



**APPLICATION FOR SMALL WIRELESS
FACILITY PERMIT**

Per §11.7 of the Berkeley County Zoning Ordinance

DEFINITIONS

1. "Antenna" means communication equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services.
2. "Applicable Codes" means uniform building, energy, electrical, plumbing, mechanical, gas, and fire codes in Title 6, Chapter 9 of the South Carolina Code of Laws, local amendments to those codes authorized by state law, and local codes or ordinances which impose requirements defined herein, including objective design and concealment standards to regulate location, context, material, color, stealth and concealment standards on a uniform and nondiscriminatory basis.
3. "Applicant" means any person who submits an Application to the County and is a Wireless Services Provider or a Wireless Infrastructure Provider.
4. "Application" means a request submitted by an Applicant for a permit to (i) Collocate Small Wireless Facilities; or, (ii) construct, install, maintain, operate, replace or modify a Utility Pole or Wireless Support Structure.
5. "Cable, Communications, Fiber, Utility, or Electric Easement" means an easement, granted to a cable or video service provider, a communications service provider (including without limitation a telephone utility), a fiber optics cable services provider, a public water, sewer, and/or stormwater utility provider, or an electric services provider created or authorized by state law to provide such services, that runs parallel to and abuts or within a Rights-of-Way and is occupied by existing Utility Poles or Wireless Support Structures carrying electric distribution lines, wires, cable, conduit, fiber optic cable for telecommunications, cable or electric service or supporting county street lights, or security lights. The term Cable, Communications, Fiber or Electric Easement excludes easements for service drops or lines connecting the customer's premises to the cable, communications, fiber or electrical provider.
6. "County-Owned Pole" means (i) a Utility Pole owned, operated, and/or maintained by the County in Covered Areas, including a Utility Pole that provides lighting or traffic control functions, or other law enforcement functions, including light poles, traffic signals, and structures for signage, and (ii) a pole or similar structure owned or operated by the County in a Covered Area that supports only Wireless Facilities. The term does not include a Utility Pole owned or operated by and accounted for as an asset of a county electric utility.
7. "Collocate" means to install, mount, maintain, modify, operate, or replace one or more Wireless Facilities on, under, within, or adjacent to an existing Wireless Support Structure or Utility Pole located in Covered Areas within the jurisdiction of the County. "Collocation" has a corresponding meaning.
8. "Covered Areas" means the surface of, and the space above and below, any public "Rights-of-Way," "ROW," "County Rights-of-Way," "Public Rights-of-Way," "Cable, Communications, Fiber, Utility, or Electric Easement," provided that the location/collocation of Small Wireless Facilities is not otherwise prohibited in said easements, and applicable "Private Property" in which the standards of this ordinance are met and as those terms are defined herein.
9. "Day" means calendar day unless the last day for the County or an Applicant to take action under this Ordinance ends on a weekend, holiday, or time when all but County emergency services are closed due to weather or some unforeseen situation.



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10. "Decorative Pole" means a Utility Pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or a temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory county practices.
11. "Department" means the Berkeley County Planning and Zoning Department.
12. "Design District" means an area that is zoned, or otherwise designated by county ordinance, and for which the County maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.
13. "Fee" means a one-time charge.
14. "Historic District" means an area that is zoned or otherwise designated as a Historic District under county, state or federal law and for which the County maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.
15. "Micro Wireless Facility" means a Small Wireless Facility that meets the following qualifications: (i) is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and, (ii) any exterior antenna is no longer than 11 inches.
16. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the County.
17. "Private Property" refers to property located in unincorporated Berkeley County that is privately-owned and maintained.
18. "Rate" means a recurring charge.
19. "Rights-of-Way" or "ROW" or "County Rights-of-Way" or "Public Rights-of-Way" means that area on, below, or above a public roadway, highway, street, sidewalk, alley dedicated to, managed, or controlled by the County, County or the State of South Carolina, but not including a federal interstate highway, in the County.
20. "Roadway Maintenance Authority" means the South Carolina Department of Transportation (SCDOT) or the Berkeley County Roads and Bridges Division, whichever possesses public right-of-way maintenance authorities.
21. "Small Wireless Facility" means a Wireless Facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.
22. "Transmission Pole" means a pole or similar structure that is used in whole or in part to carry electric transmission (as opposed to distribution) lines.



