

## Section 1. Purpose and Scope

### Purpose.

The purpose of this regulation is to establish uniform, reasonable, and nondiscriminatory standards for the placement, installation, modification, and operation of Small and Macro Cell wireless facilities within Oldham County, consistent with federal and state law.

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## Section 2. Definitions

**Antenna** Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services, including similar equipment used for transmission or reception of surface waves.

**Antenna Equipment** switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna and located at the same fixed location, consistent with 47 CFR §1.1320(d).

**Asbestos Testing** (or a survey) before conducting renovation or construction activities on a structure built before the 1980s. Under US EPA and OSHA regulations, a thorough inspection is necessary to identify potential asbestos-containing materials (ACMs).

**Collocation**, consistent with section 1.1320(d) and the Nationwide Programmatic Agreement (NPA) for the Collocation of Wireless Antennas, Appendix B of this part, section I.B, means:

- Mounting or installing an antenna facility on a pre-existing structure, and/or
- Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

**Communications Network** A network of antennas and related facilities used to provide Communications Service also known as a Network cluster.

**Distributed Antenna Systems (DAS)** use a centralized, multi-carrier, high-capacity system to distribute signals over large areas.

**Femtocells** are small, low-power cellular base station designed to improve indoor signal quality for homes or small businesses

**Historic District** A structure or place of outstanding historical and cultural significance and designated as such by the federal, state or local government..

**Lead Based Paint Testing** when collocating if the work involves drilling, cutting, or welding on older structures (pre-1978) ensuring compliance with OSHA's Lead in Construction Standard (29 CFR 1926.62)

**Micro Cells** are low-power cellular base stations designed to provide targeted, high-capacity coverage for small geographic areas like city blocks, malls, or office buildings. These facilities are usually used to boost cellular network capacity and coverage outdoors in urban environments.

**Macro Cell** defined as:

- The facilities:
  - are mounted on structures greater than 50 feet or
  - more than 10 percent taller than other adjacent structures, or
  - extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- Each antenna associated with the deployment, excluding associated antenna equipment is more than three cubic feet in volume.
- All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is more than 28 cubic feet in volume.

**NEPA Checklist** is a checklist used as a regulatory tool by federal agencies to ensure projects comply with the National Environmental Policy Act (NEPA) documenting compliance with the following:

- Wilderness Areas and Wildlife Preserves [47 CFR § 1.1307(a)(1) & 47 CFR § 1.1307(a)(2)]
- Protected, listed threatened, or endangered species or designated critical habitats [47 CFR § 1.1307(a)(3)]
- Historic Properties [47 CFR § 1.1307(a)(4)]
- Indian Religious Sites [47 CFR § 1.1307(a)(5)]
- Floodplains [47 CFR § 1.1307(a)(6)]
- Significant Change in Surface Features [47 CFR § 1.1307(a)(7)]
- High Intensity White Lights [47 CFR § 1.1307(a)(8)]
- Radiofrequency Exposure [47 CFR § 1.1307(b)]
- FCC Antenna Structure Registration (ASR) [47 CFR §17.4]

**Phase I Environmental Site Assessment (ESA)** is used to identify potential contamination (e.g., in the soil) that could present risks during construction or create future liability for the carrier under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**Picocells** are a small, low-power wireless base station installed by carriers to enhance cellular coverage and capacity, typically covering a 100 to 300-meter radius (approx. 300 to 1,000 feet) typically used in office settings.

**Right-of-Way (ROW)** The area through, upon, over, or under a public street, highway, sidewalk, alley, or similar property owned or controlled by Oldham County, excluding federal interstate highways.

**Small Wireless Facility** A facility that meets all of the following:

- Mounted on structures 50 feet or less in height, or no more than 10 percent taller than adjacent structures.
- Each antenna is no more than three (3) cubic feet in volume.
- Associated equipment is no more than twenty-eight (28) cubic feet in total volume (excluding meters, grounding equipment, concealment, demarcation boxes, backup power systems, and cut-off switches).
- Does not require FCC Antenna Structure Registration.
- It is not located on Tribal lands.
- Small Wireless Facilities include femtocells, picocells, and microcells.

**Support Structure** means a building, billboard, or any other structure in the ROW to which an antenna is or may be attached. A “Support Structure” shall not include an electric transmission structure or pole.

**Technically Feasible** Capable of being implemented without materially reducing the functionality of the Wireless Facility based on sound engineering principles.

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## TELECOMMUNICATION ANTENNA TOWERS (SMALL CELL)

### Section 3. Permit Required

No person shall install, collocate, modify, or replace a Small Wireless Facility or supporting pole without first obtaining a Small Wireless Facility Permit.

**Administrative Review.** Oldham County shall perform an administrative review of Applications including the location or installation of new, modified, or replacement Poles and/or Support Structures and the Collocation of Small Wireless Facilities and equipment on Poles or Support Structures. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.

- Oldham County may require that a proposed Small Wireless Facility or new, modified, or replacement Pole be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) than existing facilities, structures, equipment, and Poles located within five hundred (500) linear feet on the same ROW as the subject Small Wireless Facility, Pole, or Support Structure.
- Where Small Wireless Facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low-profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by Oldham County upon showing that the particular location of a Small Wireless Facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.

**Planning Commission Review.** A Conditional Use Permit will be required on all new poles or any other Small Cell Facility cannot meet all of the guidelines defined in the Small Cell Ordinance.

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#### **Section 4. Application Requirements**

**Application Requirements.** A complete application shall be made by the Applicant, or its duly authorized representative and shall contain but not limited to the following:

Applicants shall submit for each facility part of this application:

- A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed. Information should include the following:
  - Request type for each facility (New Site, Replacement, Modification, Colocation or other)
  - Zoning
  - Proposed Height
  - Ground Elevation
  - Cumulative Equipment Volume
  - Cumulative Antenna Volume
  - Will backhaul be wireline or wireless
  - Photographs of the existing and proposed location.
- Applicants project identifier.
- Antenna Structure Registration (ASR) if required by the FAA.

- Request type for each facility (New Site, Replacement, Modification, Collocation or other)
- Identify if the facility is in a Public Right-of-Way
- For any new above-ground facilities, visual depictions or representations if such are not included in the construction drawings.
- Information indicating the approximate horizontal and vertical locations, relative to the boundaries of the ROW, of the Small Wireless Facility for which the Application is being submitted.
- If the Small Wireless Facility will be Collocated on a Pole or Support Structure owned by a third party, other than an Oldham County Pole, a certification that the Wireless Provider has permission from the owner to Collocate on the Pole or Support Structure.
- If the Application is for the installation of a new Pole or replacement of a Decorative Pole, a certification that the Wireless Provider has determined after diligent investigation that it cannot meet the service objectives of the Application by Collocating on an existing Pole or Support Structure on which:
  - The Wireless Provider has the right to Collocate subject to reasonable terms and conditions; and
  - Such Collocation would be Technically Feasible and would not impose significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith and shall provide a written summary of the basis for such determination.
- Documentation regarding testing for Asbestos (ACM) and Lead Based Paint (LBP) as required.
- A copy of the Phase 1 and/or any other hazardous materials testing performed on site as required.
- FCC NEPA Checklist and documentation ensuring compliance with the following:
  - Wilderness Areas and Wildlife Preserves [47 CFR § 1.1307(a)(1) & 47 CFR § 1.1307(a)(2)]
  - Protected, listed threatened, or endangered species or designated critical habitats [47 CFR § 1.1307(a)(3)]
  - Historic Properties [47 CFR § 1.1307(a)(4)]
  - Indian Religious Sites [47 CFR § 1.1307(a)(5)]
  - Floodplains [47 CFR § 1.1307(a)(6)]
  - Significant Change in Surface Features [47 CFR § 1.1307(a)(7)]
  - High Intensity White Lights [47 CFR § 1.1307(a)(8)]
  - Radiofrequency Exposure [47 CFR § 1.1307(b)]

**Administrative Review.** Oldham County shall perform an administrative review of Applications including the location or installation of new, modified, or replacement Poles and/or Support Structures and the Collocation of Small Wireless Facilities and equipment

on Poles or Support Structures. Review factors, in addition to location, shall include the size, shape, color, texture, and materials of the structures and attachments.

- Oldham County may require that a proposed Small Wireless Facility or new, modified, or replacement Pole be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) than existing facilities, structures, equipment, and Poles located within five hundred (500) linear feet on the same ROW as the subject Small Wireless Facility, Pole, or Support Structure.
- Where Small Wireless Facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low-profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by Oldham County upon showing that the particular location of a Small Wireless Facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.

