

Ordinance _____

An ordinance amending Chapter 33.49, Wireless Communications Facilities (WCFs), Paragraph (5) of Section .510 of the Clallam County Code, in conjunction with the adoption of a new code compliance title

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section .510 General Standards, Paragraph (5) is amended to read as follows:

(5) Health, Safety and Welfare Hazards. If it is found that WCFs are or will be detrimental to the health, safety, or welfare of persons working or residing near such facilities, then the service provider(s) and property owner shall be jointly and solely responsible for the removal, adjustment, or replacement of the WCFs. In no case shall a WCF remain in operation if it is found to create a hazard to health, safety, and welfare. For the purposes of this chapter, a WCF shall not be found to create a hazard to health, safety, or welfare as a result of radio frequency radiation/electromagnetic frequency (RF/EMF) emissions from the WCF, so long as it meets all current standards established by the FCC, pursuant to FCC OET 65 and its successors.

The owner/operator of each WCF shall annually submit a written verification to the Administrator that the radio frequency radiation/electromagnetic frequency (RF/EMF) emitted by a WCF conforms to safety standards set forth in FCC OET 65. The reports shall conform to reporting requirements set by the FCC.

If the WCF's emissions are determined to exceed FCC standards, the applicant is required to pay for such other tests and other corrective measures as are necessary to establish compliance with FCC OET 65 and its successors, and such noncompliance shall constitute sufficient grounds for the Administrator to issue a stop work order or pursue other remedies pursuant to the provisions of CCC Title <>, Code Compliance to commence cease and desist actions pursuant to Chapter 33.59 CCC, Enforcement, to the extent not precluded by state or federal law.

ADOPTED this _____ day of _____ 2007

BOARD OF CLALLAM COUNTY COMMISSIONERS

Stephen P. Tharinger, Chair

Michael C. Chapman

ATTEST:

Trish Holden, CMC, Clerk of the Board

Howard V. Doherty, Jr.