

Chapter 107

TELECOMMUNICATIONS FACILITIES

ARTICLE I Statutory Authority and Legislative Intent

- § 107-1. Statutory authority.
- § 107-2. Legislative intent.

ARTICLE II Definitions

- § 107-3. Words and terms defined.

ARTICLE III Permitted Locations, Approvals and Bulk Requirements

- § 107-4. Issuance of permits and approvals required.
- § 107-5. "Collocated/existing structure antennas" defined.
- § 107-6. Approvals and bulk requirements for collocated/existing structure antennas.
- § 107-7. Approvals and bulk requirements for all other telecommunications facilities.

ARTICLE IV Tower Special Use Permit and Application

- § 107-8. Planning Board as issuing/lead agency.
- § 107-9. Content of application.
- § 107-10. Building permit requirements.

ARTICLE V Telecommunications Facility Permit Standards

- § 107-11. Criteria considered; conditions.
- § 107-12. Siting preferences.
- § 107-13. Aesthetics.
- § 107-14. Radio frequency.
- § 107-15. Traffic, access and safety.
- § 107-16. Removal of tower.
- § 107-17. Structural safety inspections.
- § 107-18. Maintenance of telecommunications facility.

ARTICLE VI Exemptions

- § 107-19. Exemptions enumerated.

ARTICLE VII Procedure

- § 107-20. Conflict with other laws.

ARTICLE VIII Enforcement; Penalties for Offenses

- § 107-21. Enforcement; penalties for offenses.

ARTICLE IX Severability

- § 107-22. Severability.

ARTICLE X
Effective Date

§ 107-23. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Owego 3-3-1998 by L.L. No. 3-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 125.

ARTICLE I
Statutory Authority and Legislative Intent

§ 107-1. Statutory authority.

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York and the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Owego, County of Tioga and State of New York, has ordained and does hereby enact this chapter regulating and restricting the location, size and use of telecommunications facilities and their accessory structures in the Town of Owego.

§ 107-2. Legislative intent.

The Town of Owego recognizes the increased demand for wireless communication transmitting facilities and the need for the services they provide. Often these facilities require the construction of a communications tower and/or similar facilities. The intent of this chapter is to regulate the location, construction and modification of the telecommunications facilities in accordance with the guidelines of the Telecommunications Act of 1996 and other applicable laws by:

- A. Accommodating the need for telecommunications towers/antennas while regulating their location and number in the community.
- B. Minimizing adverse visual impacts of these tower/antennas through proper siting, design and screening.
- C. Preserving and enhancing the positive aesthetic qualities of the natural environment and current development in the Town of Owego.
- D. Providing for the health, safety and welfare of the community by avoiding potential damage or other negative impact to adjacent properties from power failure, falling ice, etc., through proper siting and engineering.
- E. Requiring the joint use of towers when available and encouraging the placement of antennas on existing structures to minimize the number of such structures in the future.

ARTICLE II
Definitions

§ 107-3. Words and terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE — A nonhabitable accessory facility or structure serving or being used in conjunction with a communications tower and/or similar facility and usually located on the same lot as the communications tower. Examples of such structures include utility or transmission equipment storage sheds or cabinets. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the site unless otherwise permitted in the zoning district in which the facility is located.

ANTENNA — A system of electrical conductors that transmit or receive frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, digital and/or data communications, personal wireless communication services (PWS) and microwave communications.

TELECOMMUNICATIONS FACILITIES — Towers and/or antennas and accessory structures together used in connection with the provision of cellular telephone service, personal communications services, digital and/or data communication services, paging services, radio and television broadcast services and similar broadcast services. (Also referred to as "facilities" or "equipment.")

TOWER — A structure designed to support antennas. It includes, without limit, freestanding towers, guyed towers, monopoles and similar structures which do or which do not employ camouflage technology.

ARTICLE III

Permitted Locations, Approvals and Bulk Requirements

§ 107-4. Issuance of permits and approvals required.

No telecommunications facility shall be sited, located, constructed, erected or modified without the issuance of a building permit and such other permits or approvals as are prescribed in this chapter.

§ 107-5. "Collocated/existing structure antennas" defined.

A "collocated/existing structure antenna" shall be defined as any antenna that will be mounted to an existing communications tower, smokestack, water tower or other existing structure, and extends no more than 15 feet above the height of the existing structure.

