

Chapter 99

**TELECOMMUNICATIONS**

Article 1. In General

Secs. 99-1-99-50. Reserved.

Article II. Towers and Antennas

Sec. 99-51. Purpose.  
Sec. 99-52. Definition.  
Sec. 99-53. Permit required.  
Sec. 99-54. Colocation requirements.  
Sec. 99-55. Telecommunications facility standards.  
Sec. 99-56. Alternative structure standards.  
Sec. 99-57. Specific standards.  
Sec. 99-58. Permit conditions.  
Sec. 99-59. Permit approval process.

## ARTICLE I. IN GENERAL

Secs. 99-1-99-50. Reserved.

## ARTICLE II. TOWERS AND ANTENNAS

Sec. 99-51. Purpose.

The purposes of these regulations for telecommunications facilities are:

- (1) To facilitate the provisions of telecommunications services throughout the city;
  - (2) To enhance the ability to provide telecommunications services to the community quickly, effectively, and efficiently;
  - (3) To encourage the location of towers in non-residential zone districts;
  - (4) To minimize the total number of towers in the community;
  - (5) To encourage the joint use of new and existing tower locations;
  - (6) To ensure that towers are located in areas that minimize adverse impacts;
  - (7) To ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design and appropriate siting;
  - (8) To encourage the attachment of antennas to existing structures;
  - (9) To consider public health and safety of telecommunications facilities;
  - (10) To avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures; and
  - (11) To protect residential areas and lands by minimizing adverse impacts of towers.
- (Ord. No. 2116, § 1, 5-23-00)

Sec. 99-52. Definitions.

*Accessory support facilities* shall mean support buildings, structures and equipment cabinets for telecommunications facilities containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data,

image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities.

*Alternative tower structure* shall mean manmade trees, clock towers, bell steeples, building structures, or building equipment normally maintained above the roof line of a structure, light poles and similar alternative design-mounting structures. An alternative tower structure must be compatible with the natural setting and surrounding structures, and must camouflage or conceal the presence of antennas and/or towers. This term also includes any antenna array attached to the alternative tower structure.

*Antenna* shall mean any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, (excluding radar signals), wireless telecommunications signals, or other communication signals.

*Backhaul network* shall mean the lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

*FAA*- Federal Aviation Administration.

*FCC*: Federal Communications Commission.

*Telecommunications facilities* shall mean the plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennae, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

*Telecommunications service* shall mean the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit or any closed transmission medium.

*Tower* shall mean any structure designed and constructed primarily for the purpose of support-

ing one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, com.mon carrier towers, cellular telephone towers, and other similar structures. This tenn also includes any antenna or antenna array attached to the tower structure.

*Tower height* shall mean, when referring to a tower or other alternative tower structure, the distance measured from the lowest point within ten feet of the structure to the highest point on the tower or other alternative tower structure, including the base pad and any antenna. (Ord. No. 2116, § 2,5-23-00)

Sec. 99-53. Permit required.

Telecommunications facilities shall be regulated and permitted pursuant to this article.

- (1) A telecommunications facility shall obtain a permit as a condition for the siting, construction, or operation of the telecommunications facility. The fee for the permit shall be \$10.00 for each foot of tower height.
- (2) These regulations shall apply to all towers and antennas, as defined, except:
  - a. Any tower or antenna, not more than 70 feet in height, owned or operated by a federally-licensed amateur radio station operator, if it is used exclusively as a receive-only facility;
  - b. Any antenna collocated on an existing telecommunications facility, except as expressly provided in this article;
  - c. A telecommunications facility located or collocated on property, which is owned by the City of McAlester and designated by the City of McAlester as a site suitable for location of a telecommunications facility.
- (3) Any violation of this article is hereby declared to be a nuisance. In addition to any other relief or penalty provided by law, the City of McAlester may apply to

district court for an injunction to prohibit the continuation of any violation of this article.

COrd. No. 2116, § 3, 5-23-00)

Sec. 99-54. Colocation requirements.

