



Goals for a Municipal Tower Policy

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Goals for a Municipal Tower Policy.....	3
---	---

Goals for a Municipal Tower Policy

Reference Number: MTAS-753

Seven Factors to be Addressed by a Tower Siting Ordinance

A well-written tower ordinance will:

- Encourage a modern, nondiscriminatory and competitive telecommunications system within the community;
- Protect the health, safety and welfare of the citizens in the community;
- Discourage antenna or tower proliferation and protect against visual blight and damage to community aesthetics;
- Avoid interfering with other types of telecommunications (fire, police, and other emergency communications);
- Create a reasonable and efficient permit application and review process;
- Assure that the tower will be maintained throughout its lifespan; and
- Comply with the permit requirements of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

General Siting Strategy

An antenna facilities ordinance should identify areas of the community where the placement of towers will be encouraged. Generally, these will be:

- Areas where local zoning favors the placement of antenna towers. Usually, these will include industrially zoned properties, agricultural land and other sparsely populated sections of town.
- Areas where antenna towers may be permitted by issuing a special use or conditional use permit. Issuing the special use permit is subject to geographic and topographic conditions, population density and the physical properties of the proposed tower. In these areas, towers might be permitted if it can be demonstrated that they will not pose a safety risk or damage neighborhood aesthetics. Commercial areas, public rights-of-way and similar areas are included in this group.
- Areas where antenna towers are forbidden. Low density residential neighborhoods and areas near airports, helipads and other highrisk facilities that could be threatened by placement of an antenna tower. The FCC is required to evaluate the impact of a proposed tower on historic sites, wilderness areas, wildlife preserves, Indian religious sites, flood plains and wet lands, and the city might consider linking its permit approval to the FCC's review.

Within zoning districts where tower placement might be acceptable, cities should establish priorities that favor tower construction techniques that minimize environmental and aesthetic concerns. A city's telecommunications ordinance may, for example, encourage antenna placement on existing radio towers or other tall structures or buildings and require applicants who propose to construct new towers to inventory such available sites in the community and to explain why they were not proposed for site approval.

Compliance with FCC and FAA Regulations

A proposed telecommunications tower with a height of 200 feet or more above grade at the site must be cleared by the FAA and registered with the FCC. Towers proposed for construction within 20,000 feet of an airport runway may be required to be similarly registered with the FCC, depending on topography and the length of the airport runway. The FCC maintains an interactive website that allows users to submit key information about antenna proposals to determine whether FCC registration is necessary. The website provides automatic and immediate notice to the user about the need to register the proposed tower. ^[2]

Exceptions are granted for proposed towers that will be "shielded" by existing, permanent structures or natural terrain of equal or greater height, in congested municipal areas where there is "no reasonable doubt" that the structure so shielded will not affect air navigation. The phrase "no reasonable doubt" is open to fairly broad interpretation. Any misjudgment in this area could have tragic consequences, and

cities would do well to leave such decisions to the FCC and the FAA. Cities should also be aware that if such shielding is ever removed (i.e., building demolition), a previously unregistered tower must be registered with the FCC.

The Antenna Facilities Ordinance should stipulate that the city will not consider any tower construction permit unless and until the applicant has completed the FCC and FAA registration process, if required.

[2] <http://wireless2.fcc.gov/UlsApp/AsrSearch/>

[towairSearch.jsp;JSESSIONID_ASRSEARCH=VdNnNnpdcg1J4y8k33dsfmCPLBGIXfy683wJxTC6nK2HFCPjGKdF!1089871594](http://wireless2.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp;JSESSIONID_ASRSEARCH=VdNnNnpdcg1J4y8k33dsfmCPLBGIXfy683wJxTC6nK2HFCPjGKdF!1089871594)

[1]

Links:

[1] <http://wireless2.fcc.gov/UlsApp/AsrSearch/>

[towairSearch.jsp;JSESSIONID_ASRSEARCH=VdNnNnpdcg1J4y8k33dsfmCPLBGIXfy683wJxTC6nK2HFCPjGKdF!](http://wireless2.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp;JSESSIONID_ASRSEARCH=VdNnNnpdcg1J4y8k33dsfmCPLBGIXfy683wJxTC6nK2HFCPjGKdF!1089871594)

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 11/19/2019 - 7:22am): <https://www.mtas.tennessee.edu/reference/goals-municipal-tower-policy>



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE