

**TOWN OF MIDDLEFIELD
TELECOMMUNICATIONS FACILITIES ACT**

Local Law #1 of the year 2002

Enacted November 12, 2002

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A. LEGISLATIVE INTENT

The Town of Middlefield (hereinafter Town) recognizes the increased demand for wireless communications transmitting facilities and the need for services they provide. Often these facilities require the construction of a communications tower. The intent of this Local Law is to regulate Telecommunications Facilities, as herein defined, in order to achieve the following:

1. Promote the health, safety, and general welfare of the residents of the Town;
2. Protect the natural features and aesthetic character of the Town;
3. Provide standards for the safe provision of Telecommunications Facilities consistent with applicable federal and New York State (hereinafter State) laws and regulations; and
4. Protect the Town's interest in properly siting towers in a manner consistent with sound land use planning, while also allowing wireless services providers to meet their technological and service objectives.

B. ENABLING AUTHORITY

The Town Board of the Town of Middlefield (hereinafter Town Board) is hereby authorized to review and approve, approve with modifications, or disapprove site plans and Special Use Permits for Telecommunication Facilities consistent with Town Law Sections 274-a and 274-b and this Act. Each decision by the Town Board denying such a site plan and Special Use Permit shall be in writing and supported by substantial evidence contained in the written record. This law is enacted pursuant to Section 10 of the Municipal Home Rule Law.

C. REGULATED ACTS

No Telecommunications Facility shall hereafter be sited, erected, moved, reconstructed, modified, or altered, except in conformity with these regulations.

Where these regulations conflict with other laws and regulations of the Town, the more restrictive shall apply, except for Tower Height restrictions, which are governed by this Act.

D. GENERAL PLACEMENT CRITERIA

1. Telecommunications Facilities, sited after the effective date hereof, shall be permitted in the districts where Telecommunication Facilities are permitted by the Town's Zoning Ordinance, upon approval of site plan review and issuance of a Special Use Permit by the Town Board.
2. The Town prefers that Telecommunications Facilities locate in higher intensity use districts and/or on higher intensity use properties, provided there is a technologically feasible and available location. The preferred locations, from most favorable to least favorable district/property are as follows:
 - (a) Property with an existing Structure suitable for Co-location;
 - (b) Mining, quarrying, and land excavation properties;
 - (c) Industrial use properties;
 - (d) General and highway business use properties; and
 - (e) Agricultural use properties.

In all permitted districts, Telecommunications Facilities will be discouraged from locating in close proximity to residential land uses. The Town Board is authorized to review, evaluate, and determine the appropriateness of the location of a Telecommunications Facility in any approved district, based upon a reasonable evaluation of its impact or effect upon the aesthetic character of the area immediately surrounding the Facility site. In the event that the Town Board determines that the location of the Telecommunications Facility will irreparably damage the surrounding neighborhood or area, the Board may request that

the applicant investigate one or more alternate locations in order to avoid an irreparable damage or effect upon the adjacent area. In such event, the Town Board may direct the applicant to investigate Telecommunications Facility placement in another use classification area, even if such use classification is ordinarily deemed to be a less preferred location or site for a Telecommunications Facility.

3. All applications for site plan review and Special Use Permits for Telecommunications Facilities submitted to the Town shall be considered at public noticed hearings.
4. Any application for a Telecommunications Facility proposed to be sited upon land in a state or national historic district, or in a district or on a property that has been nominated to the state or national register of historic places, shall require review and coordination with the State Historic Preservation Office (SHPO).
5. An application for a Telecommunications Facility shall be sent to the Otsego County Planning Board for review and recommendation when required by General Municipal Law Section 239m or any other law.

E. GENERAL CRITERIA

No Special Use Permit relating to a Telecommunications Facility shall be authorized or issued by the Town Board, unless said Board finds that such Telecommunications Facility:

1. Is necessary to meet current or expected demands for services;
2. Conforms to all applicable regulations promulgated by the Federal Communications Commission (hereinafter FCC), Federal Aviation Administration (hereinafter FAA), and other federal and State agencies;
3. Is owned by an entity considered a public utility in and by the State of New York, or by an entity that has a valid agreement to lease some or all of the proposed Telecommunications Facility (for use as a wireless communications transmitting or receiving facility) to an entity considered a public utility in and by the State of New York;
4. Is designed and constructed in a manner that minimizes visual impact to the extent practical;
5. Complies with all other requirements of this local law;
6. Is sited at the most appropriate site, among those available within the technologically feasible area, for the location of the Telecommunications Facility; and
7. Has received approval from the Town Board of the applicant's related site plan.

F. APPLICATION MATERIALS AND SUPPORTING DOCUMENTATION

A material misstatement in any of the applicant's submissions to the Town Board shall be grounds for the Town Board to disapprove a site plan application and/or to deny or revoke a Special Use Permit.

1. Each application for a Special Use Permit for a Telecommunications Facility shall be by written application on form(s) provided by the Town of Middlefield, submitted to the Town Code Enforcement Officer not more than ten (10) days prior nor less than five (5) days prior to the next regularly scheduled monthly town board meeting, along with appropriate application fee, as may be set by the Town Board, from time to time. The Code Enforcement Officer *immediately* shall transmit the same to the Town Board.
2. Each applicant for a Telecommunications Facility site plan review and/or Special Use Permit shall submit a proposed Environmental Assessment Form (Long Form) with Visual Addendum pursuant to the State Environmental Quality Review Act (SEQRA) and an analysis demonstrating that location of the Telecommunications Facility, as proposed, is necessary to meet the frequency reuse and spacing needs of the applicant's telecommunications system and to provide adequate service and coverage to the intended area. The applicant shall complete part I of the EAF; parts 2 and 3 and the visual addendum shall be completed by the lead agency. The Town Board, or other lead agency, may require submission of a more detailed visual analysis based on the results of the Visual Addendum to the Environmental Assessment Form.
3. Each applicant for a Special Use Permit for a Telecommunications Facility shall submit a site plan prepared to scale and in sufficient detail and accuracy showing, at a minimum:
 - (a) The exact location of the proposed Telecommunications Facility; the exact location of each component of the Facility, including guy wires and anchors, if any, and the overall dimensions and height of each component of the proposed Telecommunications Facility;
 - (b) Detail of Tower type (for example, monopole, latticework, guyed, freestanding), the reasons for such Tower type, and the reasons for exclusion of other available Tower types;
 - (c) The location, type, and intensity of any lighting on the Telecommunications Facility and at the site of such Telecommunications Facility;
 - (d) The name of property owner(s) and the parcel boundaries for the location of the proposed site, and names of adjacent landowners within one thousand (1,000) feet of the boundaries of the site on which the Telecommunications Facility location is proposed;
 - (e) Copy of Otsego County Department of Real Property Services tax map depicting the Parcels of the adjoining landowners identified in the immediately preceding subsection
 - (f) The location of all Structures on the proposed site Parcel and all other Structures within one thousand (1,000) feet of the proposed site boundaries, together with the distance of

- all such Structures to the Telecommunications Facility;
- (g) The location, nature, and extent of any proposed fencing, landscaping, and screening;
 - (h) The location and nature of all proposed utility easements and access road(s), if applicable, servicing the applicant's proposed Telecommunications Facility;
 - (i) The location of any State and/or national historic districts, and districts and properties nominated to the State and/or national register of historic places, within five hundred (500) feet of the proposed site for the Telecommunications Facility;
 - (j) The location of all Town, State, and Otsego County highways having a situs within one thousand (1,000) feet of the Parcel of land on which the erection of the Telecommunications Facility is proposed; and
 - (k) A photographic simulation of the proposed Facility from residential parcels, public lands, and public right-of-ways within one thousand feet of the boundaries of the proposed site to show potential visual impact of the proposed Facility; this may be accomplished by the applicant floating a weather balloon directly above the proposed site for the Facility at a height equal to the tallest planned component of the Facility and causing photographs of the same to be recorded from the aforementioned areas.
4. The applicant, upon request of the Town Board, shall provide a map ("Zone of Visibility Map") that reflects the ground locations within the Town from where the Telecommunications Facility will be visible, including, but not limited to, from state and county highways.
 5. The applicant shall identify in writing the location of any additional sites that it is or will be considering or reviewing for Telecommunications Facilities in the Town and all adjacent municipalities, for a period of two (2) years commencing from date of application.
 6. Each applicant shall provide an inventory report as described in the following Section G (2)(a).
 7. Each applicant must certify that transmissions from its proposed Telecommunications Facility will not interfere with existing signals, such as household television and radio.
 8. In order to keep the County of Otsego informed, to facilitate the possibility of directing that an existing tall Structure or existing Telecommunications Facility in a neighboring municipality be considered for shared use, and to assist in the continued Otsego County development of 911 services, the applicant shall notify in writing the Otsego County Planning Department and the Otsego County Director of Emergency Services of the exact location of the proposed Facility and a general description of the Facility, including, but not limited to, the planned current and future uses, the proposed Height of all Towers, and the Facility's capacity for future shared use. A copy of such writing, and evidence of its delivery to each aforementioned interested party, shall be submitted by the applicant to the Code Enforcement Officer at the time of its submission of application.
 9. Written evidence of the landowners' consent, if the applicant does not own the property.