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23. "Underground District" means an area that is designated herein or by Ordinance, that prohibit installing above ground structures in a Covered Area and for which the County maintains and enforces standards on a uniform and nondiscriminatory basis.
24. "Utility Pole" means a pole or similar structure that is used in whole or in part for the purpose of carrying electric lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control devices, traffic control or directional signage, or a similar function regardless of ownership, including County-Owned Poles. Such term shall not include structures supporting only Wireless Facilities, nor shall it include Wireless Support Structures.
25. "Waiver" means administrative relief granted at the discretion of the Zoning Administrator or designee when a request is made by an applicant in writing. The Zoning Administrator or designee shall not issue a waiver that would nullify the intent or purpose of this Chapter.
26. "Wireless Facility" means equipment at a fixed location that enables Wireless Services between user equipment and a communications network, including: (i) equipment associated with wireless communications; (ii) radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes Small Wireless Facilities. The term does not include the structure or improvements on, under, or within which the equipment is Collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between Wireless Support Structures or Utility Poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an Antenna.
27. "Wireless Infrastructure Provider" means any Person including a Person authorized to provide telecommunications service in the State, that builds, installs or maintains Utility Poles, wireless communication transmission equipment, Wireless Facilities or Wireless Support Structures.
28. "Wireless Services" means any services provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, delivered to the public using Wireless Facilities.
29. "Wireless Services Provider" means a Person who provides Wireless Services.
30. "Wireless Support Structure" means a freestanding structure, such as a monopole or, other existing or proposed structure designed to support or capable of supporting Wireless Facilities. Such term shall not include a Utility Pole.



BERKELEY COUNTY SC

PLANNING AND ZONING DEPARTMENT
P.O. Box 6122 • 1003 Highway 52 • Moncks Corner, SC
29461 • 843.719.4095

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An Applicant seeking to Collocate multiple Small Wireless Facilities may file a consolidated Application and receive a single permit for up to twenty (20) Small Wireless Facilities. Provided, however, the County's denial of any site or sites within a single Application shall not affect other sites submitted in the same Application.

FEES: Fee of \$75.00 for each Small Wireless Facility is required; provided that the Fee for Small Wireless Facilities addressed in a consolidated Application shall be \$75.00 each for the first five Small Wireless Facilities and \$50.00 for each additional Small Wireless Facility up to a maximum of twenty (20) Small Wireless Facilities.

NOTHING IN THIS FORM EXEMPTS AN APPLICANT FROM SECURING ALL OTHER REQUIRED PERMITS OR AUTHORIZATIONS

GENERAL INFORMATION

Applicant's Name: _____

Mailing Address: _____

Email Address: _____

Phone Number: _____

FACILITY OWNER'S CONTACT INFORMATION:

Facility Owner's Name: _____

Mailing Address if different from Applicant: _____

Email Address: _____

Phone Number: _____

Intended Facility Use: Owner Occupied Owner-Leased

The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application:

SCOPE AND DETAILS OF REQUESTED SWF(S)

Intended Placement (Check all that apply)				
<input type="checkbox"/> County-Maintained Roadway Right-of-Way (ROW)	<input type="checkbox"/> Existing Electric Utility Right-of-Way/Easement	<input type="checkbox"/> Co-Location onto existing pole owned/maintained by the County	<input type="checkbox"/> Co-Location onto existing pole owned/maintained by entities other than the County	<input type="checkbox"/> Private Property
<input type="checkbox"/> SCDOT-Maintained Roadway Right-of-Way	<input type="checkbox"/> Co-Location onto a Pole to be Constructed by Operator/Applicant	<input type="checkbox"/> Within a designated "Historic District" or "Underground District"	<input type="checkbox"/> Within a Water/Sewer Utility Easement or Drainage Easement	<input type="checkbox"/> Other: _____ _____ _____



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SCOPE AND DETAILS OF REQUESTED SWF(S) (CONTINUED)
***USE ADDITIONAL SHEETS AS NEEDED**

Number of SWF(s) Proposed:

Proposed Size of SWF(s) in Cubic Feet:

Proposed Size of other wireless equipment associated with the Facility:

If pole(s) will be constructed, what is the proposed height of the pole(s)?

What is the antenna height? _____ How much will it project above the pole to which it will be affixed? _____

A general description of the proposed scope of work for the Collocation of the Small Wireless Facility:

(The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters, including but not limited to sub-surface utilities, likely to be affected or impacted by the work proposed.)

Identify any consultant that is acting on behalf of the Applicant and that is authorized to speak with the County, or a designee of the County, on the area of consultation for the Applicant even if the Applicant cannot be available:

Description of the Physical Location of proposed SWF(s), including TMS of affected parcels:



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SUPPORTING MATERIALS:		
Enclosed	N/A	Supporting Material
<input type="checkbox"/>	<input type="checkbox"/>	Evidence the Applicant is duly authorized to do business in South Carolina;
<input type="checkbox"/>	<input type="checkbox"/>	Evidence the Applicant has received any necessary certificate of public convenience and necessity or other required authority from the South Carolina Public Service Commission or the Federal Communications Commission or evidence that it is not required;
<input type="checkbox"/>	<input type="checkbox"/>	A copy of an approved Encroachment Permit and all documents required as part of the encroachment permit application, by the applicable roadway maintenance authority, if the proposed location is within a public Right-of-Way;
<input type="checkbox"/>	<input type="checkbox"/>	If the Small Wireless Facility is proposed to collocate on a utility pole or locate within an easement or right-of-way that is owned, managed, and/or operated by an entity other than those identified in §11.7.2C(4)(I) and as stated above, a statement that the Applicant has a lease, attachment agreement, or other authorization from the applicable entity who possesses ownership and/or maintenance responsibilities of the easement and/or Utility Pole affected by the proposed collocation/location;
<input type="checkbox"/>	<input type="checkbox"/>	If the Small Wireless Facility is proposed to locate on private property, the Applicant shall provide to the Department a lease or other written authorization from the affected Property Owner(s); and
<input type="checkbox"/>	<input type="checkbox"/>	Any Building Construction and/or Trades Permits required by the Berkeley County Building and Codes Department have been applied for and issued concurrent with approval of the Small Wireless Facility Permit Application.
<input type="checkbox"/>	<input type="checkbox"/>	Site Plan showing the physical location(s) of proposed SWF(s).

CONDITIONS ACKNOWLEDGEMENT	
*Applicants Shall Initial Beside Each Criterion Listed	
CRITERION	INITIALS
<p><u>Routine Maintenance and Replacement.</u> I acknowledge that an Application is not required for the following maintenance and replacement activities, provided that the Applicant/Operator obtains any required authorizations to conduct work within the Covered Area by the entities possessing ownership and/or maintenance authorities over underlying easements and/or rights-of-way prior to doing so:</p> <ul style="list-style-type: none"> a) Routine maintenance; b) The replacement of a Small Wireless Facility with another Small Wireless Facility that is substantially similar or smaller in size, weight, and height; or c) The installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities that are strung on cables between existing Utility Poles and/or Wireless Support Structures in compliance with the National Electrical Safety Code by a Wireless Services Provider or a Wireless Infrastructure Provider that is authorized to occupy the Public Rights-of-Way and that is remitting a consent, franchise, or administrative Fee pursuant to S.C. Code Ann. § 58-9-2230. 	
<p><u>Information Updates.</u> Any amendment to information contained in this permit application shall be submitted in writing to the County within ten (10) business days following the change necessitating the amendment.</p>	



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<p><u>Interference with Public Safety Equipment.</u> All SWF(s) shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire and emergency services) equipment.</p>	
<p><u>Repair of Damage.</u> A Wireless Services Provider or a Wireless Infrastructure Provider shall repair all damage to a County Right-of-Way directly caused by the activities of the Wireless Services Provider or the Wireless Infrastructure Provider, while occupying, installing, repairing, or maintaining Wireless Facilities, Wireless Support Structures, County Utility Poles, or Utility Poles and to return the Right-of-Way to its functional equivalence before the damage. If the Wireless Services Provider or the Wireless Infrastructure Provider fails to make the repairs required by the County within forty-five (45) days after written notice, unless the County and the Wireless Services Provider or the Wireless Infrastructure Provider agree in writing to a longer time period, the County may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The County may maintain an action to recover the costs of the repairs.</p>	
<p><u>Authority Granted: No Property Right or Other Interest Created.</u> A permit from the County authorizes an Applicant to undertake only certain activities in accordance with the Ordinance and does not create a property right or grant any authority whatsoever to the Applicant to impinge upon the rights of others who may already have an interest in the Covered Area.</p>	
<p><u>Duration.</u> Unless construction has actually begun and is diligently pursued to completion at that point, no permit for construction issued under this Ordinance shall be valid for a period longer than twelve (12) months unless both County and Applicant agree to a reasonable extension and all required Fees are paid for the term regardless of construction. The inability of the Applicant to obtain electrical power or backhaul transport services to serve the Wireless Facility such that it is operational within the twelve (12) months due to the action or inaction of third-party utility providers shall not result in the invalidity of the permit.</p>	
<p><u>Notice.</u> Within ninety (90) days following written notice from the County, a Wireless Services Provider or a Wireless Infrastructure Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any Wireless Facilities or Wireless Support Structures within the Rights-of-Way whenever the County, in its reasonable discretion, has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any County improvement in or upon, or the operations of the County in or upon, the Rights-of-Way.</p>	
<p><u>Emergency Removal or Relocation of Facilities.</u> The County retains the right to cut or move any Wireless Facility or Wireless Support Structure located within its Rights-of-Way as the County, in its reasonable discretion, may determine to be necessary, appropriate, or useful in response to any public health or safety emergency. If circumstances permit, the County shall notify the Wireless Services Provider or the Wireless Infrastructure Provider and provide opportunity to move its own Wireless Facilities or Wireless Support Structure prior to the County cutting or removing a Wireless Facility or Wireless Support Structure and the County shall notify the Wireless Services Provider or the Wireless Infrastructure Provider after cutting or removing a Wireless Facility.</p>	
<p><u>Abandonment of Facilities.</u> Upon abandonment of a Wireless Facility or Wireless Support Structure within the County Rights-of-Way, the Wireless Services Provider or the Wireless Infrastructure Provider shall notify the County within ninety (90) days of such abandonment. Following receipt of such notice the County may direct the Wireless Services Provider or the Wireless Infrastructure Provider to remove all or any portion of the Wireless Facility or Wireless Support Structure if the County, in its sole discretion, determines that such removal will be in the best interests of the public health, safety, and welfare.</p>	
<p><u>Abandonment by Inaction.</u> At any point when a Wireless Services Provider or a Wireless Infrastructure Provider fails to pay any required Fee, or annual payment to the County, and fails to respond within sixty (60) days to a written inquiry from the County as to whether the Wireless</p>	



