

2025-02

**AN ORDINANCE OF THE BOROUGH OF HADDONFIELD, COUNTY OF CAMDEN, STATE OF NEW JERSEY TO AMEND CODE CHAPTER 135 ENTITLED LAND DEVELOPMENT**

**BE IT ORDAINED** by the Board of Commissioners of the Borough of Haddonfield in the County of Camden, State of New Jersey as follows:

**SECTION I**

**ARTICLE XVI Wireless Telecommunications**

Applicability; Definitions

§ 135.30. Applicability.

In the Borough of Haddonfield, personal wireless service facilities shall be erected, altered, maintained, used, or removed only in compliance with the provisions of this chapter.

§ 135.31. Definitions.

A. Applicability of definitions. Words defined in Article II of Chapter 135, Land Development, of the Code of the Borough of Haddonfield shall apply to this chapter in addition to the following definitions more specifically applicable to this chapter.

B. Additional definitions. As used in this chapter, the following terms shall have the meanings indicated:

**ACTION** (Personal Wireless Service Facility) – A siting authority’s grant of a siting application or issuance of a written decision denying a siting application.

**ANTENNA** – An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to the Federal Communications Commission (FCC) authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station or device authorized under part 15 of Chapter I, Title 47 of the Code of Federal Regulations.

**ANTENNA EQUIPMENT** – Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, is mounted or installed at the same time as such antenna.

**ANTENNA FACILITY** – An antenna and associated antenna equipment.

APPLICANT (Personal Wireless Service Facility) - A person or entity that submits a siting application and the agents, employees, and contractors of such person or entity.

APPLICATION (Personal Wireless Service Facility) – A written submission to a siting authority requesting authorization for the deployment of a personal wireless service facility at a specified location.

AUTHORIZATION (Personal Wireless Service Facility) – Any approval the Planning Board issues under applicable law prior to the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit.

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 include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in A. and B. below. The term also does not encompass a tower as defined in the Definitions. Examples include transmission equipment mounted on a rooftop, water tank, silo or other above ground structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base Station" includes, but is not limited to:

- A. 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; and
- B. 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); and
- C. Any structure other than a tower that, at the time the relevant application is filed with the State or local government, supports or houses equipment described in this Glossary that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

COLLOCATION (on an eligible support structure) – 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.

COLLOCATION (on a new base station) – Mounting or installing transmission equipment on a pre-existing structure; and/or modifying a structure for the purpose of mounting or installing an antenna on that structure.

CONCEALMENT - A tower or base station that is not readily identifiable as a personal wireless service facility and where all personal wireless facility antennas are hidden on the base station and internal to the tower; and is designed to be aesthetically compatible with existing and proposed buildings(s) and uses on a site or area. Concealment examples include but are not limited to faux dormers, chimneys, façades, parapets, steeples, and unipoles.

DEPLOYMENT – The placement, construction, or modification of a personal wireless service facility.

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:

- A. Collocation of new transmission equipment; or
- B. Removal of transmission equipment; or
- C. Replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE – Any tower or base station as defined in this Glossary, provided that it is existing at the time the relevant application is filed with the State or local government.

EXISTING (Personal Wireless Service Facility) – A constructed tower or base station is existing for purposes of this Glossary if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

FACILITY – See Personal wireless service facility.

FALL ZONE – The area on the ground within a prescribed radius from the base of a personal wireless facility. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.

HEIGHT (Personal Wireless Service Facility) - The linear distance from the rooftop or side of structure where the antenna is attached to the base station or tower and the ground level. For new and replacement utility poles and new and replacement towers the linear distance from the ground level to the highest physical point on the wireless communication facility, excluding the lightning rod.

MACRO CELL WIRELESS FACILITY – Antenna, support structures or base stations that are larger than the parameters set for small wireless facilities defined in § 135.31. Definitions.

PERSONAL WIRELESS SERVICE FACILITY (PWSF) – An antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communication services.

RADIO FREQUENCY (RF) - A range of frequencies that are allocated to be transmitted/received through the air without wires, with the use of transmitters/receivers and associated antennas. Radio waves are generated for fixed and/or mobile communication. A frequency or band of frequencies suitable for use in telecommunications.

SITE – For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government if the approval of the modification occurred prior to the Spectrum Act of 2012 or otherwise outside the section 6409(a) process.

SITING APPLICATION – See “Application (Personal Wireless Service Facility)”

SITING AUTHORITY – A State government, local government, or instrumentality of a State government or local government, including any official or organizational unit thereof, whose authorization is necessary prior to the deployment of personal wireless service facilities.

SMALL CELL WIRELESS FACILITY– Facilities that meet each of the following conditions:

- A. The facilities:
  - (1) Are mounted on structures fifty feet (50') or less in height including their antennas; or
  - (2) Are mounted on structures no more than ten percent (10%) taller than other adjacent structures; or
  - (3) Do not extend existing structures on which they are located to a height of more than fifty feet (50') or by more than ten percent (10%), (whichever is greater);
- B. Each antenna associated with the deployment, excluding associated antenna equipment is no more than three (3) cubic feet in volume; and
- C. 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 no more than twenty-eight (28) cubic feet in volume; and
- D. The facilities do not require antenna structure registration by the FCC; and
- E. The facilities are not located on Tribal lands; and
- F. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Code of Federal Regulations 1.1307(b).