10. At least 14 days prior to each public hearing held hereunder, the applicant shall mail written notice of such public hearing to all landowners whose property is located within 1,000 feet of the boundaries of the parcel on which the Telecommunications Facility will be sited. Such notification shall inform the landowners that the applicant is seeking a Town Board approval of site plan and issuance of a Special Use Permit for a Telecommunications Facility and the date, place, and time of the scheduled public hearing. Such notification shall be by United States Post Office, first class mail, to the address of each respective landowner, as reflected on the then most current tax assessment roll for the Town, or to such more current address as the applicant may support by substantial evidence; a copy of such writing and evidence of its requisite mailing shall be submitted to the Town Board prior to such public hearing.
11. Each applicant shall submit an Agricultural District Data Statement for all parcels located in an Agricultural District and within 500 feet of the parcel on which the proposed Telecommunications Facility will be situate.

G. ADDITIONAL REQUIREMENTS AND STANDARDS.

The following criteria and additional requirements shall apply to each application for a Telecommunications Facility:

1. Dimensional Standards

- (a) All Telecommunications Facilities shall be set back from all adjacent property lines a sufficient distance to safeguard the general public and adjacent property. At minimum, each and every component of a Telecommunication Facility shall comply with the minimum set back requirements of the underlying zoning district, as specified in the Town's Zoning Ordinance. In the absence of any evidence supporting a greater or lesser setback distance, a setback of the Tower from any adjacent property line shall equal or exceed the Height of the Tower plus fifty (50) feet. A tower shall not be located closer than 1,000 feet to a residential dwelling, without the written consent of the owner of such dwelling and the approval of the Town Board. In no case shall a tower be located closer than 500 feet to a residential dwelling.
- (b) A Telecommunications Facility shall be located on a single Parcel. A Parcel utilized, in whole or in part, for a Telecommunications Facility shall not result in the creation of a nonconforming lot under the Town's Zoning Ordinance.

2. Co-location

- (a) The shared use of existing Telecommunications Facilities shall be preferred to the construction of new Facilities. Additionally, where such shared use is unavailable, location of an Antenna on a pre-existing Structure shall be considered. Any Special Use Permit application shall include evidence that reasonable efforts have been made to Co-

- locate within or upon an existing Telecommunications Facility or an existing Structure. Copies of written requests and responses for shared use shall be provided to the Code Enforcement Officer, at time of submission of application. The application shall also include an inventory report specifying existing Structures and Telecommunications Facilities exceeding seventy-five percent (75%) of the height of the proposed Tower within the search range of the cell grid. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to new construction.
- (b) The applicant must demonstrate that the proposed Telecommunications Facility cannot be accommodated on existing Facilities and other Structures in the inventory of Section G.2(a) due to one or more of the following reasons:
- 1) The planned Telecommunications Facility would exceed the structural capacity of existing Facilities and other Structures, considering existing and planned use for those Facilities and Structures;
 - 2) The planned Telecommunications Facility would cause radio frequency interference with existing or planned Facilities, which interference reasonably cannot be prevented;
 - 3) Existing Telecommunications Facilities and other Structures do not have available space on which the proposed Facility can function effectively and reasonably;
 - 4) Other technical reasons make it impracticable to place the proposed Telecommunications Facility on existing Facilities and Structures; or
 - 5) The owner(s) of the existing Telecommunications Facilities and other Structures refuse(s) to allow such Co-location.
- (c) The applicant must examine and report to the Town Board the feasibility of designing a Telecommunications Facility to accommodate future demand for broadcasting and reception facilities. The Town Board shall determine the scope of this analysis. This requirement may be waived, provided that the applicant demonstrates that the provisions of future shared usage of the Facility is not feasible and an unnecessary burden, based upon:
- 1) The number of FCC licenses foreseeably available for the area;
 - 2) The type of Telecommunications Facility proposed;
 - 3) The number of existing and potential licenses without Telecommunications Facility sites;
 - 4) Available spaces on existing Telecommunications Facilities; and
 - 5) Potential adverse visual impact by a Telecommunications Facility designed for

