TELECOMMUNICATION TOWERS AND FACILITIES RULES AND REGULATIONS OF LUMPKIN COUNTY, GEORGIA

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CONTENTS

1. GENERAL
2. DEFINITIONS
3. LOCATION OF TELECOMMUNICATIONS FACILITIES
4. REQUIREMENTS FOR TELECOMMUNICATIONS FACILITIES
5. APPLICATION PROCEDURES
6. CO-LOCATION
7. EXPIRATION OF APPLICATIONS/PERMITS
8. CONTINUING COMPLIANCE
9. DISCRIMINATION AMONG PROVIDERS
10. MISCELLANEOUS PROVISIONS
11. REMOVAL OF TELECOMMUNICATIONS FACILITIES
12. PRE-REGULATION FACILITIES
13. APPEALS
14. ACTIONS BY AGGRIEVED PARTIES
15. PENALTIES FOR VIOLATIONS

1. GENERAL

A. No telecommunications facility or tower shall be located, constructed, erected or operated within the unincorporated areas of Lumpkin County unless and until the facility or tower has been lawfully permitted in accordance with, and remains in compliance with these Telecommunications Towers and Facilities Rules and Regulations of Lumpkin County, Georgia.

B. These regulations are designed and intended: to balance the interests of the residents of Lumpkin county, telecommunications providers, and telecommunications customers in the siting of telecommunications towers and facilities within unincorporated Lumpkin County so as to protect the health, safety and integrity of the citizens and property of Lumpkin County and to foster, through a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. These regulations shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services.

C. These regulations shall: provide for the appropriate location and development of telecommunications facilities within unincorporated Lumpkin County; protect Lumpkin County's built and natural environment by promoting compatible design standards for telecommunications facilities; minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques; avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of telecommunications tower structures and antennae; maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the County; and maximize and encourage use of alternative telecommunication tower structures as a primary option rather than construction of additional single-use towers.

2. DEFINITIONS - As used in these regulations, the following terms shall have the meanings indicated:

A. ALTERNATIVE TOWER STRUCTURE: includes man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennae or towers.

B. ANTENNA: any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services.

C. BUILDING OFFICIAL: the Planning Director for Lumpkin County, Georgia or his/her designee.

D. CO-LOCATION: the placement of two or more antennae, receivers, transmitters or facilities in, on or at the same location or tower.

E. COMMERCIAL AND INDUSTRIAL STRUCTURES: include warehouses, factories, retail outlets, supermarkets, banks garages or service stations.

F. COMMISSION: the Planning Commission of Lumpkin County, Georgia.

G. DEPARTMENT: the Lumpkin County Planning Department.

H. DIRECTOR: the Planning Director of the Lumpkin County Planning Department or his/her designee.

I. FAA: the Federal Aviation Administration.

J. FCC: the Federal Communications Commission.

K. MICRO TELECOMMUNICATIONS FACILITIES: those facilities located on existing buildings or structures (but not existing towers or poles) where antennae do not project more than ten feet (10') above the top of the structure and there are no more than six (6) antennae per site.

L. MIXED USE BUILDING: those buildings containing both residential and non-residential uses; provided, however, that for the purposes of these regulations, this shall not include in-home occupations.

M. MONOPOLE TOWER: a telecommunications tower consisting of a single pole, constructed without guy wires or ground anchors.

N. PRE-EXISTING FACILITY/TOWER: any telecommunications facility or tower or alternative tower structure: 1) which is located within Lumpkin County, or 2) which is permitted by the Department or Commission and which facility is pending construction and which permit has not expired, or 3) for which an application is pending before the Department or Commission and which application has not expired.

O. PRE-REGULATION FACILITY/TOWER: any telecommunications facility constructed or permitted for construction on or before the original effective date of these regulations.

P. PUBLIC STRUCTURES: structures owned or operated by a unit of government and being utilized for an authorized governmental purpose, including, but not limited to facilities such as: fire stations, libraries, community centers, convention centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, schools, hospitals, clock or bell towers, warning towers and light poles.