SUBSTANTIAL CHANGE (Personal Wireless Service Facility) – A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- A. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures it increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater.  
(1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- B. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible 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 (6) feet.
- C. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are not pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- D. It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty (30) feet in any direction. The site boundary from which the thirty (30) feet is measured excludes any access or utility easements currently related to the site;
- E. It would defeat the concealment elements of the eligible support structure; or
- F. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base stations equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds above.

TRANSMISSION EQUIPMENT – Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with the 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.

TOWER - Any structure built for the sole or primary purpose of supporting any Commission-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. A tower may be concealed or non-concealed. Non-concealed towers include:

- A. Lattice - A vertical, multi-legged self-supporting tapered style of tower that consists of vertical and horizontal supports with cross bracing intended to support associated telecommunications equipment. This type of tower is designed to support itself without the use of guy wires or other stabilization devices.
- B. Monopole - A style of freestanding tower consisting of a single shaft usually composed of two or more stacked hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself and associated telecommunications equipment without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building roof.
- C. Guyed - A type of tower consisting of metal cross strips or bars, which is steadied by wire guys in a radial pattern around the tower.

UTILITY POLE - Any pole or structure designed to maintain, or used for the purpose of lines, cables, or wires for communications, cable, electricity, street lighting, other lighting standards, or comparable standards.

## ARTICLE XVII

Personal Wireless Service Facilities, Exempt Facilities, Pre-existing Facilities, Unacceptable applications for personal wireless service facilities

### § 135.32. Personal Wireless Service Facilities

- A. The purpose of this section is to establish general guidelines for the locating of personal wireless service facilities including small cell wireless and macro cell wireless facilities on base stations, towers, and utility poles and includes but is not limited to antenna(s), ground equipment, and related accessory equipment. The provisions of this Section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. These standards shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. The purpose and intent are to:
  - (1) Accommodate the growing need and demand for personal wireless services.

- (2) Enhance the ability of the providers of personal wireless services to provide such services to the community quickly, effectively, and efficiently.
- (3) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.
- (4) Respond to the policies embodied in the Federal Communication Commission's Declaratory Ruling and Third Report and Order of September 27, 2018, in such a manner as to not effectively prohibit the provision of wireless services.
- (5) Protect the character and attractiveness of the Borough while meeting the needs of its citizens to enjoy the benefits of communications services.
- (6) Protect the health, safety, general welfare of the community.
- (7) Establish review procedures to ensure that applications for communications facilities are reviewed for compliance with federal, state and local regulations and acted upon within a reasonable period of time as required by applicable state and federal regulations.
- (8) Promote personal wireless service facilities' compatibility with surrounding land uses, and protect the attractiveness, health, safety, general welfare, and property values of the community.
- (9) Minimize the impacts of wireless communications facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.
- (10) Encourage the use of existing structures, including, but not limited to, rooftops, and utility poles for deploying personal wireless service facilities.
- (11) Allow for alternative types of personal wireless service facilities in any location subject to standards.
- (12) Caution users of guyed and lattice towers, monopoles and antennas to locate, site and design them in a way that minimizes the adverse visual impact of the lattice or guyed towers, monopoles and antennas.

B. Exempt Facilities. The following items are exempt from the standards for wireless communication facilities, notwithstanding any other provisions:

- (1) Satellite earth stations used for the transmission or reception of wireless communications signals with satellites, that are 1 meter (39.37 inches) or less in diameter in all residential zones and 2 meters or less in all other zones.
- (2) A temporary personal wireless service facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Borough designee; except that such facility must comply with all federal and state requirements.
- (3) No personal wireless service facility shall be exempt from the provisions of this Section beyond the duration of the state of emergency.
- (4) A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.

- (5) A temporary personal wireless service facility for the purposes of providing coverage of a special event, and subject to federal and state requirements. Said communications facility may be exempt from the provisions of this Section up to one week before and after the duration of the special event.
- (6) Amateur radio towers that are used solely for licensed amateur services up to 70 feet in height.

C. Pre-existing Facilities:

- (1) Personal wireless service facility for which a permit has been issued prior to the effective date of this local law shall be deemed a permitted use and an eligible support structure, subject to the conditions of that permit.
- (2) *Unpermitted personal wireless service facilities will be considered out of compliance with this chapter and subject to coming into compliance.*
- (3) Damaged or destroyed facilities may be rebuilt and all such facilities may be replaced by facilities of the same type and height at the same location.
- (4) Placement of collocation on a legally nonconforming base station shall not be considered an expansion of the nonconforming structure. However, placement of any collocation or any other portions of a personal wireless service facility on an existing structure, whether legally nonconforming or in, as well as out of, compliance, shall require an application to be obtained for the personal wireless service facility under the terms of this chapter.
- (5) Any personal wireless facility provider with at least one pre-existing personal wireless service facility in the Borough that is out of compliance with the Borough's building and zoning requirements, prior to the adoption of this local law, shall not be eligible for any new approvals of personal wireless service facilities by the Borough until the pre-existing personal wireless service facility or personal wireless service facilities are brought into compliance with this chapter.
- (6) No permit shall be issued under this chapter for a request to collocate on an existing personal wireless service facility site, mount or facility, when such existing site, mount or facility is found to have one or more personal wireless service facilities without permits and/or any structure, mount or facility is found to lack one or more building, electrical or any other permits required by the Borough Zoning Officer and the laws the Zoning Officer is authorized to implement and enforce.
- (7) Any application by a personal wireless service provider or other entity shall not be accepted by the Borough if that wireless provider has a pre-existing personal wireless service facility on, or the other entity owns, a mount, rooftop or tower, on which there is any unpermitted personal wireless service facility until that personal wireless service facility is brought into compliance with this chapter.