shared usage.

3. Lighting and Markings

- (a) Telecommunication Facilities generally shall not be artificially lighted and marked beyond the requirements of the FAA and other State and federal regulatory agencies.
- (b) Notwithstanding the preceding subsection, an applicant may be compelled to add FAA style lighting and markings, if in the judgment of the Town Board, such a requirement would be of direct benefit to public safety.
- (c) All other artificial lighting at the Telecommunications Facility site shall be of style and scope to reasonably minimize illumination emanating from the site.

4. Appearance and Buffering

- (a) The use of any portion of a Telecommunications Facility for signs, promotional, or advertising purposes, including, but not limited to, company name, phone numbers, banners, streamers, and balloons is prohibited.
- (b) The Telecommunications Facility shall be sited to have the least practical adverse visual effect upon the environment, as determined by the Town Board. Any Tower, except as required by the FAA, shall:
 - 1) have a finish that minimizes its degree of visual impact (for example, painted gray above the tree line and green below the tree line), as deemed appropriate by the Town Board; and
 - 2) be disguised or utilize Camouflaging to blend in with the surroundings, to the extent that such alteration does not impair the ability of the Telecommunications Facility to perform its designed function.
- (c.) Accessory Structures shall maximize the use of building materials, colors, and textures designed to blend in with the natural surroundings.
- (d.) The Town Board shall require that the Telecommunications Facility have appropriate vegetative buffering around the fences of the Facility to buffer their appearance from adjoining Parcels, neighboring residences, recreation areas, and public roads. Such vegetative buffering shall include the maximum feasible retention of existing vegetation.

5. Traffic Access and Safety

- (a) An access road to, and parking at, the Telecommunications Facility site shall be

provided by the applicant to assure adequate emergency vehicle and service vehicle access. Maximum use of existing roads, public or private, shall be made. Road construction, at all times, shall minimize ground disturbance and vegetation cutting, and road grades shall closely follow natural ground contours to assure minimal visual disturbance and reduce soil erosion. Such access road or parking area shall include an adequate interior turn-around site, such that emergency and service vehicles will not have to back out onto a public highway.

- (b) Each if applicable, shall be enclosed by a fence not less than eight (8) feet in height or otherwise sufficiently secured to protect the tower from trespassing, vandalism, and unauthorized climbing. All such fenced areas shall be screened as provided in subsection G.4(d).
- (c) The applicant must comply with all applicable State and federal regulations including, but not limited to FAA and FCC regulations, and must submit written evidence of such compliance.
- (d) The applicant shall provide a written certification, from a qualified engineer licensed to practice in the State of New York, that the Telecommunications Facility meets all applicable safety standards.
- (e) There shall be no permanent climbing pegs, ladders, or similar mechanism within 15 feet of the ground at a Telecommunications Facility.
- (f) Guy wires and anchors, if any, used at the Facility, if not enclosed by fence or similar protective device, shall be covered by plastic shields, or other appropriate safety device, and marked by highly visible material, all so as to minimize the risk to people, vehicles, and animals from accidentally colliding with or avoiding such wires and anchors.
- (g) A New York State licensed engineer shall inspect each Telecommunications Facility approved hereunder at least every five years for structural integrity. A copy of the written inspection report shall be submitted to the Town Code Enforcement Officer within thirty (30) days of issuance of such report. Any and all safety concerns raised at that time must be addressed by the owner and applicant, their successors or assigns, and appropriately remedied to the satisfaction of the Town Board, or the Special Use Permit allowing for such Telecommunications Facility may be revoked by the Town Board upon 20 days notice to the landowner and the Facility owner.

