

Proposed Amendments to Part II. Code of Ordinance
Chapter 8. Building & Building Regulations; Article VI. Wireless Telecommunications

Sec. 8-245. Purpose and Intent

Historically, towers and wireless facilities (collectively known as Facilities) inherently create the potential for fatalities, physical injury and property damage. To protect the public, workers and private property owners against the dangers inherent with the presence of towers, other wireless support structures and wireless facilities, it is necessary to establish reasonable regulations and measures precedent to obtaining a Building permit for work associated with a tower or other wireless support structure or a wireless facility that is not Routine Maintenance. Therefore, the following requirements are established for applications for non-substantial co-locations and modifications as defined by applicable State law.

Sec. 8-246. Definitions

- (a) *Co-location* means attaching a component(s) of a wireless facility to an existing structure.
- (b) *Modification re a Tower or other Support Structure* means anything that
 - i) changes the loading and stresses placed on the support structure; or ii) changes the profile or size of the structure vertically or horizontally; or iii) results in changes to the lateral or vertical support of the structure, such as, but not limited to, changes in or to support guy wires or their anchors ; or iv) changes in the means of attachment to the foundation or changes in the size, shape or type foundation.
- (c) *Modification re Wireless Facility* means a change in or addition of equipment that
 - i) results in different dimensions than the existing equipment; ii) is of a different color than the existing equipment; iii) is expressly intended to enable an increase in revenue for the service provider; iv) increases the compensation paid to the owner or manager of the support structure.
- (d) *Need* means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the narrative of the Application. Necessary does not mean what may be desired or preferred.
- (e) *Routine Maintenance* means work necessary to assure that a wireless facility and/or support structure exists and operates
 - i) reliably and in a safe manner; ii) presents no threat to persons or property; and iii) remains compliant with the latest editions and amendments of all applicable laws, codes, rules and regulations, but does not change the number, types or levels of service provided and is not done for the purpose of enabling increased revenue for the wireless service provider or the owner of the support structure.
- (f) *In-Kind Replacement* means replacing a component(s) that is malfunctioning with a properly functioning component of the same weight and dimensions and that does not enable an increase in revenue for the service provider or increase the compensation paid to the owner or manager of the support structure.

Sec. 8-247. Building Permit Requirements

- (a) A building permit shall be required for any work that is not Routine Maintenance as defined in this section and that constitutes a Non-substantial Modification or co-location as defined in this section.
- (b) No building permit shall be required for Routine Maintenance, nor for work that does not constitute a Modification or Co-location, all as defined in this Section.
- (c) The following shall be required in an application for and prior to obtaining a Building Permit (Permit). No Building Permit shall be issued until the requirements of this Section have been complied with. No work related to a Modification or Co-location may be performed without having obtained a valid and properly issued Building Permit.
- (d) If deemed necessary, a site visit shall be conducted and a Pre-Application meeting shall be held for all intended applications. At or before the Pre-Application meeting, the Applicant shall be provided instructions for completing an Application. Said instructions shall be controlling as regards the form and substance of the issues addressed in the Application and must be followed. Applications submitted that do not follow the instructions shall be deemed incomplete. Prior to the site visit and the Pre-Application meeting, the Applicant shall prepare and submit a Project Information Form provided by the Town and the required fee, but shall not submit the Application at that time;
- (e) For the co-location, modification or upgrade of a wireless facility that qualifies as an Eligible Facilities request under applicable law, the following information shall be required to be contained in an application for a Building Permit:
 - (1) Safety
 - i. The age of the Tower or other support structure in years, including the date of the grant of the original permit;
 - ii. A description of the type of Tower, e.g. guyed, self-supporting lattice or monopole, or a description of the other type of support structure;
 - iii. A detailed narrative description and explanation of the specific objective(s) of the new equipment, expressly including and explaining the purpose of such, such as coverage and/or capacity, technical requirements, frequencies to be used and the identified boundaries of the specific geographic area of intended coverage;
 - iv. Technical documentation that shows by clear and convincing technical evidence that the Need for the requested height is Necessary to provide the type and coverage of the service primarily and essentially within the Town using generally accepted industry methods;
 - v. Certified documentation in the form of a structural analysis and report, including all supporting calculations, showing that the Facility, as designed, will meet all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to, the North Carolina Building Code and all applicable ANSI (American National Standards Institute) TIA 222 guidelines. In the event of a conflict, the more stringent shall apply;

- vi. a copy of the installed foundation design, including a geotechnical sub-surface soils investigation report and foundation design recommendation for the Tower or other structure;
- vii. Certified documentation regarding the physical situation and physical condition of all equipment and facilities at the site in the form of a report based on an on-site inspection, done pursuant to and in compliance with the latest version of TIA/ANSI 222. The inspection must be done by a qualified individual experienced in performing such inspections and the report must be signed by an individual with authority to order any needed remediation or resolution of issues;
- viii. All of the modeling information (i.e. data) inputted into the software used to produce the evidence used to determine the Needed height, including, but not limited to any assumptions made such as ambient tree height;
- ix. A copy of the FCC licenses for each frequency band applicable for the intended use of the Wireless Telecommunications transmission and/or receive equipment;
 - x. The frequency, modulation and class of service of radios or other transmitting and receiving equipment;
 - xi. The maximum transmission power capability at which each type of radio is designed to operate;
 - xii. The actual intended transmission power stated as the maximum effective radiated power (ERP), both in dBm's and watts;
- xiii. The number, type and model of the Antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas;
- xiv. A statement from the owner of the Facility certifying that the Facility and all attachments thereto are currently in compliance with the conditions of the approved Special Use Permit, Conditional District or setting forth any non-compliant situation.

(2) Ownership and Management

- i. The Name, address and phone number of the person preparing the Application;
- ii. The Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all Necessary contact information shall be provided;
- iii. The Postal address and tax map parcel number of the property;
- iv. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.

(3) Construction

- i. The total cost of construction and the value of all new and replacement components and equipment.
- ii. In certain instances the Town may deem it appropriate to have an on-site RF survey of the facility done after the construction or Modification and activation of the Facility, such to be done under the direction of the Town

or its designee, and an un-redacted copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance.

Sec. 8-248. Attachments

- (a.) Attachments to Buildings: To preserve and protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a building or other structure with a facade, the antennas shall be mounted on the facade without increasing the height of the building or other structure, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the structure.
- (b.) Attachments to Water Tanks: If attaching to a water tank, in order to maintain the current profile and height, mounting on the top of the tank or the use of a corral shall only be permitted if the Applicant can prove that to locate elsewhere less visually on the tank will prohibit or have the effect of prohibiting the provision of service. The provisions of Subsection (9) of this section shall also apply to any attachment to a water tank.
- (c.) Profile: So as to be the least visually intrusive reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect, all antennas attached to a Tower or other structure shall be flush mounted or as near to flush mounted as is possible so as to create the smallest profile reasonably possible under the facts and circumstances, unless it can be proven that such would prohibit or serve to prohibit the provision of service or be technologically impracticable.