D. Unacceptable applications for personal wireless service facilities.

- (1) Any application for site plan review and/or special permit for a personal wireless service facility shall not be accepted by the Zoning Officer *if*:

- (a) The applicant owns any other use, structure or facility in the Borough that has been shown by the Borough Assessor to be in arrears from the most recent property tax bill.
  - (b) The owner of the property or the owner of the structure to which the personal wireless service facility is proposed for attachment has been shown by the Tax Assessor to be in arrears from the most recent property tax bill.
  - (c) The applicant owns any other use, structure or facility in the Borough that has not received proper zoning and/or building permits in accordance with this chapter.
  - (d) The owner of the property or the owner of the structure to which the personal wireless service facility is proposed for attachment has not received proper zoning permits or building permits in accordance with this chapter for any other property or structure of which one of more personal wireless service facilities is lawfully or unlawfully attached.
- (2) No such application shall be accepted by the Borough until outstanding property taxes or permit violations are satisfied.

### ARTICLE III

#### § 135.33. Location standards and approvals.

- (1) Siting of a new personal wireless facility of any type shall be in accordance with the siting preferences below with the first preference listed as A.(1) and the last preference listed as A.(7). If A.(1) (Collocation on an eligible support structure) is not the proposed installation, then the applicant must demonstrate through relevant information including, but not limited to, an *affidavit* or *declaration under penalty of perjury* by a radio frequency engineer or other legally designated representative for the commercial wireless provider with personal knowledge of the facts, demonstrating that despite diligent efforts to adhere to the established preferences within the geographic search area, lower-ranked options are not technically feasible, practical or justified given the location of the proposed facilities. The applicant must provide such evidence in its application in order for the application to be considered complete Collocation on an eligible support structure.
- (2) New concealed collocation on a base station with no pre-existing transmission equipment.
- (3) New concealed small cell wireless facility outside rights-of-way located on properties zoned as Public.
- (4) New concealed macro cell facility located on property zoned as Public.
- (5) Small cell wireless service facility in Borough Street rights-of-way or utility easement on:

- (a) An existing utility pole.
- (b) A concealed replacement utility pole.
- (c) A non-concealed replacement utility pole.
- (6) New concealed small cell wireless facility on any other property.
- (7) New concealed macro cell wireless facility on any other property

A. Approvals

- (1) Collocations and equipment modifications on existing eligible support structures shall be reviewed and approved by the Borough's Zoning Officer.
- (2) All other personal wireless service facility applications shall be reviewed by the Borough's Planning Board.

§ 135.34. Specific standards and safeguards for all small cell wireless and macro cell wireless facilities.

A. All applications for new personal wireless service facilities shall address the following:

- (1) Payment of application fee(s).
- (2) Completed zoning permit application with original signatures for the property owner (if located outside the right-of-way), applicant, and all co-applicants applying for the application with an indication if the applicant or co-applicant will be represented by an agent, and if applicable, an original signature authorizing the agent to represent the applicant and/or co-applicant.
  - (a) If the applicant is not the property owner or person in control of the personal wireless service facility and/or site, an attestation that the property owner or person in control of the personal wireless service facility and/or site has consented to the proposed facility or modification.
  - (b) The current and/or intended personal wireless service provider(s), as applicable for the application, shall be indicated on the site plan with documentation provided by the personal wireless service provider(s).
- (3) A narrative describing how each item is addressed by the applicant.
- (4) Structural integrity:
  - (a) A structural analysis signed and sealed by a Professional Engineer in the State of New Jersey certifying the entire tower or base station and all appurtenances are designed pursuant to the design requirements of ASCE 7, including wind speed design requirements, and tower loading/wind design requirements of Electronic Industries Association/Telecommunications Industry Association (ANSI/TIA) 222-H, Risk Category II and Exposure Category C standards, and any subsequent modification to those specifications.
  - (b) Collocation modifications on existing eligible support facility using existing antenna mounts shall also provide a mount analysis meeting same standard as § 135.34.A.(3)(a) above.
- (5) RF Compliance:
  - (a) For Eligible Facility Requests: Any eligible facility collocation, modification, or upgrade application shall contain a signed statement

