

Senate Bill 432

By: Senators Hawkins of the 49th, Balfour of the 9th, Shafer of the 48th, Williams of the 19th, Murphy of the 27th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide procedures for reviewing applications for the modification or collocation of
3 wireless communication facilities; to provide a short title; to provide legislative findings and
4 intent; to provide definitions; to provide for related matters; to provide an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
9 by adding a new chapter to read as follows:

10 "CHAPTER 66B

11 36-66B-1.

12 This chapter shall be known and may be cited as the 'Advanced Broadband Collocation
13 Act.'

14 36-66B-2.

15 (a) The General Assembly finds that the enactment of this chapter is necessary to:

16 (1) Ensure the safe and efficient integration of facilities necessary for the provision of
17 broadband and other advanced wireless communication services throughout this state;

18 (2) Ensure the ready availability of reliable wireless communication services to the
19 public to support personal communications, economic development, and the general
20 welfare; and

21 (3) Encourage where feasible the modification or collocation of wireless facilities on
22 existing wireless support structures over the construction of new wireless support
23 structures in the deployment or expansion of commercial wireless networks.

24 (b) While recognizing and confirming the purview of local governments to exercise
25 zoning, land use, and permitting authority within their territorial boundaries with regard to
26 the location, construction, and modification of wireless communication facilities, it is the
27 intent of this chapter to establish procedural standards for the exercise of such authority so
28 as to streamline and facilitate the modification of such facilities, including the placement
29 of new or additional wireless facilities on existing wireless support structures. It is not the
30 intent of this chapter to limit or preempt the scope of a local government's review of
31 zoning, land use, or permitting applications for the siting of wireless facilities or wireless
32 support structures or to require a local government to exercise its zoning power.

33 36-66B-3.

34 As used in this chapter, the term:

35 (1) 'Accessory equipment' means any equipment serving or being used in conjunction
36 with a wireless facility or wireless support structure and includes, but is not limited to,
37 utility or transmission equipment, power supplies, generators, batteries, cables, equipment
38 buildings, cabinets, and storage sheds, shelters, or similar structures.

39 (2) 'Antenna' means communications equipment that transmits and receives
40 electromagnetic radio signals used in the provision of all types of wireless
41 communication services.

42 (3) 'Application' means a formal request submitted to the local governing authority to
43 construct or modify a wireless support structure or a wireless facility. An application
44 shall be deemed complete when all documents, information, and fees specifically
45 enumerated in the local governing authority's regulations, ordinances, and forms
46 pertaining to the location, construction, modification, or operation of wireless facilities
47 are submitted by the applicant to the authority.

48 (4) 'Collocation' means the placement or installation of new wireless facilities on
49 previously approved and constructed wireless support structures, including monopoles
50 and towers, both self-supporting and guyed, in a manner that negates the need to
51 construct a new freestanding wireless support structure. Such term includes the
52 placement of accessory equipment within an existing equipment compound.

53 (5) 'Equipment compound' means an area surrounding or adjacent to the base of a
54 wireless support structure within which accessory equipment is located.

55 (6) 'Local governing authority' means a municipality or county that has adopted land use
56 or zoning regulations for all or the majority of land uses within its jurisdiction or has
57 adopted separate regulations pertaining to the location, construction, modification, or
58 operation of wireless facilities.

59 (7) 'Modification' or 'modify' means the improvement, upgrade, expansion, or
60 replacement of existing wireless facilities on an existing wireless support structure or
61 within an existing equipment compound, provided such improvement, upgrade,
62 expansion, or replacement does not increase the height of the wireless support structure
63 or increase the dimensions of the equipment compound.

64 (8) 'Wireless facility' means the set of equipment and network components, exclusive of
65 the underlying wireless support structure, including antennas, transmitters, receivers, base
66 stations, power supplies, cabling, and accessory equipment, used to provide wireless data
67 and telecommunication services.

68 (9) 'Wireless support structure' means a freestanding structure, such as a monopole,
69 tower, either guyed or self-supporting, or suitable existing or alternative structure
70 designed to support or capable of supporting wireless facilities.

71 36-66B-4.

72 (a) Applications for collocation or modification of a wireless facility entitled to
73 streamlined processing under this Code section shall be reviewed for conformance with
74 applicable site plan and building permit requirements, including zoning and land use
75 conformity, but shall not otherwise be subject to the issuance of additional zoning, land
76 use, or special use permit approvals beyond the initial zoning, land use, or special permit
77 approvals issued for such wireless support structure or wireless facility. The intent of this
78 Code section is to allow previously approved wireless support structures and wireless
79 facilities to be modified or accept collocations without additional zoning or land use review
80 beyond that which is typically required by the local governing authority for the issuance
81 of building or electrical permits.

82 (b) The streamlined process set forth in subsection (a) of this Code section shall apply to
83 applications for all modifications and to applications for all proposed collocations that meet
84 the following requirements:

85 (1) The proposed collocation shall not increase the overall height or width of the wireless
86 support structure to which the wireless facilities are to be attached;

87 (2) The proposed collocation shall not increase the dimensions of the equipment
88 compound approved by the local governing authority;

89 (3) The proposed collocation shall comply with applicable conditions of approval, if any,
90 applied to the initial wireless facilities and wireless support structure, as well as any
91 subsequently adopted amendments to such conditions of approval; and

92 (4) The proposed collocation shall not exceed the applicable weight limits for the
93 wireless support structure, as demonstrated by a letter from a structural engineer licensed
94 to practice in this state.

95 (c) A local governing authority's review of an application to modify or collocate wireless
96 facilities on an existing wireless support structure shall not include an evaluation of the
97 technical, business, or service characteristics of such proposed wireless facilities. A local
98 governing authority shall not require an applicant to submit radio frequency analyses or any
99 other documentation intended to demonstrate the proposed service characteristics of the
100 proposed wireless facilities, to illustrate the need for such wireless facilities, or to justify
101 the business decision to collocate such wireless facilities; provided, however, that the local
102 governing authority may require the applicant to provide a letter from a radio frequency
103 engineer certifying the applicant's proposed wireless facilities will not interfere with
104 emergency communications.

105 (d) Within 90 calendar days of the date an application for modification or collocation of
106 wireless facilities is filed with the local governing authority, unless another date is
107 specified in a written agreement between the local governing authority and the applicant,
108 the local governing authority shall:

109 (1) Make its final decision to approve or disapprove the application; and

110 (2) Advise the applicant in writing of its final decision.

111 (e) Within 30 calendar days of the date an application for modification or collocation is
112 filed with the local governing authority, the local governing authority shall notify the
113 applicant in writing of any information required to complete the application. To the extent
114 additional information is required to complete the application, the time required by the
115 applicant to provide such information shall not be counted toward the 90 calendar day
116 review period set forth in subsection (d) of this Code section."

117 **SECTION 2.**

118 This Act shall become effective upon its approval by the Governor or upon its becoming law
119 without such approval.

120 **SECTION 3.**

121 All laws and parts of laws in conflict with this Act are repealed.