

# AN ORDINANCE REGULATING WIRELESS COMMUNICATION FACILITIES

Alamance County, NC

## Section 1. Title.

This ordinance shall be known and cited as the "Alamance County Wireless Communication Facilities Ordinance" (hereinafter referred to as "Ordinance").

## Section 2. Purpose.

The purpose of this ordinance is to establish standards for the location, permitting, and appearance of wireless telecommunication facilities located on property within Alamance County's ordinance-making jurisdiction. These standards are necessary in order to provide for orderly development and to ensure the protection of the public health, welfare, and safety of the citizens of Alamance County.

## Section 3. Authority and Enactment.

The Board of Commissioners of the County of Alamance, pursuant to the authority granted by the General Assembly of the State of North Carolina in General Statutes Chapter 153A, Section 121, hereby ordains and enacts into law these articles and sections.

## Section 4. Jurisdiction.

This ordinance governs the location of and development standards for wireless communication facilities on property that falls within Alamance County's ordinance-making jurisdiction.

## Section 5. Definitions.

- (a) Antenna array. One or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include herein-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). This does not include the support structure.
- (b) Attached wireless communication facility. An antenna array that is attached to an existing structure. These structures include, but are not limited to,

utility poles, signs, water towers, rooftops, equipment facilities, and towers with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables.

- (c) Collocation. Use of a wireless communication facility or site by more than one wireless communication license holder or by one wireless communication license holder for more than one type of communications technology and/or placement of an antenna array on a structure owned and operated by a utility or public entity.
- (d) Discontinued. A voluntary or involuntary cessation of the original permitted use.
- (e) Equipment facility. Any structure used to contain ancillary equipment for a wireless communication facility.
- (f) Fall zone. The radius around the base of the tower or attached wireless communication facility that is equal to the height of the tower. This is the area in which a collapsing tower or facility should fall.
- (g) Freestanding wireless communication tower. A wireless communication tower that is not attached to any existing building or structure, such as a utility pole, water tower, equipment facility, rooftop, or wall.
- (h) Height. The distance measured from the ground to the highest point on the wireless communication facility.
- (i) Setback. The required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment facility, or, in the case of guy-wire support, the guy-wire anchors.
- (j) Stealth tower technology. Towers designed and located using existing or new structures in which the tower is not visible. This includes towers that are concealed within architectural features or camouflaged through the use of exterior devices such as false trees.
- (k) Support structure. A structure designed and constructed specifically to support an antenna array. This includes, but is not limited to, a monopole, self-supporting tower, and guy wire-support tower. A support structure does not include any device that is used to attach a wireless communication facility to a building or structure.
- (l) Temporary wireless communication facility. A wireless communication facility that is intended to be in use for ninety (90) or fewer days.
- (m) Wireless communications. Personal wireless services as defined in 47 U.S.C. §

332(7)(C) (the "Telecommunications Act of 1996"). This includes FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

- (n) Wireless communication facility. Any unstaffed facility designed for the transmission and/or reception of wireless telecommunications services. This usually consists of an antenna array, connection cables, an equipment facility, and a support structure.

### **Section 6. Administration.**

- (a) The Planning Director shall be responsible for the administration and enforcement of this Ordinance. This person shall hereinafter be referred to as "Administrator" for the purposes of this Ordinance.
- (b) The Administrator, in accordance with this Ordinance and North Carolina law, may seek to compel corrective action through the assessment of civil penalties or by obtaining any equitable remedies provided by applicable state law.

### **Section 7. Exceptions.**

The provisions of this Ordinance shall not be deemed to apply to

- (a) Any tower, antenna, or other communication structure located on property owned, leased, or otherwise controlled by Alamance County.
- (b) Any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator.

### **Section 8. Location Requirements for Wireless Communication Towers.**

- (a) Any wireless communication tower constructed after the enactment of this Ordinance may not be located within 1 mile of an existing tower.
- (b) Towers shall be located at least 1.5 x height of the tower from any existing non-owner occupied residential or non-residential structure.
- (c) A tower may be located on the same lot as a residential structure, as long as the residential structure is occupied by the property owner.
- (d) A tower may not be located on top of any residential structure.

