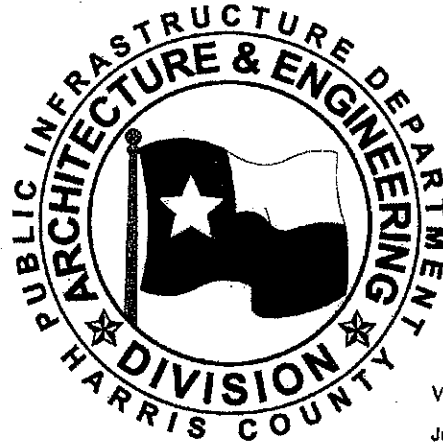


REGULATIONS OF HARRIS COUNTY, TEXAS
REGARDING LOCATION OF COMMUNICATIONS
FACILITY STRUCTURES



Vote of the Court:

	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Eversole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AS

ADOPTED JANUARY 12, 2010
EFFECTIVE JANUARY 15, 2010

HARRIS COUNTY
PUBLIC INFRASTRUCTURE DEPARTMENT
ARCHITECTURE & ENGINEERING DIVISION

ARTHUR L. STOREY, JR., PE
COUNTY ENGINEER

JOHN R. BLOUNT, PE
ARCHITECTURE & ENGINEERING DIVISION DIRECTOR

Presented to Commissioner's Court

JAN 12 2010

APPROVE G/L
Recorded Val _____ Date _____

A CERTIFIED COPY

ATTEST: JAN 12 2010
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Olga Z. Emery Deputy

**REGULATIONS OF HARRIS COUNTY, TEXAS
REGARDING LOCATION OF COMMUNICATION FACILITY STRUCTURES**

PART 1 – ADMINISTRATION AND PRELIMINARY PROVISIONS

SECTION 1.01 – AUTHORITY

These Regulations are adopted by the Commissioners Court of Harris County, Texas acting in its capacity as the governing body of Harris County. The authority of Harris County to adopt these Regulations is derived from Chapter 240, Subchapter E, Texas Local Government Code, as amended. These Regulations may be amended at any time by a majority vote of Commissioners Court.

SECTION 1.02 – AREA COVERED BY ORDINANCE

These Regulations apply in Unincorporated Areas, as defined below, after the effective date of these Regulations.

SECTION 1.03 – PURPOSE

The purpose of these Regulations is to protect the public health, safety and welfare by regulation the location of communication facility structures. Compliance with these Regulations and issuance of a Permit under these Regulations shall not be construed as a determination that a facility is in compliance with other Regulations or statutes.

SECTION 1.04 - CONSTRUCTION OF ORDINANCE

These Regulations is to be construed liberally to accomplish its purpose and to assure that Harris County complies with all State and Federal Laws.

PART 2 - DEFINITIONS

SECTION 2.01 - APPLICANT

"Applicant" means any person who is preparing or has filed an application for a permit pursuant to these Regulations.

SECTION 2.02 – RESIDENTIAL SUBDIVISION

"Residential subdivision" means a subdivision:

- (A) for which a plat is recorded in the county real property records;
- (B) in which the majority of the lots are subject to deed restrictions limiting the lots to residential use; and
- (C) that includes at least five lots that have existing residential structures.

SECTION 2.03 – COMMUNICATION FACILITY STRUCTURE

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Harris County, Texas

 Deputy

"Communication facility structure" means:

- (A) antenna support structures for mobile and wireless telecommunication facilities, whip antennas, panel antennas, microwave dishes, or receive-only satellite dishes;
- (B) cell enhancers and related equipment for wireless transmission from a sender to one or more receivers for mobile telephones, mobile radio systems facilities, commercial radio service, or other services or receivers;
or
- (C) a monopole tower, a steel lattice tower, or any other communication tower supporting mobile and wireless telecommunication facilities.

SECTION 2.04 - COUNTY ENGINEER

"County Engineer" means the holder of the statutory office of County Engineer for Harris County or the employee(s) designated by the County Engineer to perform a task required by these Regulations.

SECTION 2.05 - PERSON

"Person" includes, in addition to an individual, a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

SECTION 2.06 - UNINCORPORATED AREA

"Unincorporated Area" means the area in Harris County, Texas, which is not within an incorporated area of a city, town, village or within 2500 feet of the centerline of the Houston Ship Channel.

PART 3 - GENERAL PROVISIONS

SECTION 3.01 - ADMINISTRATION BY THE COUNTY ENGINEER

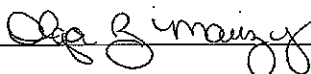
The County Engineer is responsible for the administration of these Regulations, issuance of permits required by these Regulations, enforcement of these Regulations and maintenance of proper records.

SECTION 3.02 - RESPONSIBILITY OF OTHER OFFICIALS

Under these Regulations, except as specifically stated otherwise, the County Engineer is responsible for all administrative decisions, determinations and duties. The County Engineer may seek and secure the assistance of other officials of Harris County in making decisions and determinations and in performing the administrative duties.