- from an RF engineer competent to opine as to the RF emissions confirming that following installation, the composite facility will remain in compliance with FCC standards as stated in OET-65.
- (b) For new towers and new collocations a signed statement from an RF engineer competent to opine as to RF emissions compliance stating that the radio frequency emissions comply with FCC standards for such emissions as set forth in 47 CFR 1.1307, 1.310, 2.091 or 2.093, as applicable (Report and Order, ET Docket 93-62 (Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation), 11 FCC Rcd 15123 (1996); Second Memorandum Opinion and Order and Notice of Proposed Rule Making, ET Docket 93-62 (WT Docket 97-192), 12 FCC Rcd 13494 (1997).
- (6) Signage. All personal wireless service facilities shall be clearly identified with the following information on a nameplate sign which shall be provided in an easily visible location to include:
- (a) Federal Communications Commission's Antenna Registration System (ASR) registration number (if applicable); site owner's name, site identification number and/or name, phone number of contact to reach in event of an emergency or equipment malfunction, any additional security and safety signs.
  - (b) If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
  - (c) No outdoor advertising signage is permitted at the personal wireless communication facility.
- (7) Noise. No equipment shall be operated at a personal wireless service facility so as to produce noise in excess of 65 decibels, as measured at the nearest property line to the wireless communications facility, except for emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis until such emergency has passed.
- (8) Photo simulation with before and after images from at least three (3) reasonable line-of-sight locations near the proposed project location. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic.
- (9) A photo rendering shall be provided of the proposed wireless facility that depicts aesthetic features including, but not limited to, the use of colors and method of concealment with a before and after installation exhibits.
- (10) Federal Communications Commission Environmental Assessment. The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any personal wireless service facility proposed in or involving any of the following:
- (a) Wilderness areas
  - (b) Wildlife preserves
  - (c) Endangered species habitat
  - (d) Historical site

- (e) Indian religious site
- (f) Floodplain
- (g) Wetlands
- (h) High-intensity white lights in residential neighborhoods
- (i) Excessive radio frequency radiation exposure

At the time of application filing, an EA that meets FCC requirements shall be submitted to the Borough for each personal wireless service facility site that requires such an EA to be submitted to the FCC.

- (11) Hazardous materials. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the personal wireless service facility, including those used for generators, that are considered hazardous by the federal, state or local government.
- (12) Lighting. Lighting on personal wireless service facility towers and base stations shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following:
  - (a) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.
  - (b) Such lighting of the personal wireless service facility as may be required by the Federal Communications Commission, Federal Aviation Administration (FAA) or other applicable authority installed in a manner to minimize impacts on adjacent residences.
  - (c) Lights shall be filtered or oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.
  - (d) Only red lighting shall be utilized unless otherwise recommended by FAA guidelines.
  - (e) Security and safety lighting of equipment buildings if such lighting is appropriately shielded to keep light within the boundaries of the site.
- (13) Outside storage. The storage of equipment or any other temporary or long-term items within the equipment compound is prohibited.
- (14) Abandonment and Discontinued Use
  - (a) Personal wireless service facility towers, antennas, and the equipment compound shall be removed, at the tower or base station owners' expense, within 180 days of cessation of use, unless the abandonment is associated with a replacement structure, in which case the removal shall occur within ninety (90) days of cessation of use.
  - (b) A tower or base station owner wishing to extend the time for removal or reactivation shall submit a request stating the reason for such extension. The Borough may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good and unique cause. If the tower or antenna is not removed within this time, the Borough may give notice that it will contract for removal within thirty (30) days following written notice to the tower or base

station owner. Thereafter, the Borough may cause the removal of the tower with costs being borne by the tower or base station owner.

- (c) Upon removal of the wireless facility tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.

(15) Interference with Public Safety Communications. In order to facilitate the regulation, placement, and construction of antennas, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each wireless provider shall agree in a written statement to the following:

- (a) Compliance with "Good Engineering Practices" as defined by the FCC in its rules and regulations.

- (b) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).

- (c) Whenever the Borough has encountered radio frequency interference with its public safety communications equipment, and has reasonable cause to believe that such interference has been or is being caused by one or more wireless facility antenna arrays, the following steps shall be taken:

1. The Borough shall provide written notification to all wireless service providers operating in the Borough of possible interference with the public safety communications equipment, and upon receipt of such notifications, the wireless providers shall use their best efforts to cooperate and coordinate with the Borough and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations.

2. If any wireless provider is to cooperate with the Borough in complying with the owner's obligations under this section or if there is a determination of radio frequency interference with the Borough's public safety communications equipment, the wireless provider who failed to cooperate and/or the wireless provider which caused the interference shall be responsible for reimbursing the Borough for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the Borough to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as

described in the "Enhanced Best Practices Guide" within twenty-four (24) hours of Borough's notification.

§ 135.35. Additional standards for all new small cell wireless facilities in Borough street rights-of-way or utility easement on existing, replacement or new utility poles.

