

ORDINANCE NO

ORDINANCE AMENDING CHAPTER 72 OF THE BUNCOMBE COUNTY CODE OF ORDINANCES,  
TELECOMMUNICATIONS

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WHEREAS, pursuant to N.C. Gen. Stat. § 153A-121, the County may adopt an ordinance to regulate conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-102, the Board of Commissioners may fix the fees and commissions charged by county officers and employees for performing services or duties permitted or required by law; and

WHEREAS, this proposed ordinance amendment provides for administration of this Chapter; and

WHEREAS, it is the Board's desire to amend these fees through the annual budget ordinance.

NOW, THEREFORE, BE IT ORDAINED BY The Board of Commissioners for the County of Buncombe as follows:

Section 1. The Buncombe County Code of Ordinances is hereby amended as follows:

**Chapter 72, Telecommunications**

***Amend Sec. 72-27. Definitions as follows:***

*Ordinance administrator* means the Planning Director or his designee ~~county employee assigned by the board of commissioners to enforce this article.~~

***Amend Sec. 72-46(14) as follows:***

The application must be accompanied by payment of a nonrefundable processing fee ~~in the amount of \$2,500.00.~~ A wireless communications facility permit (WCPF) must be renewed annually, and must be accompanied by a nonrefundable processing fee ~~of \$100.00.~~ The county board of commissioners shall establish processing fees, and may amend and update the fees when needed.

Section 2. If any 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. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This resolution is effective July 1, 2011.

Read, approved and adopted this 7<sup>th</sup> day of June, 2011.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Kathy Hughes, Clerk

BY \_\_\_\_\_  
David Gantt, Chairman

APPROVED AS TO FORM

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Michael C. Frue, County Attorney