- (e) A tower may not be located on the same lot as an outdoor storage yard.
- (f) A lot that contains a wireless communication facility may be no smaller than thirty thousand (30,000) square feet.
- (g) A tower may not be constructed within a locally- or nationally-designated historic district. A tower may not be located within one thousand (1,000) feet of a locally- or nationally-designated historic district or historic landmark.
- (h) A tower may not be constructed within 1.5x the fall zone from a public right-of-way.
- (i) The siting of all wireless communications towers must comply with the requirements of the National Environmental Policy Act, the Federal Communications Commission, and the Federal Aviation Administration.

**Section 9. Waiver of Location Requirement.**

- (a) A property owner may petition the Board of Commissioners of the County of Alamance to waive the location requirement(s) established in Section 8, above. A petition should contain the name, address, and agent (if applicable) of the property owner; the name, address, and agent of the telecommunications entity that will lease the property (if different from owner); a description of the dimensions of the proposed facility; and a site plan that shows the location of the proposed tower on the property, any structures on adjoining properties, and the location of any public or private roads.
- (b) All waiver requests shall go before the Alamance County Planning Board for a recommendation prior to being heard by the Board of County Commissioners.
- (c) If the Board of County Commissioners finds that the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed, it may waive the location requirement(s).

**Section 10. Development Standards for Wireless Communication Towers.**

(a) **Height limits.**

1. Administrative approval may be granted by the Alamance County Planning Department for wireless communication towers that do not exceed ninety (90) feet in height.
2. A tower that is proposed to exceed ninety (90) feet in height must receive approval

from the Alamance County Planning Board and the Board of Commissioners of Alamance County. The approval procedure shall be in accordance with Sections 16 and 17, below.

(b) **Setbacks.**

1. A wireless communication facility must be located at least the height of the tower x 1.5 from any property line and from any residential structure, with the exception of a residential structure that is occupied by the owner of the property upon which the wireless communication facility is located.
2. A wireless communication facility must be located at least the height of the tower x 1.5 from a residential structure that is occupied by the owner of the property upon which the wireless communication facility is located.
3. The setback must include enough area to contain the fall zone entirely within the boundaries of the property owned or leased by the wireless communication provider.
4. A wireless communication facility must be located at least 1.5x the fall zone from any public right-of-way or private road.
5. A freestanding wireless communication tower must be located at least the height of the tower x 1.5 from any high-tension power lines.
6. A wireless communication facility must be located at least 2500 feet from any public or private airport.
7. In measuring setbacks, an accessory structure constructed to house equipment relating to the wireless communication facility must be included as part of the wireless communication facility. The edge of an accessory structure to a property line shall constitute an appropriate measurement.

(c) **Landscaping and Aesthetics.**

1. Wireless communication facilities should be placed in a location that will provide for proper functioning, but one that will have minimal visual impact.
2. All landscaping should be designed to be compatible with existing structures and landscapes on the property and on adjoining parcels.
3. The color of a wireless communication facility should be neutral or compatible with its surroundings. In addition, colors must meet FAA standards.

4. The use of camouflage or stealth technology is strongly encouraged.
5. A vegetated buffer must be placed around the base of a wireless communication tower and any associated structures, such as an equipment facility or guy anchors. This buffer should be at least ten (10) feet wide and should include, at a minimum, one (1) row of evergreen or deciduous trees placed no further than eight (8) feet apart and one (1) row of evergreen shrubs spaced no more than five (5) feet apart.
6. Existing vegetation on the site should be preserved as much as possible and incorporated into the site design.
7. Vegetated buffers should be created through minimal grading activities and, as much as possible, should preserve existing mature growth on the site.
8. Upon a showing that the existing site vegetation will provide a suitable buffer for the base of the tower or the perimeter of the site and minimize visual impacts, the Administrator may grant a waiver of the buffer requirements contained above.

(d) **Fencing.**

A wireless communication facility must have a commercial-grade safety fence placed around the base of the tower and any accessory structures. This fence should be at least eight (8) feet in height and constitute an opaque barrier. If the wireless communication facility has guy wire anchors, a separate fence with the same features as above may be placed around the base of each guy wire anchor.

(e) **Lighting.**

1. A wireless communication tower shall not be artificially lighted unless required by the FAA or other applicable authority.
2. All lighting installed at a wireless communication facility must comply with FAA regulations.
3. Any lighting at a wireless communication facility should be downshielded in order to contain the light on the property leased or owned by the wireless communication provider. At no time should any wireless communication facility lighting shine directly upon an adjacent property.
4. Unless otherwise required by the FAA, a red light and a type of lenses used to reduce ground lighting must be used when the wireless communication facility site is within one hundred (100) feet of a residential dwelling.

