

SENATE, No. 4082

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 8, 2021

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

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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; 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 request. 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.

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

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

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

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

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

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

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

29 b. For purposes of this section:

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

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

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

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

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

1 3. This act shall take effect immediately.

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STATEMENT

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6 This bill clarifies current law by requiring certain applications to
7 collocate wireless communications equipment on preexisting
8 support structures be processed administratively and be approved by
9 permit. Current law provides that an application to collocate
10 wireless communications equipment on a preexisting wireless
11 communications support structure is not subject to site plan review
12 if: 1) the support structure had been previously granted all
13 necessary approvals, 2) the proposed collocation would not increase
14 the support structure's height by more than ten percent or expand
15 the width of any existing equipment structure beyond 2,500 square
16 feet, and 3) the support structure will be substantially consistent
17 with the terms and conditions of the underlying approvals.

18 The bill specifies that collocation applications are to be
19 submitted to an administrative officer for review, and that an
20 administrative officer may approve a collocation application by
21 issuing a zoning permit. If an administrative officer determines that
22 a collocation application does not meet the requirements of current
23 law, the administrative officer is to deny the application. The bill
24 provides that an administrative officer shall issue or deny a zoning
25 permit within 30 business days of receipt of a request.