

## ORDINANCE 2023-013

### Town of Edgewood Cell Phone Tower Ordinance

**Purpose:** The purpose of this ordinance is to establish a comprehensive regulatory framework governing the construction, placement, and maintenance of cell phone towers within the town of Edgewood. This framework is designed to ensure the responsible deployment of telecommunications infrastructure, safeguard public safety, protect the aesthetic character of the community, and promote the efficient use of land for such purposes. Additionally, this ordinance recognizes the importance of facilitating the deployment of 5G technology to meet the evolving needs of the community.

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#### Section 1: Definitions

1. Cell Tower: Any structure, including but not limited to monopoles, lattice towers, or disguised support structures, constructed to support antennas and related equipment for wireless communication services.
  2. Antenna: A device designed for the transmission or reception of radio frequency signals, typically mounted on a tower or structure.
  3. Telecommunications Facility: An integrated system of equipment, including antennas, towers, base stations, and other supporting structures, used for the transmission and reception of wireless communications signals.
  4. 5G Technology: The fifth generation of wireless technology that provides increased data speeds, reduced latency, and enhanced connectivity for mobile and internet-connected devices.
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#### Section 2: Zoning and Land Use

1. Permitted Zones: Cell phone towers, including those supporting 5G technology, are permitted in designated Commercial (C-1 and C-2) Agriculture (A-G) and Special Use (S-U) zoning districts, as outlined in the Edgewood Zoning Map. Cell phone towers, including those supporting 5G technology, may be permitted in designated zone districts Master Plan (M-P) Residential / Institutional (R-3) with Conditional Use approval by the Planning and Zoning Commission.

**Special Requirements:** In residential zones, cell phone towers must adhere to strict design and placement guidelines to ensure compatibility with the surrounding neighborhood. Special considerations for 5G technology deployment may include small cell installations to enhance coverage and capacity in residential areas.

**Setback Requirements:** In residential areas, cell phone towers, including 5G installations, must maintain a setback as determined appropriate by the Planning and Zoning Commission. Additional setbacks may be required based on specific site characteristics and topography.

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### **Section 3: Permitting Process**

1. **Application Procedure:** Applicants must submit a comprehensive permit application to the Edgewood Zoning Commission, including detailed site plans, structural engineering reports, an environmental impact assessment, and a community impact statement. For 5G installations, the application must include specific details on the technology, equipment, and coverage area.

**Permit Fees:** The non-refundable application fee is \$1,000 for traditional cell phone towers and \$500 for 5G installations. These fees cover administrative costs, public notice requirements, and review processes associated with the permit application.

**Approval Authority:** The Edgewood Planning and Zoning Commission, following a public hearing, shall review and either approve or deny the permit application. The Commission may impose conditions to address community concerns or enhance the project's compatibility with the surrounding environment.

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### **Section 4: Design and Aesthetics**

1. **Guidelines:** Cell phone towers, including those supporting 5G technology, must adhere to detailed design and appearance guidelines developed by the Edgewood Planning Department. These guidelines aim to ensure that towers complement the local landscape and architecture.

**Camouflage:** The ordinance encourages the use of innovative camouflage techniques, such as stealth designs, landscaping, or architectural treatments, to minimize the visual impact of cell phone towers and 5G installations and integrate them into the natural surroundings.

**Height Limitations:** In residential zones, cell phone towers, including 5G installations, must not exceed 100 feet in height, measured from the natural grade level to the highest point of the structure, to maintain visual harmony with the neighborhood.

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### **Section 5: Safety and Environmental Considerations**

1. **Safety Standards:** All cell phone towers, including those supporting 5G technology, must comply with industry-accepted safety standards, including structural stability assessments, radio frequency (RF) emissions evaluations, and lighting requirements to ensure public safety.

**Environmental Impact:** Prior to approval, applicants must conduct a comprehensive environmental impact assessment, considering factors such as potential impacts on wildlife, vegetation, and cultural resources. The assessment should propose mitigation measures to minimize adverse effects. For 5G installations, an assessment of potential health impacts related to increased radio frequency exposure must be included.

**Health Impact Assessment (5G):** Applications for 5G technology must include a specific health impact assessment addressing potential concerns related to increased radio frequency exposure. This assessment should consider the latest scientific research on the health effects of 5G technology.



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## **Section 6: Public Notification and Input**

1. **Public Notice:** Notice of proposed cell phone tower projects, including 5G installations, must be published in a local newspaper, and adjacent property owners within a 500-foot radius must receive direct notification by mail at least 15 days prior to a public hearing.

**Public Hearings:** Public hearings will be conducted to provide an opportunity for residents, community organizations, and other stakeholders to express concerns, ask questions, and provide feedback regarding proposed cell phone tower projects, including 5G installations. These hearings aim to foster community engagement and address potential issues before final permit decisions are made.

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## **Section 7: Maintenance and Removal**

1. **Maintenance Requirements:** Cell tower operators must submit an annual maintenance plan detailing routine inspections, equipment upgrades, and landscaping maintenance to ensure the ongoing safety, functionality, and compliance of the cell phone tower, including 5G installations.

**Removal of Inactive Towers:** Inactive or obsolete towers, including 5G installations, must be removed within 180 days of becoming inactive. The removal process must adhere to safety protocols, and the site must be restored to its pre-tower condition, as approved by the Edgewood Zoning Commission.

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## **Section 8: Insurance and Liability**

1. **Insurance Coverage:** Cell tower operators, including those supporting 5G technology, must maintain comprehensive liability insurance coverage with a minimum coverage of \$2 million to cover potential damages, liabilities, or injuries arising from the construction, operation, or maintenance of cell phone towers within the town of Edgewood.

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## **Section 9: Compliance and Enforcement**

1. **Penalties:** Violations of this ordinance may result in fines of up to \$5,000 per offense, suspension of permits, or removal of non-compliant structures, as determined by the Edgewood Zoning Commission.

**Enforcement Mechanisms:** The town reserves the right to pursue legal action, including injunctive relief and cost recovery for any necessary corrective actions, to enforce compliance with this ordinance.

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## **Section 10: Miscellaneous Provisions**

1. **Indemnification:** Cell tower operators, including those supporting 5G technology, shall indemnify and hold the town of Edgewood harmless from any claims, damages, or liabilities arising from the construction, operation, or maintenance of cell phone towers within the town.

Amendments: This ordinance may be amended by the Edgewood Town Commission following a public hearing and proper notice to affected parties. Amendments should be made to address emerging technologies, changing community needs, or regulatory requirements. Proposed amendments must undergo the same public review process as new ordinances.

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**Section 11. Corrections**

1. The Town Clerk/Treasurer and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

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**Section 12. Severability**

1. Severability. The provisions of this Ordinance are severable. Should any part of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance other than the part so declared to be unconstitutional or invalid.

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**Section 13. Effective Date**

This Ordinance shall take effect five (5) days after publication in accordance with State Law.

This Ordinance repeals and replaces Ordinance 2003-11 in its entirety.

**PASSED, APPROVED and ADOPTED this 30th day of January 2024**



Mayor, Town of Edgewood

Attest:



Town Clerk

