

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on August 28, 2025, a summary thereof having been published in the Official Journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage September 11, 2025, on Motion of _____ and seconded by _____:

L. P. ORDINANCE NO. 25-20

AN ORDINANCE TO AMEND CHAPTER 130, "TELECOMMUNICATIONS", BY AMENDING SECTION 130-1, "REGULATION OF TELECOMMUNICATION TOWERS" OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH.

WHEREAS, the Livingston Parish Council adopted L.P. Ordinance No. 98-04 at a regular meeting of the Livingston Parish Council on March 12, 1998, adding Section 13-2, "Regulation of Communication Towers", of the Code of Ordinances of Livingston Parish; and

WHEREAS, on December 14, 2000 at a regular meeting, the Livingston Parish Council desired to further include additional regulatory protocols by adding regulations in regard to footage and setbacks, testing and inspection procedures, fees, public notification, as well as the issuance of permits, and thereupon adopted L.P. Ordinance No. 00-35, amending Section 13-2," Regulation of Communication Towers"; and

WHEREAS, the Livingston Parish Code of Ordinances has since been recodified by the adoption of L.P. Ordinance No. 19-16 at a regular meeting of the Livingston Parish Council on June 13, 2019; and

WHEREAS, Section 13-2, "Regulation of Telecommunication Towers", is now known and identified in the Livingston Parish Code of Ordinances as Chapter 130, "Telecommunications", Section 130-1, "Regulation of Telecommunication Towers"; and

WHEREAS, the Livingston Parish Council now wishes to further amend Section 130-1, "Regulation of Telecommunication Towers; and

BE IT ORDAINED by the Parish Council of Livingston Parish, Louisiana: Section 130-1, "Regulation of Telecommunication Towers", of the Code of Ordinances of the Parish of Livingston, Louisiana is hereby amended to read as follows:

Sec. 130-1. Regulation of telecommunication towers.

All telecommunication towers shall adhere to the following regulations:

- (1) Prior to the issuance of any building or electrical permit, a site development plan, including a horizontal and birds-eye view of proposed construction which should depict the items shown below, shall be presented to the permit office for approval:
 - a. Type of structure (guyed tower, self-support, or monopole).
 - b. Height of the structure.
 - c. Setback from the perimeter of the tower or monopole to any residence, occupied structure or commercial development, as defined in article III, "Commercial Developments", section 125-78, "Generally" within a distance equal to one hundred (100%) percent of the height of the tower plus thirty (30') feet.
 - d. Setbacks from the perimeter of the tower or monopole to any adjacent property lines within a distance equal to one hundred (100%) percent of the height of the tower plus thirty (30') feet unless on one or more sides the proposed tower qualifies for a setback exemption as set forth below.
 - e. Vicinity map showing five hundred (500') foot radius.
 - f. Location and configuration of all accessory buildings and/or external equipment cabinets.
 - g. Paving and curb cuts.
 - h. Fencing and proposed landscaping.
 - i. Submission of drainage impact study to Planning Commission engineer for review. No permit shall be issued until all fees for review of said drainage impact study, due and payable by the company requesting a permit, are received.
 - j. Single use monopole towers constructed to a height of one hundred (100') feet or less are to be constructed a minimum of one hundred (100') feet from a residence of structure.

- (2) All sites shall have a lease and or title with legal description tied by metes and bounds to a government section corner.
- (3) All elevations shall be based on the flood insurance rate maps.
- (4) Construction plans shall be stamped by an independent registered civil engineer, not an employee of the tower or communication company.
- (5) A statement from the same civil engineer shall be submitted with the plans, which through rational engineering analysis certifies that the tower is designed to withstand winds in accordance with ANSI /TIA-222, Structural Standard for Antenna Supporting Structures and Antennas, latest revision, standards; and describes the tower's capacity, including an example of the number and type of antennas it can accommodate. No tower shall be permitted to exceed its loading capacity. For all towers attached to existing structures, the statement shall include certification that the structure can support the load superimposed from the tower. All towers shall have the capacity to permit multiple users; at a minimum, monopole towers shall be able to accommodate two (2) users, and at a minimum, self-support/lattice or guyed towers shall be able to accommodate three (3) users.
- (6) Before a permit for permanent power shall be issued, a letter from the engineer who stamped the construction plans must be submitted to the permit office, stating that the structure was built according to the plans.
- (7) The height of a telecommunications tower shall not exceed four hundred fifty (450') feet. Tower height shall be measured from the base of the tower. The tower must also meet any height restrictions imposed by other laws or ordinances
- (8) Monopole, lattice or guyed telecommunication towers shall not be located within seven hundred fifty (750') feet of any existing monopole, lattice or guyed telecommunication tower.
- (9) Equipment storage and/or any structures on the site shall have a building permit from the Parish permit office and conform to all building codes and FEMA requirements.
- (10) Mobile or immobile equipment not used in direct support of a tower, or in the housing of equipment needed to operate the tower, shall not be stored or parked on the site. However temporary mobile or immobile equipment is allowed for new construction or maintenance or repair.
- (11) Removal of abandoned or unused facilities. All abandoned or unused telecommunication tower facilities shall be removed by tower owner/operator within ninety (90) days of the cessation of use, unless ownership and use thereof has been discontinued for one hundred eighty (180) consecutive days. Telecommunications towers being utilized for other purposes, including, but not limited to, light standards and power poles, may be exempt from this provision.
- (12) The use of any portion of a tower for signs or advertising purposes, including company name, banners, streamers, etc., shall be strictly prohibited, except as required by any federal agency.
- (13) Towers or monopoles shall be constructed of galvanized or unpainted metal or shall be painted in neutral colors, designed to blend into the surrounding environment, except as required by any federal agency.
- (14) Each application, to allow construction of a telecommunication tower, shall include a statement that the construction and placement of the tower:
 - a. Is in compliance with Federal Aviation Administration (FAA) regulations.
 - b. Is in compliance with the rules and regulations of all federal or state agencies that may regulate telecommunication tower siting, design and construction.
 - c. That the tower and equipment thereon is in compliance with current radio frequency emissions standards of the Federal Communications Commission.
 - d. Will not unnecessarily interfere with public safety communications and the usual customary transmission or reception of radio and television service enjoyed by adjacent residential and nonresidential properties.
- (15) Notwithstanding the above provisions of this Section, antennas shall be permitted to be placed on existing towers or structures with sufficient loading capacity. A permit shall be obtained from the permit office prior to commencing construction. The permit application shall include a site plan which depicts all proposed ancillary buildings and equipment cabinets. The permit fee for placing antennas on existing towers or other structures shall be in an amount as established by the Parish Council from time to time.