In addition to the specific standards and safeguards provided in § 135.34. herein, the following standards and documents shall be provided:

- A. Small cell wireless facilities shall not exceed the size dimensions of the small cell wireless facility definition. The Applicant shall include calculations demonstrating in detail how the applicant meets the definition of a small cell wireless facility.
- B. An accurate site plan that identifies any easements, rights-of-way, sidewalks, driveways, and the type and location of existing above-ground and if applicable underground utilities.
- C. An aerial map showing the location of the proposed small cell wireless facility.
- D. A line map to scale showing the proposed location and all properties and structures within 100 feet and the proposed location.
- E. All small cell wireless facilities located adjacent residential structures shall be placed in the right of way at locations where there is at least 100 feet from the base of the facility to any residential structure.
- F. Whenever small cell wireless facilities must be placed in a right-of-way with residential uses on one or both sides of the facility, neither poles, equipment, antennas or other structures shall be placed directly in front of a residential structure and where practicable, shall be placed adjacent to the property line between two residential lots.
- G. To minimize the adverse visual impacts from the proliferation of antennas and associated above-ground equipment for small cell wireless facilities, no small cell wireless facility in the right-of-way shall be located, to the extent practicable, within one hundred sixty-five (165) feet of any other small cell wireless facility in the same right-of-way, unless the wireless service provider desiring to install small cell wireless facilities less than one hundred sixty-five (165) feet apart demonstrates to the Borough's satisfaction why such placement is necessary.
- H. All antenna, equipment boxes, meters, and other ancillary equipment attached to an existing utility pole shall be surrounded by a shroud painted to match the existing pole.
- I. Cables, if not located inside the pole, shall be placed in conduit painted to match the pole from the meter box to the antenna.
- J. No portion of a small wireless facility shall obstruct pedestrians, vehicular, bicycle access, sight lines or visibility for traffic, traffic signage or signals, or interfere with access by persons with disabilities.
- K. No small wireless facility shall conflict with any utilities located within the public right-of-way.
- L. Equipment boxes, including meters, for a small cell wireless facility, may be located on the ground or attached to the pole at a height that does not

interfere with pedestrian or vehicular traffic, public views, and traffic signs or signals.

- M. Tree topping (removal of tree crown) or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees shrubs or other landscaping already existing in the right-of-way must be noted in the application and must be approved by the Borough. *[Reference to Shade Tree Commission?]*
- N. Applicants shall include an attestation that the small cell wireless facility shall be activated for use by a wireless services provider to provide service no later than one (1) year from the permit issuance date, unless the Borough and the wireless provider agree to extend this period, or a delay is caused by a lack of commercial power at the proposed site.
- O. As-built construction drawings shall be provided to the Borough for all structures, equipment, cable, pipes, and conduit located within the public right-of-way or within a public or Borough-owned easement. For fiber optic cable, the number of strands of fiber in the conduit must be included.
- P. New or replacement utility poles shall also comply with the following requirements:
  - (1) Concealment techniques shall be designed to be consistent and harmonious with the nature and character of the street, including the color, shape, and size of the proposed equipment.
  - (2) New utility poles or wireless support structures shall be designed to match the size, girth, and design of any existing utility poles or other wireless support structures.
  - (3) This subsection shall not be construed to limit the Borough's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Municipal Land Use Section 139-49 through Section 139-57.

§ 135.36. Collocation or equipment modification at an existing eligible support structure.

In addition to the standards and application requirements listed in § 135.34, herein, the following shall apply to all collocations on an eligible support structure.

- A. The applicant must demonstrate in writing and on a site plan that the proposed collocation or modification to existing infrastructure does not exceed any part of the definition of substantial change.

§ 135.37. New concealed collocation on an existing base station with no pre-existing transmission equipment, and all new small cell wireless and macro cell wireless facilities on public or private property.

In addition to the specific standards and safeguards provided in § 135.34. herein, the following standard and documents must be provided:

- A. Identify the subject property by including:
  - (1) The street address.
  - (2) Tax parcel number of the subject property.
  - (3) Site latitude and longitude.
- B. Tax map showing adjoining (abutting) properties.

- C. A written statement that the lease between the applicant and any co-applicants and the landowner of the subject property contains the following provisions:
  - (1) The landowner gives permission to use the property for a personal wireless service facility.
  - (2) The Landowner can enter into leases with other carriers for collocation.
  - (3) The landowner is responsible for the removal of the personal wireless service facility in the event the licensed carrier fails to remove it upon abandonment.
- D. Copy of Form 600 on file with the FCC.
- E. *FCC license authorization.*
- F. Zoning district designation for the subject parcel and for all parcels within *two hundred (200) feet* of the property lines of the subject parcel.
- G. Land use map showing existing land use and land uses within *two hundred (200) feet* of the property lines of the subject parcel.
- H. A map to scale showing the subject property and all properties within *two hundred (200) feet* of the property line and the location of all buildings, including accessory structures, on all properties shown.
- I. Dimensions of the personal wireless service facility including: height, width, and breadth. These shall be provided for the antennas, mounts, equipment shelters, and security barriers, if any.
- J. Overall height measured at ground level (AGL) to the top of highest projection (e.g., lightning rod).
- K. A map indicating the applicant's existing radio frequency signal propagation, a map indicating the applicant's proposed new radio frequency signal propagation, and a map indicating the proposed improvements' coverage/capacity area, which provides sufficient justification for the requested antenna height; or an affidavit from a radio frequency engineer, including the qualifications of affiant, to justify the mounting height of the proposed new antenna.
- L. Ground-based equipment compounds shall comply with the minimum setback requirements of the applicable zoning district as set forth in the Borough's Code, depending upon whether any structure is considered a primary use or an accessory use.
- M. Equipment cabinets and Equipment Shelters. Electronic equipment shall be contained in either equipment cabinets or equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- N. Fencing. All ground-based equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the application approval process.
- O. Additional requirements for new concealed base stations:

