

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO
AMEND SECTION 223-24.5 AND SECTION 223-63 OF THE CODE OF
THE
CITY OF BEACON**

A LOCAL LAW to amend Section 223-24.5 of Code of the City of Beacon, concerning Wireless telecommunication services facilities.

BE IT ENACTED by the City Council of the City of Beacon as follows:

SECTION 1. Chapter 223, Article VI, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add and amend the following definitions:

ACCESSORY EQUIPMENT

Any equipment servicing or being used in conjunction with a wireless telecommunications facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds.

ANTENNA

A system of electrical conductors that transmits or receives electromagnetic waves or radio frequencies signals. Such waves shall include but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS) and microwave telecommunications. ~~Any system of wires, poles, rods, reflecting dishes or similar devices used for the transmission, reception or both of electromagnetic radiation waves, including but not limited to satellite antennas and amateur radio antennas, which are not fully enclosed within a building.~~

BASE STATION

A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications

network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
- (iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the City of Beacon pursuant to this section, supports or houses equipment described in paragraphs (i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support.
- (iv) The term does not include any structure that, at the time the relevant application is filed with the City of Beacon under this section, does not support or house equipment described in paragraphs(i)-(ii) of this section.

COLLOCATION CO-LOCATION

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. The installation of two or more wireless telecommunication services antennas and related appurtenances on the same monopole or tower. For purposes of this chapter, the installation of two or more structurally mounted wireless telecommunication services antennas on the same building or structure other than a monopole or tower, or the installation of two or more wireless telecommunication services facilities in different locations on the same site, shall not be considered co-location.

DISTRIBUTED ANTENNA SYSTEM (DAS)

A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

ELIGIBLE FACILITIES REQUEST

Any request for modification of an existing Tower or Base Station that does not substantially change the physical dimensions of such tower or base station, involving (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE.

Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the City of Beacon.

MONOPOLE

A tower which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennas and connect appurtenances. A freestanding pole having a single point of location on the ground comprising a part of a wireless telecommunication services facility. For purposes of this chapter, the term "monopole" shall include all other components of the wireless telecommunication services facility.

PUBLIC RIGHT-OF-WAY

The surface of and space above and below any real property in the municipality in which the City of Beacon has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the City of Beacon, and any non-exclusive public or utility easements established, dedicated, platted, improved or devoted for utility purposes.

RADIO TOWER

Any tower, edifice, pole or other structure, other than a wireless telecommunication services facility (as defined herein), designed to be used for the transmission and/or reception of radio signals, television signals or other electronic impulses and having a height at any point greater than 15 feet from the base or lowest point of said tower, edifice, pole or structure and constructed, installed or maintained on or above the ground or on a residential building on private property.

SMALL CELL WIRELESS TELECOMMUNICATIONS FACILITY OR SMALL CELL

Small cells are low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces. A small cell facility meets both the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed element, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than 17 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.

SUBSTANTIAL CHANGE

A modification substantially changes the physical dimensions of an eligible support structure (tower or base station) if it meets any of the following criteria:

1. The mounting of the proposed antenna on existing towers, other than towers in the public rights-of-way, would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater.
2. the mounting of the proposed antenna would involve the installation of more than the standards number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;
3. The mounting of the proposed antenna would involve adding an appurtenance to the body of existing towers, other than towers in the public rights-of-way, that would protrude from the edge of the towers more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet, except that the mounting of the proposed antenna may exceed the size limits herein if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable;
4. The mounting of the proposed antenna would involve excavation outside the current existing structure site, defined as the current boundaries of the leased or owned property surrounding the existing structure and any access or utility easements currently related to the site;
5. The modification defeats concealment and/or stealth elements of the support structure; or
6. The modification does not comply with prior conditions of the approval for the existing structure and/or site; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

TOWER

Any structure built for the sole or primary purpose of supporting any licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

UTILITY POLE

A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control, signage, or a similar function regardless of ownership, including City-owned poles. Such term shall not include structures supporting only Wireless Telecommunication Service Facilities. Any pole in excess of 50 feet shall be deemed a tower.

WIRELESS TELECOMMUNICATION SERVICES FACILITY

~~Any equipment used in connection with the commercial operation of wireless telecommunication services, as defined herein, and as the term "personal wireless services facility" is defined in the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. § 332(e)(7)(C), or as hereafter amended, to transmit and/or receive frequencies, including but not limited to antennas, monopoles, towers, equipment, appurtenances and structures. A structure, facility or location designed or intended to be used as, or used to support, antennas. It includes, without limit, freestanding towers, guyed towers, monopoles, small cell telecommunication facilities on utility poles in the public right-of-way or property of the City of Beacon or of another municipal corporation within the City of Beacon and similar structures that employ camouflage technology, including but not limited to structures such as a multistory building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services or microwave telecommunications, but excluding those used exclusively for dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.~~

WIRELESS TELECOMMUNICATIONS PROVIDER

A wireless telecommunications infrastructure provider or a wireless telecommunications services provider.