(f) **Signage.**

1. No signage, logos, symbols, or any messages of a commercial or non-commercial nature are permitted on any wireless communication facility, accessory structure, or security fencing. This prohibition does not include the information sign permitted in Section 10(f)(2), below.
2. One small sign measuring no more than two (2) feet by three (3) feet that contains provider information, emergency telephone numbers, and any other information required by local, state, and federal regulations governing wireless communication facilities is permitted. This sign must be placed in a visible location on the security fencing.

(g) **Structural Integrity.**

1. Each wireless communication facility and any accessory structures must be constructed and maintained in accordance with all state and federal building code requirements.
2. Each wireless communication tower must be constructed to accommodate the following number of antenna arrays:
  - (a) Towers up to ninety (90) feet: 1 array;
  - (b) Towers between ninety-one (91) and one hundred and twenty (120) feet: 2 arrays; and
  - (c) Towers exceeding one hundred and twenty feet (120): 3 arrays.

(h) **Power Output and Emissions.**

1. Applicants for a permit for a wireless communication facility shall be required to submit documentation that shows that power output levels at the facility do not exceed those levels certified by the FCC.
2. The wireless communications provider that owns the wireless communication facility may be asked on a periodic basis to provide the Administrator with documentation that demonstrates that the facility is in compliance with FCC output standards.
3. Emissions from a wireless communication facility shall not interfere with radio frequencies or television reception.

(i) **Access to Wireless Communication Facility.**

1. Access to the wireless communication facility site must be provided by an easement of no less than thirty (30) feet in width.
2. The road base constructed should be no less than ten (10) feet and no greater than eighteen (18) feet in width. This road must be of gravel construction and should be maintained regularly by the wireless communications provider.
3. An access road to a wireless communication facility should be gated for security purposes with commercial-grade fencing.

**Section 11. Collocation and Shared Facilities.**

1. An applicant for a wireless communication facility permit must demonstrate that it has made a good faith effort to place its wireless communication equipment onto an existing wireless communication facility structure. This shall be a condition of the permit, as provided in Section 14, below.
2. An applicant for a wireless communication facility permit that cannot collocate and will place its equipment on a newly-constructed wireless communication structure must submit a collocation agreement with its permit application. This collocation agreement shall outline the applicant's policy for collocation on its structure and shall also provide information that illustrates the means by which the applicant will determine what rental rates to charge other users. These lease rates must be commercially reasonable and should not act as a deterrent to collocation.
3. Any wireless communication tower over ninety (90) feet should be constructed to accommodate multiple antenna arrays, pursuant to Section 10(g)(2).

**Section 12. Use By Emergency Services.**

A wireless communication provider must make the wireless communication facility available, free of charge, to the County for emergency service use. This use shall include, but is not limited to, an antenna array and space for electronic equipment within an accessory building. An antenna array placed by the County's emergency services shall only be located on a tower capable of handling multiple arrays. Any use by emergency services should not interfere with the proper functioning of the tower or of any wireless communication facilities within a one-mile radius.

**Section 13. Removal of Abandoned Towers, Antennae, and Support Structures.**

- (1) The owner of a wireless communication facility must provide the Administrator with written notice if the facility is going out of service.

- (2) A wireless communication facility at which use has been discontinued for a period of one hundred and eighty (180) days shall be deemed abandoned.
- (3) A wireless communication facility shall not be considered abandoned unless all service providers with antenna arrays attached to the facility have discontinued use of the facility.
- (4) If the Administrator determines that a wireless communication facility has been abandoned, he or she shall send a written notice by certified mail, return receipt requested, to the owner of the wireless communication facility and to the property owner (if different). This notice shall contain information regarding why the wireless communication facility has been deemed abandoned and the availability of an appeals process for this decision.
- (5) Once the written notice has been received, the wireless communication facility owner has sixty (60) days in which to remove the facility from the property.
- (6) The County may require each applicant to post a performance bond to cover the potential costs of removal.
- (7) If the owner of the wireless communication facility believes that the Administrator's determination has been made in error, it may file a written appeal with the Board of Commissioners prior to the expiration of the sixty (60)-day period for removal. Such appeal shall be heard by the Board within thirty (30) days of the filing of the appeal and any proceedings to remove the abandoned wireless communication facility shall be stayed pending the outcome of this appeal.
- (8) If the owner of the abandoned wireless communication facility does not remove the facility within the required removal period, the County may remove the facility and recover the costs from the owner. If the owner is no longer in business or cannot be located, the cost of removal may be assessed to the real property owner.
- (9) The County may assess civil penalties pursuant to Section 21 if the owner of the abandoned wireless communication facility fails to remove the structure within the required removal period.