Q. TELECOMMUNICATIONS FACILITIES: all antennae, towers and associated buildings and structures designed and utilized for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication or signal.

A "Class B" telecommunications facility means any telecommunications facility under seventy (70) feet in total height and: (1) owned and operated by a non-commercial amateur radio operator licensed by the Federal Communications Commission; or (2) designed for non-commercial over-the-air reception only of radio or television broadcast signals.

A "Class C" telecommunications facility means any non-commercial telecommunications facility under twenty (20) feet in total height and: (1) owned and operated by an amateur radio operator licensed by the Federal Communications Commission; or (2) designed for over-the-air reception only of radio or television broadcast signals; or (3) designed for multichannel multipoint distribution service or direct broadcast satellite service; or (4) is a cable television headend, hub tower or antennae used solely for cable television services.

A "Class D" telecommunications facility means any micro telecommunications facility as defined above.

R. TELECOMMUNICATIONS TOWER: any structure including but not limited to: a lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication or signal. The term includes microwave towers, common carrier towers, and cellular telephone towers.

S. TOTAL HEIGHT: the distance measured vertically from the ground level to the highest point when positioned for operation. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point on the tower.

3. LOCATION OF TELECOMMUNICATIONS FACILITIES

A. Authorized Locations - Subject to the restrictions and requirements specifically provided for in these regulations, and subject to all other local, state and federal rules, regulations, restrictions and requirements, telecommunications facilities may be located anywhere within the unincorporated areas of Lumpkin County.

B. Prohibited Locations - Telecommunications facilities and towers shall not be permitted or located in the following areas:

1) Towers shall not be located within five (5) miles of a pre-existing tower or a tower pre-existing within a five (5) mile perimeter of Lumpkin County boundaries. Class B, Class C and Class D telecommunications facilities shall be exempt from this restriction.

2) Facilities shall not be located within any approved residential subdivision. Class C and Class D telecommunications facilities shall be exempt from this restriction.

3) Facilities shall not be placed in any historic district or in any scenic corridors as designated by the Lumpkin County governing authority or by any state or federal law or agency. Class C and Class D telecommunications facilities shall be exempt from this restriction.

C. Co-Location Tower Sites - No new tower shall be permitted unless the applicant demonstrates with sufficient evidence and to the satisfaction of the Commission that no pre-existing tower can accommodate the applicant's proposed antennae or facilities. Class B, Class C and Class D telecommunications facilities shall be exempt from this restriction. Such evidence shall include signed and notarized reports and/or studies by licensed engineers. Such evidence may also include such reports, studies or opinions by such professionals or industry experts as deemed appropriate by the applicant. The Commission may require the applicant to make reasonable modifications or alterations to its engineering needs, designs or requirements in order to facilitate co-location.

The evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna or facility shall prove one or more of the following:

1) That no pre-existing tower satisfies the applicant's engineering needs or meets the applicant's engineering requirements;

2) That no pre-existing tower is of sufficient height or strength to satisfy the applicant's engineering needs or meets the applicant's engineering requirements;

3) That the applicant's proposed antenna(e) and the antenna(e) on the pre-existing tower would cause electromagnetic interference among each other;

4) That the cost or contractual requirements of the owner of the pre-existing tower to share an existing tower or structure or to adapt a pre-existing tower for sharing are unreasonable. Costs exceeding the cost of new tower construction are presumed to be unreasonable;

5) That there are other factors that render pre-existing towers unsuitable to meet the applicant's needs or requirements.

4. REQUIREMENTS FOR TELECOMMUNICATIONS FACILITIES - The requirements set forth in this Section shall govern the location and construction of all telecommunications facilities governed by these regulations.