- (1) Roof-mounted personal wireless service facilities should not project more than ten (10) additional feet above the height of a legal building even if the existing building is at the legal height limit of the zoning district.
  - (2) Side or wall mounted personal wireless service facilities should not project more than five (5) feet from the face of the side or wall of the structure.
  - (3) Roof mounts on buildings shall have railings to protect workers.
  - (4) In the case of a roof-mounted personal wireless service facility, RF signage and/or barricades shall be placed around the antenna and all roof access points. The signage and/or barricades shall be maintained by the operator of the personal wireless service facility for the life of the installation. No barricade is required around side-mounted personal wireless service facilities and signage is only necessary if applicable by FCC rules.
  - (5) Feed lines and antennas shall be concealed and designed to architecturally match the façade, roof, wall, and/or structure on which they are fixed or otherwise lend with the existing structural design, color and texture.
- P. Additional requirements for new freestanding concealed small cell wireless facilities outside the rights-of-way and all new concealed freestanding macro cell wireless towers:
- (1) Prior to securing a lease on a subject property for a proposed new tower, the Applicant, service provider or tower owner shall have a pre-development meeting with the *Zoning Officer* to discuss the proposed location and possible two alternatives to the proposed location. The alternatives need not be totally different from the proposed personal wireless service facility; however, the alternatives should contain measurable differences, such as:
    - (a) Height. An alternative can be identical to the proposed personal wireless service facility except to be for a shorter height.
    - (b) Location. An alternative could be located on a different property than the proposed personal wireless service facility.
    - (c) Siting. An alternative could be in a different place on the same property as the proposed personal wireless service facility.
    - (d) Design. An alternative could be of the same height, location and siting as the proposed personal wireless service facility but be designed to appear differently.
    - (e) Change in community scale, as exhibited in relative height, mass or proportion of the personal wireless service facility within its proposed surroundings
    - (f) New visible elements proposed on a contrasting background and different colors and textures proposed against a contrasting background.
    - (g) Use of materials that are foreign to the existing built environment.
    - (h) Conservation of opportunities to maintain community scale, not compromising buffering areas and low-lying buildings so as to start a trend away from the existing community scale.
    - (i) Amount and diversity of landscaping and/or natural vegetation.
    - (j) Preservation of view corridors, vistas, and viewsheds Continuation of existing colors, textures and materials.

- (2) The following standards shall also guide all personal wireless service facility applications:
- (a) Height should be kept to a minimum.
  - (b) Wireless communication facility towers shall be engineered and constructed for as many collocations as possible based on the height of the proposed structure.
  - (c) Setbacks.
    - 1. New wireless structures shall have a setback of the underlying zoning district.
    - 2. All equipment shelters shall comply with the minimum setback requirements of the applicable zoning district as set forth in the Borough Code, depending upon whether any structure is considered a primary use or an accessory use.
    - 3. On parcels with a principal building housing a primary use, all components of the personal wireless service facility shall be located behind the main building line.
  - (d) New concealed wireless communication facility towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties and match the existing landscape and if applicable existing and adjacent architecture of structures on the property or adjacent properties.
  - (e) Color. All personal wireless service facilities shall be painted to match existing poles and structures in the area or the landscape in which it is constructed.
  - (f) Concealment solutions should match the existing property on which the tower is proposed.
  - (g) For a monopine (faux tree) to be considered concealed it must be designed with a sufficient number of "faux" branches, foliage and antenna socks or similar to conceal all external antenna, panels, trays, cables, support rods, crossbars, port holes, splitters, couplers and attenuators and any other equipment external to the tower mast, shall be painted or have applied material to simulate tree bark indigenous to the area. "Faux" branches shall commence at 20 feet above ground level (AGL) and surround the tower in a multi-dimensional pyramid shape pattern to the top of the tower, with branches and foliage material in length, width, and depth sufficient to obscure the physical view of the tower, antenna elements, and mounts or brackets. Antenna wraps can also be used on all types of antennae on structures other than monopines.
  - (h) A balloon test is required prior to generating the photo simulations to demonstrate the proposed height and concealment solution of the WCF. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower and within twenty-five (25) horizontal feet of the center of the proposed tower.

