

VALENCIA COUNTY, NEW MEXICO

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Mike Milam, County Clerk, Valencia County New Mexico



**VALENCIA COUNTY
ORDINANCE
2023-02**

**AN ORDINANCE REGULATING THE SITING AND
PERMITTING OF WIRELESS
TELECOMMUNICATION FACILITIES**

PASSED: July 19, 2023

EFFECTIVE: August 19, 2023



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ORDINANCE**

**AN ORDINANCE REGULATING THE SITING AND PERMITTING OF
WIRELESS TELECOMMUNICATION FACILITIES**

PREAMBLE:

WHEREAS, Valencia County has determined that the regulation of the siting of wireless telecommunications facilities is necessary to protect the health, safety and welfare of the citizens of Valencia County;

WHEREAS, Valencia County desires to minimize the negative impact Wireless Telecommunications Facilities may have on the citizens and real property use in Valencia County by promoting the use of existing Wireless Telecommunications Facilities and by ensuring new Wireless Telecommunications Facilities are compatible with the existing character and environment of the location of the Facility;

WHEREAS, Valencia County wishes to provide an efficient, stream-lined and fair process for the review and approval of potential Wireless Telecommunications Facilities;

WHEREAS, pursuant to NMSA 1978 §§ 3-21-1 et seq. and §§ 4-37-1 et seq., and the Telecommunications Act of 1996, §704.47 U.S.C. § 332(c)(7), § 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 and recognizing the enactment of the New Mexico Wireless Consumer Advanced Infrastructure Act NM Stat § 63-9I-7 (2019) et. seq., the Valencia County Board of County Commissioners is empowered to enact regulations regarding the location, placement, construction, appearance, design, and modification of Wireless Telecommunications Antennae, Towers and other Wireless Telecommunications Facilities on lands and properties within the County;

NOW, THEREFORE, BE IT ORDAINED by the Valencia County Board of Commissioners, that the contents of this Ordinance be implemented and, by adoption of this Ordinance, hereby expressly repeal NM Code of Ordinances, Valencia County Title VX: Land Usage, §154.151, Wireless Communication Facilities Overlay District (WCF).

I. PURPOSE AND INTENT:

A. The purpose and intent of this Ordinance are to protect the health, safety, and welfare of the citizens of Valencia County by minimizing the negative impact of Wireless Telecommunications Facilities, by establishing a fair and efficient process for review and approval of applications per Federal, State, and Local Regulations, by encouraging the use of existing facilities, by promoting the improved appearance and functionality of any new facilities and ensuring that all new facilities are constructed using current technologies that are designed to conceal the site and to accommodate future growth.

II. DEFINITIONS:

A. Abandonment – cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period specified by this Ordinance.

B. Administrative Approval – approval that the Administrator or designee is authorized to give.

C. Antenna – communications equipment that transmits, receives or transmits and receives electromagnetic radio signals used in the provisions of wireless telecommunications services.

D. Carrier on Wheels (COW) – a portable, self-contained wireless telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency base.

E. Colocation – placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of supporting wireless facilities' attachment in compliance with all applicable codes and standards.

F. Concealed Wireless Facility – any wireless facility that is blended as an architectural feature of any existing structure or any new wireless support structure designed to camouflage or hide the presence of antennas or towers so that the purpose of the Facility or wireless support structure is not readily apparent to casual observation.

G. Eligible Facility request – a request for modification or colocation of an existing wireless tower that involves new transmission equipment or replacement of transmission equipment but does not include a substantial change of the existing structure.

H. Existing structure – a wireless support structure erected before the application for an eligible facility request, colocation, or modification under this Ordinance capable of supporting wireless facilities' attachment. The term includes but is not limited to electrical transmission towers, buildings, and water towers. The term shall not include any utility