#### **Maximum Size of Permitted Use.**

- New Small Wireless Facilities (including any related Antenna) in the ROW may not extend more than ten feet above an existing Pole in place as of the effective date of this Ordinance, or for Small Wireless Facilities (including any related Antenna) on a new Pole, above the height permitted for a new Pole pursuant to this section.
- Each new, modified, or replacement Pole installed in the ROW may not exceed the greater of ten feet in height above the tallest existing Pole in place as of the effective date of this Ordinance located within five hundred feet of the new, modified, or replacement Pole in the same ROW, or fifty feet above ground level, except in Design Districts and Historic Districts where the height limit is forty feet above ground level.
- For Applications to place Poles in residential zoning districts to deploy Small Wireless Facilities, Oldham County may propose an alternate location in the ROW within one hundred fifty feet of the location set forth in the Application, and the Wireless Provider shall use Oldham County's proposed alternate location unless the location is not Technically Feasible or imposes significant additional costs. The Wireless Provider shall certify that it has made such a determination in good faith, based on the assessment of an engineer licensed in Oldham County, and it shall provide a written summary of the basis for such determination.
- Collocation is not allowed on a Decorative Pole less than twenty feet in height.
- New Poles are not permitted in a corridor where there are existing Poles that can be used, modified, or replaced to allow the proposed Collocation, unless the Applicant can demonstrate that
  - it is not Technically Feasible to use, modify, or replace such existing Poles; or such use, modification, or replacement would impose significant additional costs on the Wireless Provider, as certified by the Wireless Provider in good

- faith and based on the assessment of an engineer licensed in Oldham County along with a written summary of the basis for the certification; or
- A new Pole may be placed in a manner that will cause no more interference with the ROW and will have no more of an impact on the overall appearance of the corridor and on adjoining properties than would the use, modification, or replacement of an existing Pole.

**Application Fees.** Oldham County hereby determines that the following Fees for Applications are reasonable and nondiscriminatory and do not recover more than Oldham County's direct costs for processing an Application. For each Application, Oldham County hereby imposes Fees as follows, five hundred dollars (\$500) for the first five Small Wireless Facilities in the same Application and one hundred dollars (\$100) for each additional Small Wireless Facility in the same Application.

**Consultant Fees.** To the extent that Oldham County engages one or more consultants to assist in review of Applications, Oldham County shall impose a Fee for such Applications to the extent permitted by, and calculated in accordance with, S.C. Code Section 58-11-850(D)(4).

## **Section 5. Consolidated Applications**

- Applicants may submit a single consolidated application for:
    - Up to thirty (10) Small Wireless Facilities
    - Within a geographic area not exceeding two (2) miles in diameter
    - The County shall issue a single permit covering all approved facilities.
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## **Section 6. Review Timeline**

- 60 days for collocation on existing structures
  - 90 days for installation of a new or replacement pole
  - If the County fails to act within the required timeframe, the application may be deemed approved in accordance with federal law.
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## **Section 7. Design and Aesthetic Standards**

- Small Wireless Facilities shall:
    - Not extending more than 10 feet above an existing pole.
    - Not exceed 50 feet in total height (40 feet in Historic or Design Districts).
    - Be painted or manufactured in colors compatible with surrounding poles;
    - Use reasonable stealth or concealment techniques when required.
    - Avoid interference with traffic control, ADA access, or public safety equipment.
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### **Section 8. Alternative Locations**

- If a new pole is proposed, the County may suggest an alternative location within:
    - 50 feet (general small cell review), or
    - 150 feet (Underground, Design, or Historic Districts).
  - The applicant must use the alternative unless it is not Technically Feasible or imposes significant additional cost.
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### **Section 9. Abandonment and Removal**

- If a Small Wireless Facility is abandoned:
    - Written notice must be provided.
    - Facilities must be removed within 180 days.
  - The County may remove abandoned facilities and recover documented costs.
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### **Section 10. Attachment to County Poles**

- Annual attachment rate: \$50 per year per Small Wireless Facility.  
Make-ready costs shall be actual, reasonable, and nondiscriminatory.
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## **TELECOMMUNICATION ANTENNA TOWERS (MACRO TOWERS)**

This Division applies to towers exceeding Small Wireless Facility thresholds.

