

[First Reprint]

ASSEMBLY, No. 3165

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Clarifies that application to collocate wireless communications equipment be reviewed by administrative officer.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 16, 2021, with amendments.



1 AN ACT concerning the collocation of wireless communications
2 equipment, and amending P.L.1975, c.291 and P.L.2011, c.199.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 9 of P.L.1975, c.291 (C.40:55D-18) shall be
8 amended to read as follows:

9 9. Enforcement. The governing body of a municipality shall
10 enforce this act and any ordinance or regulation made and adopted
11 hereunder. To that end, the governing body may require the
12 issuance of specified permits, certificates or authorizations as a
13 condition precedent to (1) the erection, construction, alteration,
14 repair, remodeling, conversion, removal or destruction of any
15 building or structure, (2) the use or occupancy of any building,
16 structure or land, and (3) the subdivision or resubdivision of any
17 land; and shall require the issuance of a zoning permit as a
18 condition precedent to the collocation of wireless communications
19 equipment pursuant to section 1 of P.L.2011, c.199 (C.40:55D-
20 46.2). The governing body of a municipality shall establish an
21 administrative officer and offices for the purpose of issuing such
22 permits, certificates or authorizations; and may condition the
23 issuance of such permits, certificates and authorizations upon the
24 submission of such data, materials, plans, plats and information as
25 is authorized hereunder and upon the express approval of the
26 appropriate State, county or municipal agencies; and may establish
27 reasonable fees to cover administrative costs for the issuance of
28 such permits, certificates and authorizations. The administrative
29 officer shall issue or deny a zoning permit within 10 business days
30 of receipt of a request therefor ¹; except that the administrative
31 officer shall issue or deny a zoning permit for the collocation of
32 wireless communications equipment pursuant to section 1 of
33 P.L.2011, c.199 (C.40:55D-46.2) within 30 business days of receipt
34 of a request¹. If the administrative officer fails to grant or deny a
35 zoning permit within this period, the failure shall be deemed to be
36 an approval of the application for the zoning permit. In case any
37 building or structure is erected, constructed, altered, repaired,
38 converted, or maintained, or any building, structure or land is used
39 in violation of this act or of any ordinance or other regulation made
40 under authority conferred hereby, the proper local authorities of the
41 municipality or an interested party, in addition to other remedies,
42 may institute any appropriate action or proceedings to prevent such
43 unlawful erection, construction, reconstruction, alteration, repair,
44 conversion, maintenance or use, to restrain, correct or abate such
45 violation, to prevent the occupancy of said building, structure or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 16, 2021.

land, or to prevent any illegal act, conduct, business or use in or about such premises.

(cf: P.L.2001, c.49, s.1)

2. Section 1 of P.L.2011, c.199 (C.40:55D-46.2) is amended to read as follows:

1. a. An application **for development** for a zoning permit to collocate wireless communications equipment on a wireless communications support structure or in an existing equipment compound shall not be subject to site plan or other land use board review, and shall be approved by the administrative officer pursuant to section 9 of P.L.1975, c.291 (C.40:55D-18). provided the application meets the following requirements:

(1) the wireless communications support structure shall have been previously granted all necessary approvals by the appropriate approving authority;

(2) the proposed collocation shall not increase (a) the overall height of the wireless communications support structure by more than ten percent of the original height of the wireless communications support structure, (b) the width of the wireless communications support structure, or (c) the square footage of the existing equipment compound to an area greater than 2,500 square feet;

(3) the proposed collocation complies with the final approval of the wireless communications support structure and all conditions attached thereto and does not create a condition for which variance relief would be required pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.), or any other applicable law, rule or regulation.

b. For purposes of this section:

"Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure within which is located wireless communications equipment.

"Collocate" means to place or install wireless communications equipment on a wireless communications support structure.

"Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services: including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cabling, and coaxial and fiber optic cable, but excluding wireless communications support structures.

"Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

(cf: P.L.2011, c.199, s.1)

3. This act shall take effect immediately.