#### **Section 14. Permit Requirements for Wireless Communication Facility.**

- (a) It shall be a violation of this Ordinance to construct and operate any wireless communication facility in Alamance County's ordinance-making jurisdiction without a permit issued pursuant to this section.
- (b) Any entity or individual desiring to construct and/or operate a wireless communication

facility within Alamance County's ordinance-making jurisdiction must apply to the Alamance County Planning Department for a permit. This application must include

1. The name and address of the owner(s);
2. The physical address of the property, including tax map block and lot numbers;
3. The name and address of the agent(s) and officers, if the applicant is a corporation;
4. Documents that demonstrate a need for coverage in the geographical area;
5. Sealed drawings from an architect or engineer licensed in the State of North Carolina that contain the items listed below in Section 14(c);
6. A copy of the applicant's collocation agreement or, in the absence of collocation, evidence that collocation is not feasible in accordance with the requirements set forth below in Section 14(d);
7. Documentation from an architect or engineer licensed in the State of North Carolina that the proposed wireless communication facility has the structural integrity to accommodate more than one user, if the proposed facility is over ninety (90) feet in height;
8. Certification from the FAA that the proposed wireless communication facility will not pose a hazard to air navigation;
9. Documentation from a North Carolina Division of Highways engineer that his or her office has reviewed the proposed project and has determined that no highway access or right-of-way issues need to be resolved prior to approval of the application; and
10. Proposed sedimentation control measures that have been approved by the North Carolina Department of Environment and Natural Resources.

(c) The sealed drawings submitted with the application must include

1. A scaled vicinity map showing the location of the proposed facility in relation to nearby roads, communities, and towns;
2. All property lines associated with the site;
3. The location of all proposed structures on the site;
4. Elevations of all proposed structures and a description or sample of the color(s) that will be associated with them;

5. A description of the height of the proposed structures;
  6. Basic site plan information, such as existing topography (with 5' contours), proximity to floodplains and floodways, soil characteristics, existing vegetation, and other site elements that may restrict development;
  7. A site plan showing any proposed alteration of topography and vegetation;
  8. The location of any existing streets, buildings, railroads, transmission lines, sewers, bridges, culverts, drainpipes, and easements, to the extent that these may be determined from a field inspection of the property;
  9. Landscaping plans that include buffer areas;
  10. Plans for parking and security fencing;
  11. Plans showing any access easement(s) and proposed points of ingress and egress in relation to a public or private road(s); and
  12. Plans identifying any adjacent uses within five hundred (500) feet of the fall zone.
- (d) If an applicant does not propose to collocate on an existing wireless communication facility, evidence must be shown to demonstrate that no existing wireless communication facility can accommodate the applicant's technological needs. This evidence should be in the form of letters sent to and received from the owners of existing wireless communication facilities in which it is demonstrated that one of the following conditions applies:
1. No antennae are located within the geographic area that is required for the applicant's technological needs;
  2. No existing towers or structures within the geographic area are of sufficient height to meet the applicant's needs;
  3. No existing towers or structures have the structural strength to support the proposed antenna and related equipment;
  4. The proposed wireless communication facility would cause electromagnetic interference with antennae on existing towers or structures or vice versa;
  5. The fees, costs, or contractual provisions for collocation required by the owner of an existing wireless communication facility that would meet the applicant's technological needs exceed the cost of new facility development;
  6. Any other factors that render the use of existing towers or structures within the

geographic area infeasible.

In addition, an applicant should include a summary explanation of why it believes that its proposed wireless communication facility cannot be located on an existing tower or structure.

- (e) A one-time permit fee of \$2,500 shall accompany the application.

