only by mutual agreement or when an application is incomplete.

2. If the Town fails to act upon an eligible facility request within sixty (60) days of the Town's receipt of the completed application (accounting for any tolling), the request shall be deemed granted; provided that this automatic approval shall become effective only upon the Town's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

E. Criteria. In considering an eligible facility request, the Town shall base the decision as to the approval or denial of the application on whether the proposal meets the applicable design standards as outlined in this Article, rather than any criteria set forth in any other Titles of this Chapter.

F. Approval.

1. The Town shall approve an eligible facility request that does not substantially change the physical dimensions of an existing tower or base station.

2. The Town may approve an eligible facility request that substantially changes the physical dimensions of an existing tower or base station if it complies with the remainder of this Code.

3. The Town may condition the approval of any eligible facility request on compliance with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety.

G. Denial. A final decision by the Town to deny an eligible facility request under this section shall be in writing and shall include the reason(s) for denial.

H. Incomplete applications.

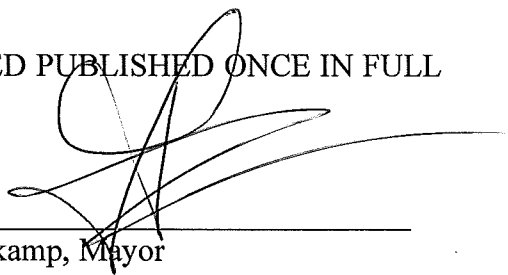
1. When an application is incomplete, the Town shall provide written notice to the applicant within thirty (30) days, specifically identifying all missing information.

2. If an application remains incomplete after a supplemental submission, the Town shall notify the applicant within ten (10) days. Second or subsequent notices of incompleteness may not require the production of documents or information that were not requested in the original notice of incompleteness.

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Board of Trustees hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.


Section 3. The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the general police power of the Town of Bow Mar, that it is promulgated for the health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relation to the proper legislative object sought to be obtained and is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED ONCE IN FULL
this 19th day of February, 2018.



Tom Feldkamp, Mayor

ATTEST:



Sue Blair, Town Clerk