A. **Height** - No telecommunications facility shall exceed 250 feet in total height.

B. **Building Codes and Safety Standards** - All telecommunications facilities shall be maintained in compliance with applicable building codes and the applicable standards for such telecommunications facilities, as may be amended. Owners shall cause inspections of each facility to be made every eighteen (18) months to ensure structural integrity by qualified, independent engineers licensed to practice in Georgia. The results of such inspection shall be provided to the Director.

C. **Regulatory Compliance** - All telecommunications facilities shall meet or exceed standards and regulations as may be amended by the FAA, the FCC and any other agency of the state or federal government with the authority to regulate telecommunications facilities. Owners shall provide certification to the Director that each telecommunications facility is in compliance with all applicable federal and state requirements when any new users are added or building permit is sought.

D. **Security**

1) All towers shall be enclosed by decay resistant security fencing not less than six feet in height.

2) All telecommunications facilities shall be equipped with appropriate anti-climbing devices or other similar protective devices to prevent unauthorized access to the telecommunications facility.

E. Lighting

1) No illumination is permitted on telecommunications facilities unless:

(a) Required by the FCC, FAA or other state or federal agency of competent jurisdiction;

(b) Necessary for air traffic safety; or

(c) An antenna is placed on an alternative tower structure or public structure that otherwise requires lighting.

2) Where lighting is required or necessary, the Director or the may review and select the available lighting alternative that causes the least disturbance to the surrounding uses and views.

F. Advertising - No advertising is permitted on telecommunications facilities. However, a whip antenna or panel antenna up to 12 square feet in size with appropriate shrouding may be allowed on any legally permitted permanent sign provided that all other requirements of these regulations are met.

G. Visual Impact

1) Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses to the extent possible.

2) Towers, buildings and related structures shall be integrated through location, design, materials, colors, textures, screening and landscaping to blend with the existing characteristics of the site to the extent possible.

3) Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.

4) If an antenna is installed on a structure other than a tower, or an alternative tower structure, the antenna, associated electrical and mechanical equipment, and the equipment shelter or cabinet must be of a neutral color identical to, or closely compatible with, the color of the supporting or surrounding structure(s) so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennae shall be made visually unobtrusive by screening which may include matching them with existing air conditioning units, stairs, elevator towers or other background.

5) Where feasible, telecommunications facilities shall be placed directly above, below or incorporated with vertical design elements of a building to assist further camouflage.

6) Any equipment shelter or cabinet supporting telecommunications facilities shall be concealed from public view, made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet shall be regularly maintained.

H. Landscaping

1) Landscaping shall effectively screen the view of telecommunications facilities, equipment, equipment shelters or cabinets, associated buildings and fencing, where required, from adjacent public right-of-ways, public property and residential property.

2) Native vegetation and existing topography on the site shall be preserved or improved to the greatest practical extent. Disturbance of the existing topography shall only be permitted when, in the opinion of the Director, it would result in less visual impact of the site to the surrounding area.

3) The Director may waive or modify the landscaping requirements where lesser requirements are desirable: for visibility or security purposes; for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, tree farms or other remote agricultural or rural locations; for placement of an antenna on an existing structure; or for developed heavy industrial areas.

I. Maintenance Impacts - Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Access for maintenance vehicles shall be exclusively by means of a local street abutting the site or otherwise accessible to the site.

J. Principal, Accessory and Joint Uses

1) Accessory structures used in direct support of a telecommunications facility shall be allowed but not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.

2) Telecommunications facilities may be located on sites containing another principal use in the same buildable area. Towers are not permitted in required setbacks.

K. Placement, Lot Size and Setbacks

1) The following setback requirements shall apply to all telecommunications facilities, provided however, that the Director or the Commission may reduce the standard setback requirements of this section if the goals of these regulations would be better served thereby:

(a) Telecommunications towers must be set back a distance of one hundred feet (100) from any property line and a distance equal to one and a half (1½) times the full height of the tower from any off-site residential or commercial structure and from any road right-of-ways, whichever is greater;

(b) Towers, guy wires and accessory facilities must satisfy the minimum building setback requirements;

(c) For antennae attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio shall be maintained unless an alternative placement is approved by the Director or the Commission.