#### **Section 15. Administrative Approvals.**

- (a) Administrative approval may be obtained for
  - 1. Wireless communication towers that do not exceed ninety (90) feet in height;
  - 2. Placing an antenna array upon an existing wireless communication facility; or
  - 3. The operation of a temporary wireless communication facility.
- (b) In each instance, the applicant must submit all documentation required in Section 14, above, to the Planning Department for administrative review.
- (c) Upon review, the Administrator will determine whether the submitted application complies with the terms of this Ordinance. The Administrator may issue an approval, an approval with conditions, or a denial.
- (d) If the Administrator denies the application, the reasons for the denial must be outlined in a letter sent to the applicant via certified mail, return receipt requested. The applicant may make any suggested changes and submit its application to the Planning Board in accordance with the procedure outlined in Section 16, below.
- (e) If the Administrator issues an approval or an approval with conditions, he or she shall also issue a wireless communication facility permit to the applicant. This permit shall entitle the applicant to proceed with construction and operation in accordance with the submitted development plan.

#### **Section 16. Review of Permit Application by Administrator and Planning Board.**

- (a) Upon submission of the application, the Administrator will review the application for compliance with the provisions of this Ordinance. During this review period, the Administrator may request additional information from the applicant.
- (b) After administrative review, the application will be presented to the Alamance County Planning Board for further review. Review by the Planning Board shall occur within sixty (60) days of the submission of the application. Following its review, the Planning

Board may approve the application, deny the application, or approve the application conditions.

- (c) If the Planning Board denies the application or gives conditional approval, the reasons for its action shall be noted in the Board's minutes. The owner may resubmit its application after making any corrective changes.
- (d) If, upon correction and resubmission of the application, the Planning Board again denies or approves the application with conditions, the applicant may submit its application directly to the Board of Commissioners.

#### **Section 17. Review of Permit Application by Board of Commissioners.**

- (a) After the Planning Board has rendered a decision on the application, the applicant may submit an application and final development plan to the Board of Commissioners. This plan may incorporate any changes suggested by the Planning Board or any additional information that the applicant wishes to provide.
- (b) Review by the Board of Commissioners shall occur within sixty (60) days of submission of the application. This review shall also include consideration of the advisory decision rendered by the Planning Board. Following its review, the Board of Commissioners may approve the application, deny the application, or approve the application with conditions.
- (c) If the Board of Commissioners denies the application or gives conditional approval, the reasons for its action shall be noted in the Board's minutes. The owner may resubmit its application after making any corrective changes.
- (d) If, upon correction and resubmission of the application, the Board of Commissioners again denies the application, the applicant may initiate an appeal in the Superior Court of Alamance County. This appeal must be filed with the Clerk of Superior Court for Alamance County within thirty (30) days of the decision by the Board of Commissioners.

#### **Section 18. Issuance of Permit.**

- (a) It shall be a violation of this Ordinance to operate any wireless communication facility located within Alamance County's ordinance-making jurisdiction without a permit issued pursuant to this section.
- (b) If the above application procedure is followed and the Board of Commissioners approves the application or approves the application with conditions, the Board will issue a permit for the wireless communication facility. This permit shall entitle the applicant to proceed with construction and operation in accordance with the final development plan.

## Section 19. Revocation of Permit.

- (a) A permit may be revoked by the Board of Commissioners if it is established that the application contained false information, that the applicant did not make a reasonable good faith effort to collocate on an existing tower, or that the wireless communication facility is not in compliance with any other provision of this Ordinance.
- (b) If the Administrator believes that the applicant or the wireless communication facility is in violation of this Ordinance, written notice shall be mailed to the applicant and the property owner (if different) by certified mail, return receipt requested. This notice shall identify the reasons why the Administrator believes that a violation of this Ordinance has occurred.
- (c) After receipt of this notice, the applicant has sixty (60) days within which to correct the violation. If the applicant fails to do so within the allotted time, the Administrator may, at any time following the expiration of the compliance period, recommend to the Board of Commissioners that the wireless communication facility permit be revoked.
- (d) The recommendation for revocation is separate from any other penalties that may be imposed by the Administrator. A recommendation for revocation will not stop the running of any civil or equitable remedy that may be available to the Administrator.
- (e) Recommendation for revocation must be accompanied by written notice sent to the applicant via certified mail, return receipt requested. This notice shall detail the alleged noncompliance, inform the applicant of the Administrator's recommendation for revocation, and advise the applicant that a hearing will be held before the Board of Commissioners prior to any action being taken on permit revocation.
- (f) Prior to approval or denial of the permit revocation, the Board of Commissioners shall hold a hearing at which the applicant may be represented by an attorney, present evidence and call witnesses in support of its case. Notice of the hearing shall be mailed to the applicant via certified mail and published in a newspaper of general circulation at least once a week for two (2) successive calendar weeks. This notice shall not appear less than ten (10) days nor more than twenty-five (25) days prior to the hearing.
- (g) If the Board determines to revoke the wireless communication facility permit, the reasons for its action shall be set forth in the written minutes of the meeting.
- (h) A recommendation by the Board of Commissioners to revoke the wireless communication facility permit may be appealed to the Superior Court of Alamance County. An appeal must be filed with the Clerk of Court of Alamance County within thirty (30) days of the Board's decision.