(a) All applicants for a telecommunications facility permit shall colocate on an existing facility if it is feasible to do so. An existing facility shall be deemed available for colocation if:

- The facility is within the search ring of the applicant or within a reasonable distance so as to fit into the applicant's design;
- Space is available on the facility; and
- The applicant and the facility owner will lease space to applicant at a reasonable market rate.

(1) If the applicant finds that colocation is not feasible, it shall submit to the city a written statement of the reasons for the infeasibility. The city may retain a technical expert in the field of radiofrequency (RF) engineering to determine whether colocation at the site is feasible. The cost for such a technical expert \will be at the expense of the applicant.

(2) The city may deny the permit unless the applicant demonstrates to the city by substantial evidence that existing telecommunications facilities cannot accommodate the applicant's proposed antenna.

(b) A telecommunications tower shall not be permitted unless the owner of the proposed tower certifies to the city that the tower is available for use by other telecommunications service providers on a reasonable and non-discriminatory basis. Towers shall be designed and built to accommodate a minimum of three telecommunications facilities.

(c) To facilitate colocation and coordination of telecommunications sites, all telecommunications service providers shall, within ninety (90) days of the publication of this article, provide the city with their prospective antenna plans. Said plans shall include detailed maps shO\vil1g the locations of all telecommunications towers serving any por-

tion of the city and indicating coverage areas for current and, to the extent possible, future telecommunications towers.

(d) Providers shall also provide the city with any updates to the above documents within 90 days of their creation.  
(Ord. No. 2116, § 4, 5-23-00)

Sec. 99.55. Telecommunications facility standards.

*Attractive nuisance.* No tower may be located within 250 feet of a playground, ballfield or other area used for active recreation within a park or school. Where such locations are well suited for placement of towers on municipal property, special fencing may be required.

*Compatibility.* Telecommunications facilities shall either maintain a galvanized finish or, subject to applicable standards of the FAA, be painted so as to reduce visual obtrusiveness. Dish antennas shall be of neutral, non-reflective color with no logos. The exterior equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscape and other surroundings.

*Guy wires* must be anchored no closer than 25 feet from any property line. Guy wires shall not cross or encroach any overhead telephone or electric powerlines.

*Height.* No telecommunications tower shall exceed 200 feet in height, including antenna array.

*Interference.* Applicants shall demonstrate that the planned telecommunications facility will not cause radio frequency interference with other existing or planned equipment. Such interference is prohibited.

*Landscaping.* All telecommunications sites shall be landscaped with non-deciduous trees, at least six feet in height, that will attain a height of at least 50 feet in height at maturity. The trees shall be planted on ten-foot centers, on all sides of the site, on the outside of the required fence.

*Lighting.* Illumination of telecommunications towers is prohibited except as required by the

FAA. Any required lighting shall be directed upward and away from adjoining properties. Ground level security lighting shall not be more than 20 feet in height.

*Parhing.* Each telecommunications site shall have a minimum of one space per provider with no more than three parking spaces per site located adjacent to the ingress/egress point.

*Security fence.* A fence not less than eight feet, nor greater than ten feet, from finished grade shall be installed around the site to completely enclose the towers and anchored location of guy wires, if used. Such fences shall be constructed of chain link, woven wire, or solid metal.

*Setback and fall zones.* No new tower shall be sited within 300 feet of any residential use. No new tower shall be sited within 500 feet of any residential structure. Any new tower adjacent to a public right-of-way shall be set back a minimum of one foot for each foot of tower height or 75 feet, whichever distance is greater.

*Signs.* Signs on telecommunications towers shall be limited to those displaying the name, registration number, and emergency contact number of the tower owner or signs required by the FCC regulations, or signs containing warning or safety instructions. Signs shall be limited to four square feet. Advertising on signs is prohibited.

*Spacing.* No tower shall be located closer than 500 feet from another tower. Any new tower in excess of 100 feet in height shall be located a minimum of one mile from any existing tower in excess of 100 feet in height.  
(Ord. No. 2116, § 5, 5-23-00)

Sec. 99-56. Alternative structure standards.