L. Waiver Requests - Upon special request and in the sole discretion of the Director, the Commission or the governing authority, waivers may be granted to the above requirements of these regulations. Waivers may be granted only in the most extreme circumstances and only upon presentation of evidence that is sufficient to the Director, the Commission or the governing authority to prove that there are extreme and unusual factors that require such waiver. The Director, the Commission or the governing authority shall take into account the purposes of these regulations and shall balance the interests of the parties affected by such a waiver.

5. APPLICATION PROCEDURES - The owner and operator of any proposed telecommunications facility must submit a complete application to the Director, undergo design review, and receive a building permit. Applications will not be considered until complete. The Director shall advise the applicant of any information or documentation needed to complete the application and shall give the applicant a reasonable amount of time to present such information or documentation.

The Director or the Commission may provide application form(s) which must be filled in completely and submitted with the application. In addition to these standard application form(s), all of the following information must be submitted for an application to be considered complete when applying for any permit under these regulations:

A. Application/Owner Information

1) Identification of all individuals, companies, agencies or entities that will be involved in any manner with the proposed telecommunications facility, including but not limited to: applicant(s), property owner(s), operator(s), communication carrier(s) and builder(s). The information shall include: names, business address and telephone number(s), home address and telephone number(s). The information will include the relationship the applicant has to the facility.

2) Identification of the individual or entity that is to receive any "notice" that may be sent under these regulations.

3) Identification of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Identification should include name, address, telephone number, facsimile number, pager number and electronic mail (e-mail) address, if available.

B. Ownership/Contractual Information

1) Certified copy of the most recent real property deed and the corresponding plat of the property upon which the facility will be located.

2) Copy of any lease, lease-purchase, right-of-way or other contract or agreement that will be involved in any manner with the facility. Construction and survey contracts need not be provided unless requested by the Commission for good cause.

C. Site Information

1) Site Inventory - Each application shall include a site inventory including: a list and a map showing all of the applicant's existing telecommunications facility sites within Lumpkin County and within five (5) miles of the county's boundaries. The list must include the following information for each site:

(a) Street address;
(b) Land lot, section, district and parcel number;
(c) Zoning district;
(d) Type of building (commercial, residential, mixed use) and number of stories;
(e) The location and type of tower/antenna installation (stand alone rooftop, building facade, etc.);
(f) The location of the base transceiver station installation(s);
(g) The height from grade to the top of the antenna installation;
(h) The radio frequency range in megahertz;
(i) All other telecommunication facility sites within five (5) miles of the proposed located.

2) Site plan or plans to scale specifying the location of telecommunications towers and facilities, guy wires and other support mechanisms, transmission building and/or other accessory uses, access, parking, fences, landscaped areas and adjacent land uses. Applicants shall submit both a paper location map and a latitude/longitude location in a format compatible with the software utilized by the Lumpkin County Planning Department.

3) Landscape plan to scale indicating size, spacing and type of plantings required by these regulations. The plan shall indicate significant vegetation to be removed and vegetation to be replanted to replace and vegetation lost.

4) Description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance or scenic corridors.

5) Description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance.

6) A utilities inventory showing the locations of all water, sewage, drainage and power easements impacting the proposed tower site.

7) Report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:

(a) Telecommunications facility height and design, including technical, engineering and other pertinent factors governing selection of the proposed design;

(b) Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated; and

(c) Evidence of structural integrity of the tower structure.

D. Service Information

1) Definition of the area to be served by the antenna or tower and explanation of whether such antenna or tower is needed for coverage or capacity. Identification of the geographic service area for the subject installation, including:

(a) A county map showing the proposed site and the applicant's other existing telecommunications facility sites within Lumpkin County and the five (5)mile perimeter surrounding Lumpkin County;

(b) A description of how the service area being served by the proposed facility fits into and is necessary for the service network;

(c) Evidence that the proposed facility provides the needed coverage or capacity.