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### Planning Commission Review Required

- A macro telecommunications tower may be permitted in any zoning district only upon Planning Commission approval.
  - The Commission shall:
    - Review consistency with the Comprehensive Plan
    - Require reasonable co-location efforts
    - Issue decision within 60 days
    - Failure to act within 60 days results in deemed approval.
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### Application Requirements

- Applicants shall submit:
- The full name and address of the applicant.
- A grid map showing the location of all existing telecommunication antenna towers and indicating the general position of proposed construction sites for new telecommunication antenna towers within an area that includes:
  - All of the planning unit's jurisdiction; and
  - A one-half (0.5) mile area outside the boundaries of the planning unit's jurisdiction, if that area contains either existing or proposed construction sites for telecommunication antenna towers.
- A statement that the applicant has considered the likely effects of the installation on nearby land uses ~~and values~~ and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure, including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an

existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities; and

- A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which the antenna tower should, pursuant to radio frequency requirements, be located
- ~~The applicant's articles of incorporation, if applicable.~~
- A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, including boring logs and foundation design recommendations.
- A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas.
- ~~Directions from the county seat to the proposed site, including highway numbers and street names if applicable, with the telephone number of the person who prepared the directions; Oldham County Comprehensive Zoning Ordinance Division 340 Antenna Towers for Telecommunications Services or Personal Communications Services 241~~
- ~~The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the County Clerk, an applicant may file a copy of the agreement as recorded by the County Clerk, and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);~~
- The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
- A site development plan that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system.
- A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas.

- The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky.
- A map, drawn to a scale no less than one-inch equals two hundred feet (1"=200'), that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower.
- A statement that every person who, according to the records of the Property Valuation Administrator, owns property within five hundred (500) feet of the proposed tower or property contiguous to the site upon the tower is proposed to be constructed, has been:
  - Notified by ~~certified~~-mail, ~~return receipt requested~~; of the proposed construction which notice shall include a map of the location of the proposed construction.
  - Given the telephone number and address of the local planning commission; and
  - Informed of his or her right to participate in the Commission's proceedings on the application.
- A list of the property owners who received the notice, together with copies of the letters sent to the listed property owners.
- ~~• A statement that the Chief Executive Officer of the affected local governments and their legislative bodies have been notified, in writing, of the proposed construction.~~
- ~~• A copy of the notice sent to the Chief Executive Officer of the affected local governments and their legislative bodies.~~
- A statement that:
  - A written notice, of durable material at least two feet by four feet in size, stating the "[Name of Applicant] proposed to construct a telecommunications tower on this site" and including the address and telephone numbers of the applicant and the Commission, has been posted and shall remain in a visible location on the proposed site until final disposition of the application, and
  - A written notice, at least two feet by four feet in size, stating that "[Name of Applicant] proposes to construct a telecommunications tower near this site"

and including the address and telephone numbers of the applicant and the Commission, has been posted on the public road nearest the site; Oldham County Comprehensive Zoning Ordinance Division 340 Antenna Towers for Telecommunications Services or Personal Communications Services 242 18. A statement that notices the location of the proposed construction has been published in a newspaper of general circulation in the county in which the construction is proposed.

- A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved.
- Documentation regarding testing for Asbestos (ACM) and Lead Based Paint (LBP).
- A copy of the Phase 1 and/or any other hazardous materials testing performed on site.
- FCC NEPA Checklist and documentation ensuring compliance with the following:
  - Wilderness Areas and Wildlife Preserves [47 CFR § 1.1307(a)(1) & 47 CFR § 1.1307(a)(2)]
  - Protected, listed threatened, or endangered species or designated critical habitats [47 CFR § 1.1307(a)(3)]
  - Historic Properties [47 CFR § 1.1307(a)(4)]
  - Indian Religious Sites [47 CFR § 1.1307(a)(5)]
  - Floodplains [47 CFR § 1.1307(a)(6)]
  - Significant Change in Surface Features [47 CFR § 1.1307(a)(7)]
  - High Intensity White Lights [47 CFR § 1.1307(a)(8)]
  - Radiofrequency Exposure [47 CFR § 1.1307(b)]
  - Antenna Structure Registration (if applicable)

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### **Design Standards for Towers**

- All structures, except fences, shall be located at least fifty (50) feet from the property line of any residentially zoned property and shall, in other circumstances, observe the yard requirements of the district in which they are located.
- The outside perimeter of the security fence surrounding the antenna tower shall be provided with a landscape buffer. The buffer is to be a minimum of twenty (20) feet

in width and contains a continuous evergreen screen that will achieve a minimum of twenty (20) feet in height.

