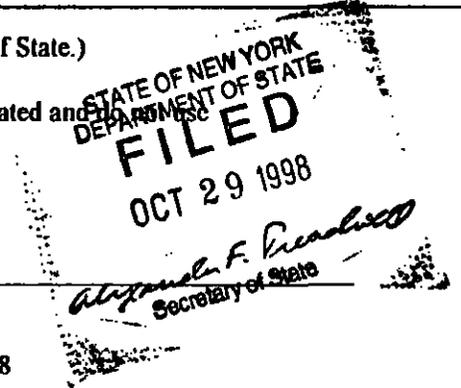


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County _____
City _____
Town of CAROLINE
Village _____

Local Law No. 2 of the year 1998

A Local law REGULATING THE SITING OF TELECOMMUNICATIONS TOWERS,
ANTENNAE AND RELATED FACILITIES

Be it enacted by the TOWN BOARD of the

~~County~~
~~City~~
Town of CAROLINE
~~Village~~

Section 1. PURPOSE AND LEGISLATIVE INTENT.

THE TELECOMMUNICATIONS ACT OF 1996 AFFIRMED THE TOWN OF CAROLINE'S AUTHORITY CONCERNING THE PLACEMENT, CONSTRUCTION AND MODIFICATION OF TELECOMMUNICATIONS TOWERS. THE TOWN BOARD OF THE TOWN OF CAROLINE FINDS THAT TELECOMMUNICATIONS TOWERS AND RELATED FACILITIES MAY POSE A UNIQUE HAZARD TO THE HEALTH, SAFETY, PUBLIC WELFARE AND ENVIRONMENT OF THE TOWN OF CAROLINE AND ITS INHABITANTS. THE TOWN ALSO RECOGNIZES THAT FACILITATING THE DEVELOPMENT OF WIRELESS SERVICE TECHNOLOGY CAN BE AN ECONOMIC DEVELOPMENT ASSET TO THE TOWN AND BENEFIT TO THE TOWN AND ITS RESIDENTS. THE TOWN IS ADOPTING A SINGLE, COMPREHENSIVE, TELECOMMUNICATIONS TOWER APPLICATION AND PERMIT PROCESS. THE INTENT OF THIS LAW IS TO MINIMIZE THE NEGATIVE IMPACT OF TELECOMMUNICATIONS TOWERS, ESTABLISH A FAIR AND EFFICIENT PROCESS FOR REVIEW AND APPROVAL OF APPLICATIONS, ASSURE AN INTEGRATED, COMPREHENSIVE REVIEW OF ENVIRONMENTAL IMPACTS OF SUCH FACILITIES, AND PROTECT THE HEALTH, SAFETY AND WELFARE OF TOWN OF CAROLINE.

Section 2. Title.

This Law may be known and cited as the Telecommunications Tower Siting and Special Use Permit Law for the Town of Caroline.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Severability.

- A) If any word, phrase, sentence, part, Section, Subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, Section, Subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

- B) Any special use permit issued under this law shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect by a competent authority, or is overturned by a competent authority, the permit shall be void in total upon election by the Town Board.

Section 4. Definitions.

For purposes of this Law, and where not inconsistent with the context of a particular Section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this Section. When not inconsistent with the context words in the present tense include the future tense, words used in the plural number include words in the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Accessory Facility" or "Structure" means an accessory facility or structure serving or being used in conjunction with a Telecommunications Tower, and located on the same property or lot as the Telecommunications Tower, including but not limited to, utility or transmission equipment storage sheds or cabinets.

2. "Applicant" means and shall include any individual, corporation, estate, trust partnership, joint stock company, association of two (2) or more persons, limited liability company, or entity submitting an Application to the Town of Caroline for a Special Use Permit for a Telecommunications Tower.

3. "Application" means the form approved by the Board together with all necessary and appropriate documentation that an Applicant submits in its quest to receive a Special Use Permit for a Telecommunications Tower.

4. "Antenna" means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), and microwave Telecommunications.

5. "Board" means the Town Board of the Town of Caroline.

6. "Break point" means the location on a Telecommunications Tower which, in the event of a failure of the Telecommunications Tower, would result in the Telecommunications Tower falling or collapsing within the boundaries of the property on which the Telecommunications Tower is placed.