A telecommunications facility may be permitted on an alternative tower structure at least 30 feet tall under the following conditions, which shall be in addition to the requirements of sections 99-55 and 99-57:

- (1) The facility and its accessory support facilities comply with all zoning requirements applicable to the alternate structure and the provisions of section 99-55 of this Code;

- (2) If the facility or any accessory support facility is located upon the roof of a structure, each such facility shall be set back a distance at least equal to the height of the telecommunications facility unless the facilities are screened or camouflaged in a manner that is compatible with the surrounding property. The top of the antenna or other facility shall not be more than 30 percent of the height of the alternate structure, or 75 feet, whichever is less.
- (3) The alternative structure must be similar in color, scale and character to adjoining buildings or structure or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment; and
- (4) Prior to the installation of any building roof mounted telecommunications facility, the applicant shall furnish to the city an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and accessory support facility or equipment.

(Ord. No. 2116, § 6, 5-23-00)

Sec. 99-57. Specific standards.

All telecommunications facilities shall be erected and operated in compliance with current FCC and FAA rules and regulations and other applicable federal, state, and local standards. Applicant must provide a copy of its FCC license or, if the applicant is not an FCC license holder, a copy of at least one letter from an FCC license holder to locate at least one antenna on the applicant's tower.

- (1) *Environmental standards.* Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 db at the property line. Roof-mounted or side-mounted equipment for personal wireless services shall not generate noise in excess of 50 db at ground level at the base of the building closest to the antenna.

- (2) *Structural standards.* Telecommunications tower structures must conform to the most current revision of EIA222 standards. Guyed telecommunications towers shall be designed and located such that, if the structure should fall, it will avoid habitable structures and public ways. An engineer's certification of the structural integrity of the tower and associated equipment shall be required.
- (3) *Wind standards.* Telecommunications facilities shall be designed and engineered to withstand wind loadings and other design standards as defined by BOCA and ANSI for the County in which the municipality is located.

(Ord. No. 2116, § 7, 5-23-00)

Sec. 99-58. Permit conditions.

(a) *Abandonment.* A telecommunications service provider shall post a bond or other security sufficient to pay for the removal of any abandoned facility. No owner or occupant of property within the city shall permit, leave or cause to be left on any said property any telecommunications facility which has been abandoned or discontinued for use. The provider shall remove its facility within 90 days of the date that it discontinues its use of the facility. If the provider fails to remove the facility within the required time, the facility shall be deemed abandoned. The city shall have the authority to enter the premises and remove the abandoned facilities. All costs of removal that exceed the amount of bond or security posted for that purpose shall be collected from the provider or property owner in the manner provided for summary abatement of nuisances. This requirement shall apply to collocated facilities unless the collocation agreement provides for the removal of abandoned facilities by the tower operator.

(b) *Defective facilities.* Defective or unsafe antennas, telecommunications facilities shall be repaired or removed within three months at the owner or operator's expense. If not removed, the city may remove at the expense of the owner or operator.

(c) *Non-conforming use.* Existing towers that do not comply with the new regulations may continue. They may not be expanded or replaced

unless they meet the new regulations. If they are damaged or destroyed, they may be repaired or restored to their former use, location and physical dimensions without complying with the new regulations.

(Ord. No. 2116, § 8, 5-23-00)

**Sec. 99-59. Permit approval process.**

(a) *Public notification.* Except for a proposed telecommunications facility which collocate on an existing tower, the applicant for a permit shall notify all property owners within 300 feet of the outer boundary of the property proposed for the location of the facility. Such notice shall explain the character and dimensions of the proposed telecommunications facility and give an address for the property owners to submit written comments to the applicant. The notice shall include a drawing or other representation of the visual aspects of the proposed facility.

(b) *Permit term.* The permit issued for any telecommunications facility which has a tower over 50 feet in height shall be valid for 15 years. At the end of that period, the facility shall be removed by the carrier or a new permit shall be required.

(Ord. No. 2116, § 8, 5-23-00)

Chapters 100, 101

**RESERVED**