## **Section 20. Nonconformities.**

- (a) The foregoing provisions of this Ordinance shall not be construed to apply to any wireless communication facility for which a final development plan has been approved prior to the enactment date of this Ordinance.
- (b) Any wireless communication facility constructed prior to the enactment of this Ordinance may continue in use; however, an expansion to the nonconformity shall bring the facility under the control of this Ordinance.
- (c) This provision does not include the addition of an antenna array to an existing wireless communication facility. Approval for an additional antenna array may be obtained by submitting a development plan to the Planning Department for administrative review.
- (d) A nonconforming wireless communication facility which has become damaged may be repaired, provided that the cost of repair does not exceed fifty (50) percent of the replacement cost of the facility. If the cost exceeds this threshold, then the wireless communication facility may only be repaired or reconstructed under the governance of this Ordinance. This shall not be construed to prevent an owner from repairing or reconstructing on the same footprint with the original setbacks, so long as all other elements comply with the terms of this ordinance.

## **Section 21. Imposition of Civil Penalties.**

- (a) In addition to other remedies cited herein or otherwise protected by state law, this Ordinance may be enforced by the issuance of civil citations to the owner(s) of the wireless communication facility found to be in violation of this Ordinance.
- (b) Each day's violation shall be considered a separate and distinct offense that is subject to a fine.
- (c) The County may recover any civil penalty associated with this Ordinance within seventy-two (72) hours after issuing a citation for violation. Failure to pay a civil penalty may subject the owner(s) to civil action to recover debt if the penalty is not paid in the prescribed time.
- (d) The issuance of a citation for a violation and the assessment of a civil penalty may be appealed to the Board of Commissioners of the County of Alamance. This appeal must be made in writing to the Board of Commissioners within thirty (30) days of the citation.
- (e) Such appeal shall be heard by the Board of Commissioners within thirty (30) days of the filing of the appeal and the assessment of civil penalties shall be stayed pending

the outcome of the appeal. The stay on the running of the civil penalty shall begin on the day on which an appeal is filed with the Board of Commissioners.

### **Section 22. Equitable Remedies.**

- (a) This Ordinance may be enforced by an equitable remedy issued by a court of competent jurisdiction pursuant to N.C.G.S. § 153A-123. This equitable remedy may be a mandatory or prohibitory injunction and Order of Abatement commanding the owner(s) to correct the violation(s) of this Ordinance.
- (b) Pursuant to N.C.G.S. § 153A-123, if the court issues an Order of Abatement and the owner(s) fails or refuses to comply with the terms of the Order within the time allowed by the court, the owner(s) may be cited for contempt and the County may execute the Order of Abatement. If the County executes the Order, it will have a lien on the property found to be in violation for the costs of executing the Order. The owner(s) may secure cancellation of an Order of Abatement by paying all costs associated with the proceedings and by posting a bond for compliance with the Order. Cancellation of an Order of Abatement will not suspend or cancel an injunction issued in conjunction with the Order of Abatement.

### **Section 23. Conflict with Other Laws.**

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing provisions of any other ordinances or laws. However, if the requirements of any other lawfully adopted rules, regulations, or ordinances of the County of Alamance conflict with this Ordinance, the more restrictive or that imposing the higher standard shall govern.

### **Section 24. Severability.**

If any section or specific provision or standard of this Ordinance is found by a court to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this Ordinance.

### **Section 25. Amendment.**

This Ordinance may be amended from time to time by the Board of Commissioners of the County of Alamance.

**Section 26. Effective Date.**

This Ordinance shall take effect and be in force on May 16, 2005.

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The foregoing ordinance was adopted by the Board of Commissioners for the County of Alamance during regular session on May 16, 2005. See Minute Book No. 37, Page 111.