

U.S. LOCAL CELL TOWER AND WIRELESS FACILITY LAWS

**Examples of Ordinances That
Protect Community Interests By
Regulating Cell Towers and
Wireless Antennas**

[A compilation of laws by Environmental Health Trust](#)

U.S. LOCAL CELL TOWER & SMALL CELL LAWS



Every municipality is responsible for adopting its own set of laws governing the placement, design standards, and safety features of wireless telecommunications equipment installed and/or operated by companies like Verizon, AT&T, T-Mobile, Dish, and Crown Castle.

Strong local cell tower laws are important because they can better protect scenic corridors and environmentally-sensitive areas, safeguard public health and safety, preserve historic zones, protect property values, and ensure that residents are notified about pending and approved wireless antenna applications.

Aggressive telecom industry wireless infrastructure deployment plans often fail to consider important community interests.

This resource provides local elected officials and members of the public with examples of community protective legislative policies that have been adopted by municipalities across the United States.

While some states do have streamlining laws that impact their authority in various ways, there are numerous issues that still can be addressed with well considered ordinances.

***DISCLAIMER:** Each municipality adopts slightly different definitions of key terms like 'cell tower,' 'freestanding wireless facility,' and 'wireless antenna.' Further, your state may have adopted a 5G "small cell" streamline bill which could preclude local officials' ability to implement installation setback requirements. This briefing is not legal advice but simply information on various policies nationwide. Also, these ordinances do not necessarily ensure safety or safe levels of radio-frequency (RF), but several do increase the distance between homes and telecommunications network base station antennas that emit RF, which generally could decrease the exposure from such antennas.

Please review the actual telecommunications ordinance codified by each municipality listed below to understand the true meaning and scope of the enacted legislative language. If you have questions or concerns, email info@ehtrust.org, or direct message our team on Facebook [@Environmental Health Trust](https://www.facebook.com/EnvironmentalHealthTrust).



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U.S. LOCAL CELL TOWER LAWS



ORDINANCES AIMED AT RETAINING LOCAL CONTROL

[Shelburne, MA](#) & [Encinitas, CA](#):

- Strong purpose statement
- Great installation setbacks
- Fantastic pre-notification requirements
- Extensive radio-frequency radiation testing protocol(s)
- Comprehensive design standards
- Thorough administrative review process
- *Encinitas, CA's ordinance also includes critical fire safety protocols

Top Examples of Strong Installation Setbacks

- [Shelburne, MA](#): no wireless antennas within 3,000 feet of schools and within 1,500 feet of homes and no new wireless antennas in residential zones.
- [Copake, NY](#): no wireless facility may be within 1,500 feet from homes, schools, churches, or other buildings containing dwelling units.
- [Sallisaw, OK](#): no commercial wireless telecommunications towers within 1,500 of homes.
- [Calabasas, CA](#): no "Tier 2" wireless telecommunications facilities within 1,000 feet of homes and schools.
- [Bedford, NH](#): No wireless antennas within 750 feet from nearest residentially-zoned property.
- [Scarsdale, NY](#): No wireless facilities within 500 feet from homes, schools, parks, and houses of worship.

More Ordinances With Strong Installation Setbacks

- [Davis, CA](#): no freestanding wireless facilities within 500 feet of residential zone and schools.
- [Westlake Village, CA](#): no facilities 500 feet of homes.
- [Randolph, MA](#): no wireless antennas 500 feet homes/ businesses.
- [Petaluma, CA](#): no "small cell" antennas within 500 feet of homes.
- [Suisin City, CA](#): no "small cell" antennas within 500 feet of homes.
- [Contra Costa County, CA](#): no new high-visibility facilities or towers within 300 feet of residential zones.
- [Ithaca NY](#): 250 feet

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Ordinances With Exemplary Radiofrequency Radiation (RF)

Testing Requirements

Scarsdale, NY

- Pre-testing and post-installation testing (within 30 days after transmission begins) to demonstrate actual compliance with FCC radiation emissions guidelines.

Davis, CA

- Pre-installation RF analysis conducted by state-licensed/registered RF engineer to determine maximum power density of proposed wireless facility at full buildout.
- Pre-installation report estimating cumulative electromagnetic radiation levels and levels surrounding the proposed installation site.
- Post-installation RF report (must be submitted within five days after transmission begins).

Fairfax, CA

- RF testing must be conducted one month post-construction and every year thereafter to verify that actual levels of radiation being emitted by approved facilities, operating alone and in combination with other approved facilities, conform to current FCC radiation emissions limits.

Suisun City, CA

- Telecom permittee must conduct post-installation RF emissions testing to demonstrate actual compliance with FCC radiation emissions guidelines. During testing, the facility must be operating at maximum power.

Copake, NY

- Pre-testing of RF emissions and post-testing within 30 days after transmission begins to ensure compliance with FCC emissions limits.
- Balloon tests required within 35 days of application submission (dates and times of the balloon test shall be advertised by the applicant and notice of the test date will be printed in a newspaper of popular circulation).

Great Barrington, MA

- Routine, annual radiofrequency radiation emissions assessments to ensure continued compliance with FCC emissions limits

Dalton Gardens, ID

- Within 45 days of initial operation of the facility, the permittee must submit written certification by a licensed professional engineer that radiofrequency radiation emissions comply with limits, including cumulative impacts from other nearby facilities.
- If the City has reason to believe that a facility is exceeding allowable FCC radiation emissions limits, then a hearing shall be scheduled before the Planning and Zoning Commission where the owner of the facility and/or facility operator shall be required to show cause why permits issued by City shouldn't be revoked and why no fine should be imposed.