7. **"Camouflaged Tower"** means any Tower or supporting structure that, due to design, location, or appearance, partially or completely hides, obscures, conceals, or otherwise disguises the presence of the Tower and one or more Antennas or Antenna arrays affixed thereto.
8. **"Collapse zone"** means the area in which any portion of a Telecommunications Tower could or would fall, collapse or plunge to the ground or into a river or other body of water. The collapse zone shall be no less than the lateral equivalent of the distance from the Break point to the top of the structure plus ten feet, such being not less than one-half (1/2) the height of the structure.
9. **"Collocation"** means the use of the same telecommunications tower or structure to carry two or more antennae for the provision of wireless services by two or more persons or entities.
10. **"Commercial Impracticability" or "Commercially Impracticable"** shall have the meaning in this Law and any Special Use Permit granted hereunder as is defined and applied under the New York Uniform Commercial Code (UCC).
11. **"Completed Application"** means an Application that contains all information and/or data necessary to enable the Board to evaluate the merits of the Application and to make an informed decision with respect to the effect and impact of the Telecommunications Tower on the Town in the context of the permitted land use for the particular location requested.
12. **"County"** means Tompkins County, New York.
13. **"Direct-to home satellite services" or "Direct Broadcast Service" or "DBS"** means only programming transmitted or broadcast by satellite directly to subscribers' premises without the use of ground receiving equipment, except at the subscribers' premises or in the uplink process to the satellite.
14. **"EAF"** means the Environmental Assessment Form approved by the New York Department of Environmental Conservation.
15. **"EPA"** means State and/or Federal Environmental Protection Agency or its duly assigned successor agency.
16. **"FAA"** means the Federal Aviation Administration or its duly designated and authorized successor agency.
17. **"FCC"** means the Federal Telecommunications Commission or its duly designated and authorized successor agency.
18. **"Free standing Tower"** means a Tower that is not supported by guy wires and ground anchors or other means of attached or external support.
19. **"Height"** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna.
20. **"NIER"** means Non-Ionizing Electromagnetic Radiation

21. "Person" means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or governmental entity.
22. "Personal Wireless Facility" - See definition for 'Telecommunications Tower'.
23. "Personal Wireless Services" or "PWS" or "Personal Telecommunications Service" or "PCS" shall have the same meaning as defined and used in the 1996 Telecommunications Act.
24. "Site" See definition for Telecommunications Tower.
25. "Special Use Permit" means the official document or permit by which an Applicant is allowed to construct and use a Telecommunications Tower as granted or issued by the municipality.
26. "State" means the State of New York.
27. "Telecommunications" means the transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
28. "Telecommunications Tower" or "Tower" or "Site" or "Personal Wireless Facility" means a structure or location designed, or intended to be used, or used to support Antennas. It includes without limit, free standing Towers, guyed Towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a church steeple, silo, water Tower, sign or other similar structures intended to mitigate the visual impact of an Antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal Telecommunications services, or microwave Telecommunications, but excluding those used exclusively for fire, police and other dispatch Telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Telecommunications that do not exceed height limitations addressed elsewhere in Town regulations.
29. "Telecommunications Structure" means a structure used in the provision of services described in the definition of 'Telecommunications Tower'.
30. "Temporary" means in relation to all aspects and components of this Law, something intended to, or that does, exist for fewer than ninety (90) days.
32. "Town" means the Town of Caroline , New York.

Section 5. Overall Policy and Desired Goals for Special Use Permits for Telecommunications Towers.

- A) In order to ensure that the placement, construction, and modification of Telecommunications Towers protects the community's health, safety, public welfare, environmental features, and other aspects of the quality of life specifically listed elsewhere in this document, the Board adopts a policy to direct a Special Use Permit for the express purpose of achieving the following goals:
 - 1) implementing an Application process for person(s) seeking a Special Use Permit for a Telecommunications Tower;

- 2) establishing a policy for examining an application for and issuing a Special Use Permit for a Telecommunications Tower that is both fair and consistent;
- 3) establishing reasonable time frames for granting or not granting a Special Use Permit for a Telecommunications Tower, or recertifying or not recertifying, or revoking the Special Use Permit granted under this Law.
- 4) promoting and encouraging, wherever possible, the sharing and/or collocation of a Telecommunications Tower among service providers;
- 5) promoting and encouraging, wherever possible, the placement, height, and quantity of Telecommunications Towers in such a manner as to cause minimal disruption to aesthetic considerations of the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such a Telecommunications Tower and on neo-tropical migrant birds and their migratory flight paths.