6. Height

The applicant shall submit sufficient information to justify the Height of each proposed Tower as the minimum necessary to achieve its coverage objectives. In no event, however, shall the Height of any Tower exceed a height of 199 feet above then existing adjoining grade level. The maximum Height of any Tower shall not meet or exceed a height that will require artificial lighting of any kind and nature in accordance with any town, county, State, and federal laws or regulations, without first obtaining an area variance from the Town Zoning Board of Appeals,

according to procedures and standards for area variances set forth in the Town's Zoning Ordinance, excepting that rather than an "unreasonable hardship" standard as contained in the Zoning Ordinance, the Board of Appeals shall consider whether there is a "gap" in such service that cannot reasonably be filled without the variance.

7. Expense Reimbursement

Each applicant applying for site plan review, a Special Use Permit, or renewal thereof for a Telecommunications Facility agrees to reimburse the Town for actual, reasonable expenses incurred by the Town for consultants and/or specialists to assist in the Town's review of the application(s). The applicant shall acknowledge in writing in its Application to the Town its responsibility for such potential expense. The applicant shall reimburse the Town for such actual, reasonable expenses within 30 days of United States Post Office postmark, first class mail, of statement for reimbursement. No building permit shall be issued by the Town for the Facility until the Town has received reimbursement for such expenses incurred by the Town.

8. Notice of Ownership

A continuing condition of each Permit, and renewal thereof, shall be an obligation of the owner(s) of the Telecommunications Facility to notify the Town, in writing, of any change in name or address of the owner and any transfers of ownership interests in the Facility, including leases for a term (including options to renew) exceeding one (1) year; such notice shall contain the name, address, telephone number, and contact person of the new owner. All new owners shall assume all obligations of predecessor owners hereunder, which assumption shall be acknowledged in writing by such new owner, and delivered to the Town prior to taking ownership of such Facility; the prior owner shall continue to remain bound to its obligations hereunder.

9. Liability Insurance

The applicant shall obtain a policy of General Public Liability Insurance if a Special Use Permit is granted. The policy shall be obtained from an insurance company licensed to do business in New York State and shall be in an amount equal to the coverage carried by the Town of Middlefield. A Certificate of Insurance shall be presented to the Town Board within three months after Special Use Permit approval or before commencing with construction, whichever comes first, or said Special Use Permit shall be deemed void. The Certificate of Insurance shall name the Town of Middlefield as an additional insured. Such policy shall be maintained until the Telecommunications Facility has been removed. The applicant will provide the clerk of the Town of Middlefield with proof of insurance and/or insurance renewal on a yearly basis, no less than thirty (30) days before such policy expires. If the Telecommunication Facility changes hands or ownership, the new owners shall be required to carry an insurance policy under the same parameters as stated herein. Insurance must be maintained at all times, even when a company has ceased use of a Facility or has offered it for sale to other interested parties.

10. Further Authority

- (a) The Town Board shall have the authority to impose such other reasonable conditions and restrictions as are directly related to and incidental to the implementation of this Act.
- (b) The Town Board may vary the requirements of this Act upon finding the following:
 - (i) That strict application of these requirements would impose an unreasonable hardship upon the applicant. Such hardship shall not be the result of any action by the applicant, and failure to realize financial gain from the use or sale of property shall not be considered an unreasonable hardship in the absence of other hardship;
 - (ii) That the requested variance is consistent with the intent of the comprehensive plan and will not result in creation of a hardship upon neighboring property owners;
 - (iii) That the requested variance will not adversely affect public safety or welfare;
 - (iv) That the requested variance is for the relief of unique circumstances; and
 - (v) That the variance requested is the minimum necessary to grant relief. In granting a variance, the Board, in its resolution, shall specify its findings upon which the variance is granted.