- Any monopole, guyed, lattice, or similar type telecommunication antenna tower and any alternative telecommunication antenna tower structure similar to these towers, such as light poles, shall be ~~maintained in either galvanized steel finish or be painted light gray or light blue in color~~ painted and maintained in a color that blends in with surrounding environment. Alternate sections of aviation orange and aviation white paint may be used ONLY when the FAA finds that none of the alternatives to such marking are acceptable.
- A telecommunication antenna tower or alternative telecommunication antenna tower structure may be constructed to a maximum height of two hundred (200) feet regardless of the maximum allowed height for the district in which it is located. This also applies to any tower taller than fifteen (15) feet constructed on top of another building, with the height being the overall height of building and tower together measured from the grade to the highest point. When any telecommunication antenna tower or alternative telecommunication antenna tower structure is Oldham County Comprehensive Zoning Ordinance Division 340 Antenna Towers for Telecommunications Services or Personal Communications Services 245 taller than the distance from its base to the nearest property line, the applicant shall furnish the Commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of seventy (70) miles per hour in accordance with ANSI/EA/TAI standards. When a tower taller than fifteen (15) feet constructed on top of another building results in the overall height of the building and tower, including any antenna, being greater than the distance from the base of the building to the nearest property line, the applicant shall furnish to the Commission this same certification.
- A telecommunication antenna tower or alternative telecommunication antenna tower structure may be artificially lighted when required and per FAA requirements. ~~ONLY with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than twenty (20) flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than twenty (20) flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L866), high intensity flashing white lights (FAA type L-856 or L-857), or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L865) may be used ONLY when the FAA specifies that the~~

~~specific lighting pattern is the ONLY lighting pattern acceptable to promote aviation safety.~~

- The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be only from access points approved by the applicable Works Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle.
- The site shall be enclosed by an eight (8) foot high security fence, and the fence may be located in any required yard at any height, but not in the sight triangle described in Section 240-180.
- ~~Any site to be purchased or leased for the installation of a telecommunication antenna tower or alternative telecommunication antenna tower structure and ancillary facilities shall comply with the minimum lot size requirements of the district in which the site is located.~~
- The facility shall comply with the FCC's regulations concerning radio frequency emissions. To the extent that the facilities do not comply with the FCC's regulations, the Commission may establish additional requirements based on the environmental effects of radio frequency (See P.L. 104-104, sec. 704).
- If the use of any telecommunication antenna or telecommunication antenna tower or alternative telecommunication antenna tower structure is discontinued, the owner shall provide the Commission with a copy of the notice to the FCC with the intent of cease operations within thirty (30) days of such notice to the FCC. If the telecommunication antenna or telecommunication antenna tower or alternative telecommunication antenna tower structure will not be reused, the owner shall have one hundred eighty (180) days from submittal of the FCC notice to the Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the telecommunication antenna or telecommunication antenna tower or alternative telecommunication antenna tower structure is to be reused, the owner shall no more than twelve (12) months from submittal to the FCC notice of the Commission in which to commence new operation of the antenna or tower to reused. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the telecommunication antenna Oldham County Comprehensive Zoning Ordinance Division 340 Antenna Towers for Telecommunications Services or Personal Communications Services 246 or telecommunication antenna tower or alternative telecommunication antenna tower

structure shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the antenna or tower that is presumed abandoned. If the owner fails to remove an antenna or tower in the time provided by this paragraph, the Commission may cause the demolition and removal of the antenna or tower to recover its costs of demolition and removal from the Guarantee deposited by the applicant pursuant to this section.

- The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state or local agency. ~~Such signs shall not exceed five (5) square feet in area~~

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~~• **Removal Guarantee**~~
- ~~Applicants shall provide:~~
- ~~Letter of credit or performance bond~~
- ~~Amount sufficient to cover demolition and removal~~
- ~~Facilities not reused within 12 months are presumed abandoned and must be removed.~~