1. Applicant must inform the Zoning Officer and abutting property owners in writing of the date and times, including alternative dates and times, of the test at least fourteen (14) days in advance.
  2. A 3-foot by 5-foot sign with lettering no less than 3 inches high stating the purpose of the balloon test shall be placed at the closest major intersection of the proposed site.
  3. The date, time, and location, including alternative date, time, and location, of the balloon test shall be advertised in a locally distributed newspaper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.
  4. The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather, including wind speed during the balloon test.
  5. Re-advertisement will not be required if inclement weather occurs.
- (i) In addition to § 135.34.A.(7), simulated photographic evidence of the proposed concealed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the [Planning Department] including the facility types the applicant has considered and the impact on adjacent properties including:
1. Overall height.
  2. Configuration.
  3. Physical location.
  4. Mass and scale.
  5. Materials and color.
  6. Illumination.
  7. Architectural design.
- (j) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.
- (k) Screening and landscaping.
1. Natural vegetation. Existing natural vegetation shall be undisturbed to the greatest extent practicable.
  2. Landscaping. Landscaping of disturbed areas of the personal wireless service facility site and security barriers shall be required as follows:
    - i. At least one row of evergreen shrubs capable of forming a continuous hedge at least five feet in height within two years of planting shall be spaced not more than five feet apart within 15 feet of the site boundary; and
    - ii. At least one row of evergreen trees or shrubs, at least four feet in height when planted and spaced not more than 15 feet apart, located interior to the perimeter of the shrubs required above; and
    - iii. Landscaping materials shall consist of xeric or drought-resistant native species and shall be maintained by the operator of the personal wireless service facility for the life of the installation.

§ 135.38. Application Approval Procedure

- A. Exempt facilities can commence upon approval of the Zoning Permit and issuance of a construction permit.
- B. Small wireless facilities in Borough rights-of-way
  - (1) Total timeline for review from date of receipt by the Borough:
    - (a) Collocation using an existing structure: sixty (60) days.
    - (b) Installation using a new or replacement structure: ninety (90) days.
  - (2) Review timeline:
    - (a) Unless a written agreement between the applicant and the Borough provides otherwise, for an initial application the Borough planning staff designee shall review the siting application and notify the applicant on or before the tenth (10th) day after submission of the application that the application is materially incomplete, and clearly and specifically identify the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information. The comment notice shall identify the deficiencies in the application, which, if cured, would make the application complete. The shot clock date for siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period.
    - (b) The clock date calculation shall restart at zero (0) on the date on which the applicant submits all the documents and information identified by the Borough to render the application complete or incomplete.
    - (c) The wireless communication facility shall be deemed complete on resubmission if the resubmitted materials cure the original deficiencies indicated by the Borough.
    - (d) If the Borough does not approve the application following resubmission, then the application shall be deemed incomplete, and the steps outlined in (b)(i) through (b)(iii) will be followed until the application is deemed complete.
    - (e) The Borough may deny an application for any of the following reasons:
      - 1. Applicable codes, Borough Code or objective design standards that concern public safety, traffic safety and aesthetic concerns for decorative Borough utility poles, including reasonable and nondiscriminatory concealment requirements such as screening or landscaping for ground-mounted equipment; or
      - 2. Public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way, including ADA compliance; or
      - 3. If the Borough denies an application, then the Borough must document the basis for a denial, including the specific code provisions on which the denial was based. The Borough shall send the documentation to the applicant on or before the day the Borough denies an application.
    - (f) Batching. If a single application seeks authorization for multiple deployments, all of which fall within a Tier 1 review, then the

presumptively reasonable period of time for the application for the applications as a whole is equal to that for a single deployment within that category. The Borough may remove a small wireless facility from a consolidated application and treat separately small wireless facility locations for which incomplete information has been provided or that are denied. The Borough will issue a separate permit for each location that is approved.

- (g) All work within the Borough rights-of-way is also subject to approval of a street opening permit for work that involves excavation, affects traffic patterns or obstructs vehicular traffic within or along the Borough's rights-of-way. Any/all work in the public right-of-way as per this code is subject to approval of a Zoning permit as provided Zoning Officer.
- (h) As-built construction drawings shall be provided to the Borough for all structures, equipment, cable, pipes and conduit located within a Borough or public right-of-way, and within any Borough-owned utility or multi-purpose easement; and which must include, for fiber optic cable, the number of strands of fiber in the conduit. If any of the Borough's utilities or other infrastructure is relocated within the right-of-way as part of the construction, the Borough shall have final approval of the design and engineering of such relocated items.
- (i) Rates for use of Borough Utility Poles within the Right-of-Way. An applicant who places a small wireless facility on a utility pole within a right-of-way in accordance with this section shall:
  - 1. Execute a license agreement with the Borough; and
  - 2. Pay to the Borough an annual recurring rate as set forth in the Borough's Fee Schedule for the use of such utility pole.
  - 3. Required Permit Provisions. Each permit issued by Zoning Officer and each license agreement for small wireless facilities shall be made upon the condition that the applicant agree to the following conditions:
    - i. Indemnification. To the fullest extent allowed by law, both the wireless infrastructure provider and wireless services provider (for this paragraph, collectively referred to as "provider") constructing, installing, operating, repairing, maintaining and using a small wireless facility shall indemnify, defend and hold harmless the Borough, and its officials, agents, and employees from and against all suits, actions or claims of any character brought because of any injury or damage received or sustained by any person, persons or property arising out of, or resulting from, said provider's breach of any provision of law, including but not limited to any asserted negligent act, error or omission of the provider, or its agents or employees, arising from or relating to its small wireless facility. The indemnifications required hereunder shall not be limited by reason of the specification of any particular insurance coverage for any permit. The provider's

obligations under this provision shall not terminate with the expiration or termination of its permit, but shall survive it.