- (16) Notwithstanding the above provisions of this Section, towers in existence as of December 1, 1997, may be replaced with a tower of equal or less visual impact after approval and permit is issued by the permit office.
- (17) Approved telecommunication towers may be transferred to successor and assigns of the approved party, subject to all of the conditions which apply to initial approval.
- (18) Fees for communication tower construction shall be in an amount as established by the Parish Council from time to time and shall be collected by the permit office.
- (19) No tower shall be constructed within a horizontal distance equal to the tower height, plus thirty (30') feet, from an existing residential or occupied structure, or commercial developments as defined in article III, "Commercial Developments," Section 125-78, "Generally".
- (20) No tower shall be constructed within a horizontal distance equal to one hundred (100%) percent of the tower height, plus thirty (30') feet, from adjacent property lines except that a tower which meets the engineering standards of ANSI /TIA-222, Structural Standard for Antenna Supporting Structures and Antennas which is designed and built to withstand weather conditions with a return period of at least 700 years and has intentionally engineered structural weaknesses designed to control any tower failure to prevent any part of the tower from falling outside the tower site, is exempt from the setback requirement to the extent that all of the following conditions are met. 1) The tower site does not abut property zoned residential or commercial on the side for which exemption is sought. 2) The property owner on the side for which exemption is sought grants consent in writing. 3) If the landowner on the side for which exemption is sought is a public right of way, the agency owning the right of way consents after considering the impact on available evacuation routes.
- (21) Testing/inspection procedures:
- a. All telecommunication towers constructed within the unincorporated areas of the Parish shall require visual inspection and observation by Parish inspectors of the materials and procedures used by the contractor with certification from an independent testing lab. All fees and expenses associated with testing lab shall be borne by the permit applicant. Records of independent testing lab are to be submitted promptly to the Parish.
 - b. Depending upon the nature and location of the tower, the Parish may, at its discretion, require additional inspections and certification from independent testing lab.
 - c. All testing labs and engineers participating in the tower construction shall be approved by the Parish.
 - d. Contractor is to notify the Parish at least forty-eight (48) hours in advance of the pouring of concrete structures.
- (22) Fees. Fees for visual inspection and observation of tower construction by the Parish shall be charged per tower site and in amounts as established by the Parish Council from time to time.
- (23) Public notification. Upon submission of application to the Parish for construction of a telecommunication tower, the following signage shall be required. There shall be two (2) signs posted that will be placed corner to corner, in a V-shaped formation that shall each be measured four (4') foot by eight (8') foot. Such signage shall be posted in black and white, with no obstructions, within five (5') feet of the nearest public right-of-way leading to the proposed site. The bottom of the signage shall be at least four (4') feet from the ground. The heading of the signage shall read "PUBLIC NOTICE" written in six (6) inch letters. The remainder of the signage shall be written in four (4") inch letters and include the words "Construction Of A Telecommunication Tower Is Proposed For This Site."
- (24) Permit denial/appeal. The Parish President or designated staff have the right to require additional information or documentation as deemed necessary and may deny the issuance of a permit in the interest of the health, safety and general welfare of the population of the Parish. Any person who is denied a permit may appeal the denial to the Parish Council at a regularly scheduled meeting. A permanent file shall be kept on each application documenting the basis for the action on the request.

BE IT FURTHER ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, that if any provision of this ordinance is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance, which can be given effect without the invalid provisions, or application, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED by the Livingston Parish Council that all ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

The effective date of this ordinance shall be as prescribed by law.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

And the ordinance was declared adopted on the 11th day of September 2025.

Billy Taylor, Council Chairman

ATTEST:

Sandy C. Teal, Council Clerk

INTRODUCED _____ ADOPTED _____
DELIVERED TO PRESIDENT _____, _____ o'clock ____ . M.
APPROVED BY PRESIDENT _____
Rand Delatte _____ Date _____
VETOED BY PRESIDENT _____
Randy Delatte _____ Date _____
RECEIVED FROM PRESIDENT _____, _____ o'clock ____ . M.