H. REMOVAL OF FACILITIES

1. The applicant, the proposed Telecommunications Facility Owner, and the landowner of the subject Parcel, for themselves, and their successor and assigns, shall, in notarized writing in form sufficient to be recorded as a deed, jointly and severally agree to remove the Telecommunications Facility, or be responsible for the Town expense therefor, if the Facility becomes obsolete, decrepit, or ceases to be used for its intended purpose for six (6) consecutive months, or if the relevant Special Use Permit is revoked; removal of such Facility shall be completed within (6) months after such condition. If the applicant, Telecommunications Facility Owner, and the landowner fail to remove the Telecommunications Facility, the Town may apply to the appropriate Court of the State of New York for an Order allowing the Town to cause removal of such Facility and restoration of the site, and for reimbursement of all reasonable costs and expenses, including attorneys' fees, incurred by the Town in such proceeding, and the in the removal of the Facility and restoration of the site. The aforementioned notarized writing shall contain consent by the landowner that any and all of the aforementioned costs and expenses allowed by the Court shall pass to the landowner as lien upon the subject real estate, the amount of which lien shall be charged to the landowner in the next issued General Property Tax Bill for such Parcel. Such writing also shall include a commitment by the applicant, Telecommunications Facility owner, and landowner to impose similar obligations upon any person subsequently securing rights of ownership in the Facility and/or the Parcel. The obligations of this subsection shall continue for the life of each Special Use Permit.
2. Upon approval of the application, with or without modification, and prior to the issuance of

the Special Use Permit, the applicant shall file with the Town Clerk a bond or other form of security acceptable to the Town Board, in an amount sufficient in the reasonable discretion of the Town Board, for the faithful performance of the terms and conditions of the Special Use Permit issued hereunder, for the observation of all Town laws and ordinances, to cover the maintenance of the Telecommunications Facility during its anticipated use span, and provide for the removal of the Facility and restoration of the site subsequent to the removal of the Facility. The Town Board, in its Special Use Permit procedure, shall determine the bond amount or other form of security required. The amount of the bond or security shall be no less than 150% of the estimated cost of removal of the Telecommunications Facility and restoration of the site, and said amount shall be subject to review and adjustment by the Town Board at five (5) year intervals.

3. In the event of default upon the faithful performance of the terms and conditions of the Special Use Permit, the observation of all Town laws and ordinances, maintenance of the Telecommunications Facility, the removal of the Facility, and/or the restoration of the site subsequent to the removal of the Facility, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the Telecommunications Facility and site restoration. All reasonable expenses incurred by the Town for legal proceedings upon such defaults, and for removal of such Facility and restoration of the site, that are not reimbursed (for whatever reason) by the bond or other security, shall pass to the property owner as lien upon the subject real estate, the amount of which lien shall be a charge to the landowner in the next issued General Property Tax Bill for such Parcel.

I. DEFINITIONS

ACCESSORY STRUCTURE - An accessory facility or Structure serving or being used in conjunction with or in support of a Telecommunications Facility. Examples of such facilities and Structures include utility and transmission equipment, storage sheds, cabinets, and guy wires.

ANTENNA - A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio navigation, radio, television, cellular, paging, personal communication services, and microwave communications.

CAMOUFLAGING - The construction of a Telecommunications Facility so that the Facility blends readily with the landscape, neighborhood, and adjacent architectural features. Examples of camouflaging that could be used are silo and barn, windmill, and simulated tree.

CO-LOCATED ANTENNAS - Antennas affixed to existing Telecommunications Facilities or other Structures and which do not require construction of a new Tower.

HEIGHT OF TOWER - The vertical distance measured from ground level to the highest point on a Tower, including antennae mounted on the Tower.

PARCEL - A plot of land depicted as a separate unit for real property tax assessment purposes

on the Town's real property tax assessment roll.

STRUCTURE – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, including Towers, Accessory Structures, residences, barns, and silos.

TELECOMMUNICATIONS FACILITY (FACILITY) – Tower(s) and/or Antenna(s) and/or Accessory Structure(s), and/or other accessory components used in connection with the provision of cellular telephone service, personal communications services, paging services, radio, and television broadcast services, and similar broadcast services.

The following types of Telecommunications Facilities are excepted from this definition:

1. Uses that are accessory to residential uses, including residential household television and radio reception;
2. Antennas measuring one (1) meter or less in every dimension; and
3. A Facility without a component therein exceeding 75 feet in height from the sited ground level.

TOWER - A Structure greater than 75 feet in height designed to support an Antenna(s). It includes, without limitation, freestanding towers, guyed towers, latticework towers, monopoles, and similar Structures.

J. SEPARABILITY

If any section or provision of this Act be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the section or provision declared to be invalid.

K. EFFECTIVE DATE

This local law shall become effective upon the filing thereof with the Department of State.