- ii. Dispute Resolution. A court of competent jurisdiction located in Camden County, New Jersey shall have exclusive jurisdiction to resolve all disputes arising under this section applying the laws of the State of New Jersey. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on utility poles within the right-of-way, the Borough shall allow the collocating party to collocate on utility poles at annual rates as set forth in the Borough Fee Schedule.

C. Eligible Facility Applications.

- (1) Timeframe for review. Within sixty (60) days of the date on which an application submits an application for approval, the Borough shall approve the application unless it denies the application.
- (2) Tolling of the timeline for review. The sixty (60) day period begins to run when the application is filed and may be tolled only by mutual agreement or in the cases where the Borough determines that the application is incomplete.
- (3) Borough must notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete.
- (4) Notices of application incompleteness shall identify specifically the deficiencies in the application which, if cured, would make the application complete. The clock stops on the date the notice is sent to the Applicant.
- (5) The applicant may cure the deficiencies identified by the Borough and resubmit the application for review. Any subsequent review shall be limited to the deficiencies list in the prior denial.
- (6) The clock re-starts on the date of resubmission by the Applicant. The Borough shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (7) Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by day sixty (60) after the initial submission, excluding tolling.
- (8) Failure to Act. In the event the Borough fails to approve or deny a Tier 2(a) application within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Borough in writing

after the review period has expired (accounting for any tolling) that the application has been deemed granted.

D. New base station collocation applications.

- (1) Timeframe for review. Within ninety (90) days of the date on which an application submits an application for approval, the Borough shall approve the application unless it denies the application.
- (2) Tolling of the timeline for review. The ninety (90) day period begins to run when the application is filed and may be tolled only by mutual agreement or in the cases where the Borough determines that the application is incomplete.
- (3) Borough must notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete.
- (4) Notices of application incompleteness shall identify specifically the deficiencies in the application which, if cured, would make the application complete. The clock stops on the date the notice is sent to the Applicant.
- (5) The applicant may cure the deficiencies identified by the Borough and resubmit the application for review. Any subsequent review shall be limited to the deficiencies list in the prior denial.
- (6) The clock re-starts on the date of resubmission by the Applicant. The Borough shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (7) Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by day ninety (90) after the initial submission, excluding tolling.
- (8) Failure to Act. In the event the Borough fails to approve or deny a Tier 2(b) application within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Borough in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

E. New tower exceeding the definition of a small wireless facility.

- (1) The time frame for review. Within one hundred fifty (150) days of the date on which an application submits an application for approval, the Borough shall approve the application unless it denies the application.
- (2) Tolling of the timeline for review. The one hundred fifty (150) day period begins to run when the application is filed and may be tolled only by mutual agreement or in the cases where the Borough determines that the application is incomplete.
- (3) Borough must notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete.

- (4) Notices of application incompleteness shall identify specifically the deficiencies in the application which, if cured, would make the application complete.
- (5) The timeline clock stops on the day after the date the Borough sends notice of incompleteness to the Applicant.
- (6) The applicant may cure the deficiencies identified by the Borough and resubmit the application for review. Any subsequent review shall be limited to the deficiencies list in the prior denial.
- (7) The clock re-starts on the date of resubmission by the Applicant. The Borough shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (8) Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by one hundred fifty (150) days after the initial submission, excluding any tolling period.

§ 135.39. Supplemental Review.

The Borough reserves the right to require a supplemental review for any type of personal wireless service facility, as determined necessary, subject to the following:

- A. Where due to the complexity of the methodology or analysis required to review an application for a personal wireless communication facility, the Borough may require the applicant to pay for a technical review by a third-party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees.
- B. The applicant shall submit as published in the Borough's current fee schedule.
- C. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.
- D. The supplemental review may address any or all of the following:
  - (1) The accuracy and completeness of the application and accompanying documentation.
  - (2) The applicability of analysis techniques and methodologies.
  - (3) The validity of conclusions reached.
  - (4) Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this Code.
  - (5) Other items deemed by the Borough to be relevant to determining whether a proposed wireless communications facility complies with the provisions of these codes.

§ 135.40. Property Zoned Public

- A. Are subject to all reviews and approval processes of site constructed on private lands.
- B. Pursuant to applicable law, the Borough/Board of Education may contract with a third party to administer publicly owned sites for purposes of providing wireless telecommunications services, consistent with the terms of these regulations. Except as specifically provided herein, the terms of these regulations, and the requirements established thereby, shall be applicable to all personal wireless service facilities to be developed or collocated on Borough-owned/Board of Education sites.
- C. If an applicant requests a permit to develop a site on Borough/Board of Education-owned property, the permit granted hereunder shall not become effective until the applicant and the jurisdiction have executed a written agreement or lease setting forth the terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted.
- D. No permit granted under this section shall convey any exclusive right, privilege, permit, or franchise to occupy or use the publicly owned sites of the Borough/Board of Education for delivery of telecommunications services or any other purpose.
- E. No permit granted under this section shall convey any right, title, or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and terms stated in the grant. Further, no permit shall be construed as a conveyance of a title interest in the property.