EXEMPLARY U.S. LOCAL CELL TOWER LAWS

NOTICE TO THE COMMUNITY



Strong Pre-Notification Requirements

[Dalton Gardens, ID](#)

- 1,500-foot mailed notice for Type II and Type IV applications.
- 300-foot notice for Type I and Type II applications.
- Applicant shall post notice on proposed site advising the public of the public hearing.
- Public hearing required for each special permit application.

[Scarsdale, NY](#)

- Mailed pre-notification to residents within 1,000 feet of a proposed installation site.
- Notice must be posted at the proposed installation site no more than five feet off the ground for the entire duration that the application is pending a decision.

[Calabasas, CA](#)

- Mailed pre-notification to all residents within 1,500 feet of proposed facility & public hearing.

[Little Silver, NJ](#)

- Mailed pre-notification to residents within 500 feet of proposed installation site.

[Rancho Palos Verdes, CA](#)

- Mailed pre-notification to all residents within 500 feet of a proposed installation site.

[Baton Rouge, LA](#)

- Mailed pre-notification to residents within 300 feet of the proposed installation site.
- Attach a posted notice (blaze orange placard) at the precise location of the proposed facility within 2 days of submitting application.

PRE-NOTIFICATION REQUIREMENTS: EXEMPLARY U.S. LOCAL CELL TOWER LAWS

Notable Pre-Notification Requirements

- [Suisun City, CA](#): Mailed pre-notification to all residents within 500 feet of the proposed installation site.
- [Town of North Hempstead, NY](#): Mailed pre-notification to all residents within 350 feet of proposed installation site.
- [San Diego, CA](#): Mailed pre-notification to all residents within 300 feet of proposed installation site (must be less than 1,000 residents within 300-foot radius of proposed site to require mailed notice).
- [Davis, CA](#): Mailed pre-notification to all residents within 300 feet of the proposed installation site.
- [Keane, NH](#): Mailed pre-notification to all residents within 300 feet of the proposed installation site.
- [Petaluma, CA](#): Mailed pre-notification to all residents within 300 feet of proposed installation site for new construction and/or modifications to existing structure.
- City of Walnut Creek, CA: Mailed pre-notification to all residents within 300 feet of proposed installation site.
- [Thornton, CO](#):
 - Mailed pre-notification to all properties within 250 feet of the “small cell” facility.
 - Notification must include a copy of the applicant’s notification letter, a copy of the notification letter translated to Spanish, and certificates or proof of mailing the letter must be on letterhead of the owner of the small cell facility.
 - The letter must notify property owners of the upcoming installation, type of installation (stand-alone, attachment, etc.), location, and include a sample depiction, photo, or drawing of the installation; a copy of the letter translated to Spanish must also be mailed to property owners.

Most Comprehensive Design Standards for 5G “Small Cell” Facilities:

- [Western Springs, IL](#)



STRONG U.S. LOCAL CELL TOWER LAWS

WILDLIFE AND ENVIRONMENT



Environmental Impact Assessment Rules

Petaluma, CA:

- All telecommunication facilities shall be sited to minimize the effect on environmental resources.
- No telecommunications facility or related improvements shall be sited so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.
- No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds.
- Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.
- The facility shall comply with all applicable city floodplain, floodway and storm drainage and erosion control regulations.
- Drainage, erosion, and sediment controls shall be required as necessary to abide soil erosion and sedimentation of waterways. Structures and roads on slopes of ten percent or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over ten percent. Natural vegetation and topography shall be retained to the extent feasible.
- No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site.

STRONG U.S. LOCAL CELL TOWER LAWS

TREE PROTECTIONS IN SITING WIRELESS ANTENNAS



[Fairfax, CA](#)

- Prior to issuance of building permit, the telecom applicant shall obtain the Zoning Administrator's approval of a tree protection plan prepared by a certified arborist if the installation of a wireless facility will be located within the canopy of street tree, a protected tree on private property, or within 10-foot radius of the tree base.

[Washington, DC:](#)

- Standalone "small cell" pole may not be located within 15 feet of tree's protected zone.
- No tree shall be removed, have its protected root zone impacted, and/or pruned to accommodate the installation or functioning of "small cell" infrastructure.
- Standalone poles are prohibited within 15 feet of any open tree planting space.

[Denver, CO](#)

- "Small cells" must be at least 15-25 feet from a tree trunk so that no proposed disturbance shall occur within 5 feet of the critical root zone.

[Thornton, CO](#)

- Poles shall not be located less than 15 feet or within the drip line of an existing tree, whichever is greater in order to protect the health of the tree.

[Thornton, CO](#)

- Poles shall not be located less than 15 feet or within the drip line of an existing tree, whichever is greater in order to protect the health of the tree.

[Albemarle County, VA](#)

- The telecom applicant shall submit a tree conservation plan prepared by a certified arborist. The plan shall specify tree protection methods and procedures, identify all existing trees to be removed on the parcel for the installation, operation and maintenance of the facility, and identify all dead and dying trees that are recommended to be removed.
- In approving the plan, the agent may identify additional trees or lands up to 200 feet from the lease area to be included in the plan.

[Moscow, ID](#)

- A tree protection plan prepared by a certified arborist must be completed if the installation of a "small cell" wireless telecommunication facility will be located within the canopy of a street tree, or within a 10-foot radius of the base of such a tree.