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Services Provider or the Wireless Infrastructure Provider intends to continue to operate a Wireless Facility or Wireless Support Structure, for whatever reason, the Wireless Facility shall be deemed abandoned and the County may, at its sole option, remove all or any portion of the Wireless Facility or Wireless Support Structure, or take other action as authorized by law, including recovery of actual costs incurred in removing the Wireless Facility or Wireless Support Structure.

Annual Rate. The rate to place a Small Wireless Facility on a County-Owned Pole in Covered Areas shall be fifty (\$50.00) dollars per year per wooden pole or two hundred (\$200.00) dollars per year for all other County-Owned Poles. This rate is in addition to reimbursement to the County for any expenses for make-ready work. The County reserves the right to require a pole attachment agreement to further define the terms and conditions of attachments to County-Owned Poles. The rates specified in this section shall not apply to poles owned, or operated and accounted for as an asset of, a county electric utility.

Cease Payment. A Wireless Services Provider or a Wireless Infrastructure Provider is authorized to remove its facilities at any time from a County-Owned Pole in Covered Areas and cease paying the annual rate to the County as of the next due date for payment following the removal.

Make-Ready. For County-owned Utility Poles in Covered Areas, the Applicant shall reimburse the County for expenses for any reasonable make-ready work. The County shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested Small Wireless Facility, including pole replacement if necessary, within sixty (60) days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within sixty (60) days of written acceptance of the good faith estimate by the Wireless Services Provider or the Wireless Infrastructure Provider.

County Utilities Excluded. Nothing in this permit shall be construed to affect the authority of a county electric utility to deny, limit, restrict, or determine the rates, Fees, terms, and conditions for the use of or attachment to a Utility Pole owned, or operated and accounted for as an asset of, a county electric utility.

I have read and understand §11.7.2, Small Wireless Facilities, of the Berkeley County Zoning and Development Standards Ordinance.

3. APPLICANT AUTHORIZATION

By signing below, (1) I hereby certify that the tract(s) or parcel(s) of land to which this request pertains is not restricted by any recorded covenant and/or easements that are contrary to, conflicts with, or prohibits the activity for which the SWF(s) contemplated herein is sought, as provided in the South Carolina Code of Laws, Section 6-29-114; (2) if I am the lessee or operator of the facilities contemplated herein, I have obtained permission from the property owner(s) to install and operate the SWF(s) contemplated herein; (3) I hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage; including, but not limited to death, bodily injury, personal injury, and property damage, arising from the operation of the facilities intended by this Application at the above-referenced locations by adjoining landowners, visitors and/or any user of the property, including, but not limited to, the public at large; AND (4) the information provided in this form is correct, I am the operator or owner of the SWF(s) contemplated herein, and I agree to comply with all provisions stipulated by the Berkeley County Code of Ordinances.

Printed Name of Applicant: _____ Date: _____

Applicant's Signature: _____ Date: _____



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*** APPROVAL SECTION – FOR OFFICIAL USE ONLY***		
Administrative Waiver Required:	<input type="checkbox"/> NO	<input type="checkbox"/> YES
Variance or Special Exception Required from the BZA:	<input type="checkbox"/> NO	<input type="checkbox"/> YES Meeting Date: _____
County-Owned Pole Annual Rate Applicable:	<input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> \$50/Wooden Pole <input type="checkbox"/> \$200/Other Pole Types Annual Rate: _____
Zoning Administrator or Designee:		
Chief Building Official or Designee:		
Flood Plain Manager:		
Date of Approval:		
Associated Building, Encroachment, or Other Permit #s (if applicable):		