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Harris County, Texas

 Deputy

PART 4 - PERMITS

SECTION 4.01 - PERMIT REQUIRED

After the effective date of these Regulations, no person shall begin construction or expansion of a communication facility structure in the Unincorporated Area without a permit under these Regulations authorizing such construction or expansion.

SECTION 4.02 - EXCEPTIONS

These Regulations do not apply to the following:

- (1) existing communication facilities or other structures used for the purpose of colocation, provided the height is not increased by more than 10 feet;
- (2) a communication facility structure built to replace an existing communication facility structure if:
 - (A) the replacement communication facility structure is constructed within 50 feet of the existing communication facility structure;
 - (B) the replacement communication facility structure is no higher than and constructed for the same purpose as the existing communication facility structure; and
 - (C) the existing communication facility structure is removed not later than the 14th day after the date the replacement communication facility begins operations; or
- (3) a communications antenna, antenna facility, or antenna tower or support structure located in a residential area that is used by an amateur radio operator exclusively for amateur radio communications or public safety services.

SECTION 4.03 - APPLICATION FOR PERMIT

The application for a permit must be accompanied by the applicable fee and be on a form prescribed by the County Engineer, and must include, at a minimum, the following information:

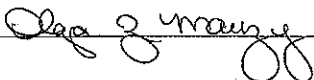
- (1) a statement informing the county that the construction is proposed and providing the date on or after which the construction is proposed to begin;
- (2) copies of any necessary permits from the Federal Communications Commission or Federal Aviation Administration;
- (3) a plat or map prepared by a licensed surveyor showing the specific proposed location of the communication facility structure on which is also located the

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 Deputy

- nearest residential subdivision to the facility structure along with a marked measurement of the exact distance between the proposed facility structure and the nearest boundary of that residential subdivision; and
- (4) the correct phone number and address of the entity primarily responsible for the construction.

SECTION 4.04 - REQUEST FOR VARIANCE

- (1) a person who desires to construct or increase the height of a communication facility structure in violation of these Regulations may apply to the commissioners court for a variance from the regulation.
- (2) the commissioners court may allow a variance from these Regulations if the commissioners court finds that:
- (A) a literal application or enforcement of the Regulations would result in practical difficulty or unnecessary hardship; and
 - (B) the granting of the relief would:
 - (i) result in substantial justice being done;
 - (ii) not be contrary to the public interest; and
 - (iii) be in accordance with the spirit of the Regulation and this subchapter.
- (3) the commissioners court may impose any reasonable conditions on the variance that it considers necessary to accomplish the purposes of this subchapter.
- (4) before requesting a variance under this section, the requestor must prominently post an outdoor sign at the location stating that a communication facility structure is intended to be located on the premises and providing the name and business address of the applicant, and that a request for variance is being made to the Harris County Commissioners Court. The sign must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size, and placed in a location on the property most visible by the public. The sign must be in English and Spanish. A photograph of such sign and a drawing showing the location of the sign must accompany the request for variance.

PART 5 - ISSUANCE OF PERMITS

SECTION 5.01 - ISSUANCE OF PERMITS

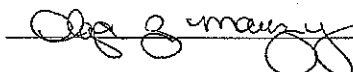
Upon receipt of the prescribed fee and a completed application, the County Engineer shall review the proposed location and development to assure that all reviews or approvals required by other County Regulations and requirements of the Harris County Flood Control District applicable to the communication facility structure have been met. If such reviews and approvals have been met, and the proposed communications facility

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structure is not to be built within 300 feet, or the height of the structure, whichever is greater, of a residential subdivision, the County Engineer shall grant the Permit.

SECTION 5.02 - POSTING OF PERMITS

All permit holders must post the permit on the site in a manner visible to the public.

PART 6 - ENFORCEMENT

SECTION 6.01 - ENFORCEMENT

A person commits an offense if the person violates these Regulations.

Texas Local Government Code §240.087 provides such violation is a Class C misdemeanor. The punishment is set by statute, and if such statute is amended, the amended punishment shall apply.

Texas Local Government Code §240.088 provides that the county attorney or an attorney representing the county may file an action in a district court to enjoin a violation or threatened violation of an order adopted under this subchapter, and that the court may grant appropriate relief.

Nothing in these Regulations should be construed as limiting authority to pursue other remedies and punishments that may be available under law for violations of these Regulations that are violations of other laws or for violations of other laws or Regulations by a person subject to these Regulations.

PART 7 - FORMS AND RECORDS

Forms to be used in the administration of these Regulations shall be promulgated by the County Engineer.

PART 8 - FEES

The fee for an application under these Regulations is \$50.00.

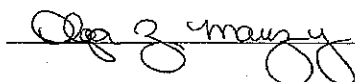
PART 9 - SEVERABILITY AND CONSTRUCTION

The provisions of these Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Regulations should be invalid or unconstitutional, it shall not affect the validity of the remaining portions and it is hereby declared to be the intent of the Commissioners Court that these Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part. In the event that any provision of these Regulations might be interpreted in such a way as exceeding the County's authority, such provision should be construed to apply only to the extent authorized by law.

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BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

 Deputy