

**ASSEMBLY, No. 1196**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**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**

Introduced Pending Technical Review by Legislative Counsel.



A1196 MURPHY

2

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 amended  
8 to read as follows:

9 9. Enforcement. The governing body of a municipality shall  
10 enforce **[this act]** the "Municipal Land Use Law," P.L.1975, c.291  
11 (C.40:55D-1 et seq.) and any ordinance or regulation made and  
12 adopted hereunder. To that end, the governing body may require the  
13 issuance of specified permits, certificates or authorizations as a  
14 condition precedent to (1) the erection, construction, alteration, repair,  
15 remodeling, conversion, removal or destruction of any building or  
16 structure, (2) the use or occupancy of any building, structure or land,  
17 and (3) the subdivision or resubdivision of any land; and shall require  
18 the issuance of a zoning permit as a condition precedent to the  
19 collocation of wireless communications equipment pursuant to section  
20 1 of P.L.2011, c.199 (C.40:55D-46.2). The governing body of a  
21 municipality shall establish an administrative officer and offices for  
22 the purpose of issuing such permits, certificates or authorizations; and  
23 may condition the issuance of such permits, certificates and  
24 authorizations upon the submission of such data, materials, plans, plats  
25 and information as is authorized hereunder and upon the express  
26 approval of the appropriate State, county or municipal agencies; and  
27 may establish reasonable fees to cover administrative costs for the  
28 issuance of such permits, certificates and authorizations. The  
29 administrative officer shall issue or deny a zoning permit within 10  
30 business days of receipt of a request therefor; except that the  
31 administrative officer shall issue or deny a zoning permit for the  
32 collocation of wireless communications equipment pursuant to section  
33 1 of P.L.2011, c.199 (C.40:55D-46.2) within 30 business days of  
34 receipt of a request. If the administrative officer fails to grant or deny  
35 a zoning permit within this period, the failure shall be deemed to be an  
36 approval of the application for the zoning permit. Notwithstanding  
37 any provision of law, ordinance, or regulation to the contrary, the  
38 approval of a zoning permit for the collocation of wireless  
39 communications equipment shall be relied upon for all other  
40 applications related to the collocation of the wireless communications  
41 equipment, including, but not limited to, the issuance of any building,  
42 electrical, or other permit required under the "State Uniform  
43 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or  
44 the regulations adopted thereto. In case any building or structure is  
45 erected, constructed, altered, repaired, converted, or maintained, or any

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.

1 building, structure or land is used in violation of **[this act]** the  
2 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or  
3 of any ordinance or other regulation made under authority conferred  
4 hereby, the proper local authorities of the municipality or an interested  
5 party, in addition to other remedies, may institute any appropriate  
6 action or proceedings to prevent such unlawful erection, construction,  
7 reconstruction, alteration, repair, conversion, maintenance or use, to  
8 restrain, correct or abate such violation, to prevent the occupancy of  
9 said building, structure or land, or to prevent any illegal act, conduct,  
10 business or use in or about such premises.

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

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

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

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

25 (2) the proposed collocation shall not increase;

26 (a) the overall height of the wireless communications support  
27 structure by more than **[ten]** 10 percent of the original height of the  
28 wireless communications support structure, or the height of one  
29 additional antenna array with separation from the nearest existing  
30 antenna, not to exceed 20 feet, whichever amount is greater; except  
31 that for a proposed collocation to a wireless communications support  
32 structure located in a public right-of-way, the overall height of the  
33 wireless communications support structure shall not be increased by  
34 more than 10 percent of the original height of the wireless  
35 communications support structure or 10 feet, whichever amount is  
36 greater;

37 (b) the width of the wireless communications support structure **[,**  
38 **or]** by adding an appurtenance to the body of the wireless  
39 communications support structure that would protrude from the edge  
40 of the wireless communications support structure by more than 20 feet  
41 or the width of the original wireless communications support structure  
42 at the level of the appurtenance, whichever amount is greater; except  
43 that for a proposed collocation to a wireless communications support  
44 structure located in a public right-of-way, the width of the wireless  
45 communications support structure shall not be increased by adding an  
46 appurtenance to the body of the wireless communications support