E. Additional Information - The applicant shall provide any other information requested by the Director or the Commission in order to fully evaluate and review the application and the potential impact of the proposed telecommunications facility.

F. Exceptions to Information Requirements - Applications for and concerning: Class B, Class C and Class D telecommunications facilities, and antennae being co-located on pre-existing towers or structures need not include the above "Site Information" except for identification of the proposed site location.

G. Independent Expert Review - The Director, the Commission or the governing authority may in its discretion engage a licensed engineer or other appropriate professional to conduct an independent expert review of an application or any of the applications supporting documents, information or reports.

H. Approval

1) Decisions regarding applications for and concerning: Class B, Class C and Class D telecommunications facilities, and antennae being co-located on pre-existing towers or structures shall be made by the Director.

2) Decisions regarding applications for telecommunications facilities and towers not included in sub-section 1 above shall be made by the Lumpkin County Planning Commission. The Director shall review all such applications for completeness and shall schedule the application for presentation to and decision by the Commission at the next scheduled Commission meeting. The applicant or the applicant's attorney may, but will not be required to, present the application to the Commission with a brief summary of the application.

3) Re-application - in the event of a denial of an application or permit, re-application for the proposed facility shall not be allowed for at least six (6) months unless otherwise allowed by the Director, the Commission or the governing authority for good cause shown.

6. CO-LOCATION - The Applicant and owner shall allow other future personal wireless service companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunications facility unless specific technical constraints prohibit said co-location. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure.

Owners' fees/charges for co-location shall be reasonable in accordance with industry standards. Fees/charges based upon an equitable sharing of cost or a pro-rata division of the expense of the initial tower, property and/or lease arrangements shall be presumed to be reasonable.

7. EXPIRATION OF APPLICATIONS/PERMITS

A. Applications - Applications that have been filed with the Department for more than six(6) months and, due to any action or inaction by the applicant, have not been approved shall be deemed expired as a matter of law.

B. Permits - Permits that have been issued under these regulations shall expire as a matter of law if construction on the facility has not commenced within six (6) months after approval or if the facility is not completed within nine (9) months after approval.

C. Notice - The Department shall provide the applicant with written notice of the expiration of applications or permits. Failure to provide notice shall not invalidate the expiration.

D. Re-application - After the expiration of an application or permit under this provision, re-application for the proposed facility shall not be allowed for at least six (6) months unless otherwise allowed by the Director, the Commission or the governing authority for good cause shown.

8. CONTINUING COMPLIANCE - All telecommunication facilities owners, applicants and operators shall maintain all facilities in compliance with all of the requirements that are set out in these regulations for permitting.

9. DISCRIMINATION AMONG PROVIDERS - Whenever the Lumpkin County governing authority finds that the application of a provision of these regulations would result in unreasonable discrimination among providers of functionally equivalent personal wireless services, or prohibit or have the effect of prohibiting the provision of personal wireless services, the governing authority may authorize a limited exception to such provision.

10. MISCELLANEOUS PROVISIONS

A. Decisions - All decisions by the Director, the Commission or the Lumpkin County governing authority regarding issues within the contemplation of these regulations shall be in writing.

B. Nuisances - Telecommunications facilities shall not be maintained or operated in such a manner as to be a nuisance.

C. Change of Ownership - The Director shall be notified in writing within thirty (30) days of the transfer of ownership of any interest in any telecommunications facility, tower or alternative tower structure, or lot upon which such a structure has been located. Notification may be made by the permittee, the operator, the new owner or any other associated party.

11. REMOVAL OF TELECOMMUNICATIONS FACILITIES

A. Noncompliance - If the Director determines that any telecommunications facility does not comply with these regulations or any other codes, standards or requirements regulating telecommunications facilities, or determines that any facility constitutes a danger to persons or

property, then, upon notice being provided by certified mail to the designated notice recipient, the applicant, or the owner of the facility, the owner(s) or operator(s) shall have thirty (30) days to bring such facility into compliance. In the event that such telecommunications facility is not brought into compliance within thirty (30) days of the date of the notice, the County may provide notice by certified mail to remove the telecommunications facility. In the event that such telecommunications facility is not removed with thirty (30) days of receipt of such notice, the County may remove such facility and place a lien upon the property for the costs of removal.

Delay by the County in taking action shall not in any way waive the County's right to take action. The County may pursue any and all legal remedies available to it to insure that telecommunications facilities constituting a danger to persons or property or telecommunication facilities not complying with these regulations or other code standards are brought into compliance or removed. The County may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state of otherwise, which may have been granted.

B. Abandonment - Any telecommunications facility not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within sixty (60) days of receipt of notice by certified mail from the Director or the County, the County may remove such tower and/or antenna and place a lien upon the property for the costs of removal.

The County may pursue any and all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by the County in taking action shall not in any way waive the County's right to take action. The County may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

If the owner of an abandoned tower or antenna wishes to recommence such use, the owner first must submit a new application for a permit.

12. PRE-REGULATION FACILITIES

A. All telecommunications facilities constructed or permitted for construction on or before the original effective date of these regulations shall be considered authorized pre-regulation facilities and shall be allowed to continue their use. Pre-regulation facilities shall be exempt from the requirements of: Section 3 (Location), Section 4A (Height), Section 4K (Placement), Section 5 (Application) and Section 7 (Expiration of applications). Pre-regulation facilities not in compliance with the non-exempted requirements of these regulations shall have six (6) months to bring those facilities into compliance.

B. Routine maintenance, including replacement with a new tower or antenna of like construction and height, shall be permitted on such pre-regulation telecommunications facilities. New construction other than routine maintenance shall comply with all requirements of these regulations.

C. Any telecommunications facility that has received approval on or before the original date of passage of these regulations, but has not yet been constructed or placed in operation shall be considered a pre-regulation telecommunications facility so long as such approval is current and has not expired. However, such approval shall expire as a matter of law if construction on the facility has not commenced within six (6) months after the effective date of these regulations or if the facility is not completed within nine (9) months after the effective date of these regulations.

D. Placement of an antenna on a pre-regulation structure shall not be considered an expansion of the pre-regulation structure; however, all possible siting and placement requirements shall be met as determined by the Director.

13. APPEALS - The Applicant may appeal any decision of the Director or the Commission. Such appeal shall be made to the Lumpkin County governing authority within 30 days of the decision being appealed.

14. ACTIONS BY AGGRIEVED PARTIES - Any person, company, agency, firm, corporation or other entity who is aggrieved by any violation of these regulations not lawfully waived by the Director, the Commission, the governing authority or other authorized agency may file and maintain any equitable or legal action against the applicant, owner or operator of a telecommunications facility in order to correct the violation, abate the violation or receive damages caused by the violation. Neither this provision nor any other provision of these regulations shall be construed as authority to maintain any action against Lumpkin County, the Lumpkin County Planning Department or the Lumpkin County Planning Commission, nor as a waiver of any sovereign or governmental immunity.

15. PENALTIES FOR VIOLATIONS - Any person, company, agency, firm, corporation or other entity who erects, attempts to erect, or maintains a telecommunications facility without having first obtained the necessary building permit in violation of any provision of these regulations, or who otherwise violates, neglects or refuses to comply with any of the provisions of these regulations, shall be guilty of a misdemeanor amendable to the Magistrate Court of Lumpkin County and, upon conviction, may be punished by a fine of up to one thousand ($1000) dollars and by incarceration for up to sixty (60) days for each offense, or both fined and incarcerated as determined by the Magistrate Court of Lumpkin County. Each day such violation exists shall constitute a separate offense.

Violations of these regulations shall constitute violations of a Lumpkin County ordinance. Such violations may be tried upon citations with or without a prosecuting attorney as well as upon accusations. The Director or his designee shall be authorized to issue citations for violations of these regulations.