1 structure that would protrude from the edge of the wireless  
2 communications support structure by more than six feet; or

3 (c) the **【square】** footage of the existing equipment compound to  
4 **【an area】** a length greater than **【2,500 square】** 30 feet in any  
5 direction; and

6 (3) the proposed collocation complies with the final approval of  
7 the wireless communications support structure and all conditions  
8 attached thereto and does not create a condition for which variance  
9 relief would be required pursuant to P.L.1975, c.291 (C.40:55D-1 et  
10 seq.), or any other applicable law, rule or regulation, except that this  
11 paragraph shall not apply to a proposed collocation if the only  
12 modifications to the wireless communications support structure that  
13 fail to comply with the final approval of the wireless communications  
14 support structure and all conditions attached thereto, or that create a  
15 condition for which variance relief would be required pursuant to  
16 P.L.1975, c.291 (C.40:55D-1 et seq.), are otherwise compliant with the  
17 limitations set forth in paragraphs (1) and (2) of this subsection.

18 b. For purposes of this section:

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

22 "Collocate" means to place **【or】**, install, remove, replace, or  
23 modify any wireless communications equipment on a wireless  
24 communications support structure.

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

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

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

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37 3. This act shall take effect immediately.

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STATEMENT

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42 This bill clarifies current law by requiring certain applications  
43 submitted under the "Municipal Land Use Law," which applications  
44 concern the proposed collocation of wireless communications  
45 equipment on preexisting support structures, to be processed  
46 administratively and approved by permit.

47 This bill provides that the applications for the collocation of  
48 wireless communications equipment are to be submitted to an

1 administrative officer for review, which officer may approve an  
2 application by issuing a zoning permit, provided that the application  
3 complies with certain statutory requirements. The bill provides the  
4 administrative officer with 30 business days to issue or deny a zoning  
5 permit for a collocation application.

6 The bill also provides that after an administrative officer has  
7 approved a zoning permit for the proposed collocation of wireless  
8 communications equipment, the approval is required to be relied upon  
9 for all other applications related to the collocation of the wireless  
10 communications equipment, including, but not limited to, the issuance  
11 of any building, electrical, or other permit required under the “State  
12 Uniform Construction Code Act.”

13 Additionally, the bill revises the requirements that an application  
14 for the collocation of wireless communications equipment is required  
15 to meet in order to receive permit approval. Under current law, a  
16 proposed collocation may not increase: (1) the overall height of the  
17 wireless communications support structure by more than 10 percent of  
18 its original height; (2) the width of the wireless communications  
19 support structure by any amount; and (3) the square footage of the  
20 existing equipment compound by more than 2,500 square feet.  
21 Current law also requires the wireless communications support  
22 structure to which the proposed collocation would occur to have  
23 previously received all necessary approvals, and requires that the  
24 proposed collocation complies with the final approval of the structure,  
25 including all conditions attached thereto, and does not create a  
26 condition for which a variance relief is required.

27 Specifically, the bill revises the requirements for the approval of a  
28 proposed collocation by: (1) increasing the maximum permitted  
29 increase in the height of the wireless communications support structure  
30 to the greater of: 10 percent of the original height of the structure, or  
31 the height of one additional antenna array with separation from the  
32 nearest existing antenna, up to 20 feet, for any structure not located on  
33 a public right-of-way; or 10 percent of the original height of the  
34 structure or 10 feet, for any structure located on a public right-of-way;  
35 (2) increasing the maximum permitted increase in the width of the  
36 wireless communications support structure to the greater of: 20 feet or  
37 the width of the original structure at the level of the expansion, for any  
38 structure not located on a public right-of-way; or six feet, for any  
39 structure located on a public right-of-way; (3) providing that the  
40 proposed collocation may not increase the footage of the existing  
41 equipment compound by more than 30 feet in any direction, as  
42 opposed to a maximum square footage increase of 2,500 square feet;  
43 and (4) limiting the applicability of the requirement concerning the  
44 proposed collocation’s compliance with the final approval of the  
45 wireless communications support structure and the prohibition on  
46 conditions requiring variance relief in certain cases in which the  
47 proposed modifications otherwise comply with the requirements of the  
48 bill.