Section 6. Special Use Permit Application and Other Requirements

- A) The Board is the officially designated agency or body of the community to whom applications for a Special Use Permit for a Telecommunications Tower must be made and is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking special use permits for Telecommunications Towers. The Board may at its discretion delegate or designate other official agencies of the Town to accept, review, analyze, evaluate and make recommendations to the Board with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for Telecommunications Towers.
- B) All Applicants for a Special Use Permit for a Telecommunications Tower shall comply with the requirements set forth in this Section.
- C) Any Application for a Special Use Permit for a Telecommunications Tower shall be signed by an officer of the Applicant attesting to the truth and completeness of the information. The landowner, if different than the Applicant, shall acknowledge the Application and verify that they are aware of the Application and are aware that the Town may deny the Application or issue a permit with conditions. At the discretion of the Board, any false statement regarding the requirements of this Section may subject the Applicant to denial of the Application without further consideration or opportunity for correction.
- D) Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the Board as invalid, without prejudice to the resubmission by an applicant of an appropriate and complete Application.
- E) The Applicant shall state in writing:
 - 1) that the applicant's proposed Telecommunications Tower shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the Board in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, State and Federal laws, rules, and regulations;

- 2) that the construction of the Telecommunications Tower is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in New York State.

F) No Telecommunications Tower shall be installed or constructed until the site plan is reviewed and approved by the Board.

All applications for the construction or installation of a new Telecommunications Tower shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the State. Where this Section calls for certification, such certification shall be by a qualified New York State licensed Professional Engineer acceptable to the Town, unless otherwise noted.

- 1) Name and address of person preparing the report
- 2) Name and address of the property owner, operator, and Applicant, to include the legal form of the Applicant
- 3) Postal address and sheet, block, and lot or parcel number of the property
- 4) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines
- 5) Location of nearest residential structure
- 6) Location of nearest habitable structure
- 7) Location, size, and height of all structures on the property which is the subject of the Application
- 8) Location, size and height of all proposed and existing antennae and all appurtenant structures
- 9) Type, size and location of all proposed landscaping and existing landscape features
- 10) The number, type and design of the Telecommunications Tower(s) Antenna(s) proposed and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users
- 11) The make, model and manufacturer of the Tower and Antenna(s)
- 12) A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting
- 13) The frequency, modulation and class of service of radio and/or other transmitting equipment
- 14) Transmission and maximum effective radiated power of the Antenna(s)
- 15) Direction of maximum lobes and associated radiation of the Antenna(s)
- 16) Applicant's proposed Tower maintenance and inspection procedures and related system of records
- 17) Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC, though the certifying engineer approved by the Town
- 18) Certification that the proposed Antenna(s) will not cause interference with existing telecommunications devices, though the certifying engineer approved by the Town
- 19) A copy of the FCC license applicable to the use of the Telecommunications Tower
- 20) Certification that a topographic and geomorphologic study and analysis has been conducted, and, taking into account the subsurface and substrata and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Telecommunications Tower on the proposed site. The certifying engineer will be approved by the Town

- 21) Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites
 - 22) Applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunications Tower that it constructs
 - 23) Applicant shall disclose in writing how facilities will be sited, designed, and constructed in a manner which minimizes adverse impact upon wildlife
- G) In the case of a new Telecommunications Tower, the Applicant shall be required to submit a report demonstrating its efforts to secure shared use of existing Telecommunications Tower(s). Copies of written requests to potential shared use providers and responses from those providers shall be provided to the Board.
- H) Certification shall be made by a licensed engineer that the Telecommunications Tower and attachments both are designed and constructed ("As Built") to meet all County, State and Federal structural requirements for loads, including wind and ice loads;
- I) Certification shall be made by a licensed engineer that the Telecommunications Tower is designed with a break point above the midpoint of the Tower;
- J) After construction and prior to receiving a Certificate of Compliance, the Applicant shall have certified by a licensed engineer that the Telecommunications Tower and related facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- K) The Applicant shall submit a completed long form EAF and a completed Visual Environmental Assessment form (visual EAF addendum). The Board may require submission of a more detailed visual analysis based on the results of the Visual EAF. Applicants are encouraged to seek pre-application meetings with the Town Board to address the scope of the required visual assessment
- L) A Visual Impact Assessment shall at the Board's request include:
- 1) A "Zone of Visibility Map" which shall be provided in order to determine locations from which the Tower may be seen
 - 2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers, or residents. If requested by the Applicant, the Town Board, acting in consultation with its consultants or experts, will provide guidance concerning the appropriate key sites at a pre-submission conference
 - 3) An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets

- M) Any and all representations made to the Board, on the record, during the Application process, whether written or verbal, shall be deemed a part of the Application and will be relied upon in that context and in good faith by the Board.**
- N) The Applicant shall effectively screen its proposed Telecommunications Tower base and all related facilities and structures from view by means acceptable to the Board such as, but not limited to, wood fences or native plantings.**
- O) All utilities leading to and away from any Telecommunications Tower site shall be installed underground and in compliance with all laws, rules and regulations of the Town, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The Board may waive or vary the requirements of undergrounding installation of utilities whenever, in the opinion of the Board, such variance or waiver shall not be detrimental to the health, safety, general welfare, and environment, including the visual and scenic characteristics of the area.**
- P) All Telecommunications Towers and accessory facilities shall be sited so as to have the least practical adverse visual effect on the environment and its character and the residences in the area of the Telecommunications Tower site.**
- Q) Accessory facilities shall maximize use of building materials, colors and textures designed to harmonize with the natural surroundings.**
- R) An access road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent not commercially or physically impracticable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion potential. Usual requirements regarding weight and carrying capacity for emergency vehicles should apply to access roads. Plans for road construction shall be subject to review and approval by the Board.**
- S) A person who holds a Special Use Permit for a Telecommunications Tower shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Telecommunications Tower in strict compliance with all current technical, safety and safety-related codes adopted by the Town, the County, the State, or the United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, and health.**
- T) A holder of a Special Use Permit granted under this Law shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or Law and must maintain the same, in full force and effect, for as long as required by the Town or other appropriate governmental entity or agency.**
- U) With respect to this application process, the Board will normally seek to have lead agency status pursuant to SEQRA. The Board shall conduct an integrated,**

comprehensive environmental review of the proposed project in combination with its review of the Application under this Law.

- V) An Applicant shall submit no fewer than eight (8) copies of the entire Completed Application to the Town Board and a copy of the Application to the legislative body of any adjacent and adjoining municipalities and to the County Planning Department.
- W) The Applicant shall examine the feasibility of designing a proposed Telecommunications Tower to accommodate future demand for at least two (2) additional commercial applications, e.g. future collocations. The scope of this examination shall be determined by the Board. The Telecommunications Tower shall be structurally designed to accommodate at least two (2) additional Antenna Arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Telecommunications Tower is not technologically feasible, or is Commercially Impracticable and creates an unnecessary and unreasonable burden, based upon:
 - 1) The number of FCC licenses foreseeable available for the area
 - 2) The kind of Telecommunications Tower site and structure proposed
 - 3) The number of existing and potential licenses without Telecommunications Tower spaces/sites
 - 4) Available space on existing and approved Telecommunications Towers.

Section 7. Location of Telecommunications Towers.

- A) Applicants for Telecommunications Towers shall locate, site and erect said Telecommunications Towers or other tall structures in accordance with the following priorities, one (1) being the highest priority and four (4) being the lowest priority.
 - 1. on existing Telecommunications Towers or other tall structures
 - 2. collocation on a site with existing Telecommunications Towers or structures
 - 3. on remote sites having the least visual impact on nearby residences
 - 4. on other property in the Town except as specified in number 5 following
 - 5. on designated unique natural areas within the Town.

If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant or service provider if not granted, or the benefits that might inure, and the beneficiaries of such an alternative site.

An Applicant may not by-pass sites of higher priority by stating the site presented is the only site leased or selected. An Application shall address collocation as an option and if such option is not proposed, the applicant must explain why collocation is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of Commercial Impracticability or hardship.

Notwithstanding the above, the Board may approve any site located within an area in the above list of priorities, provided that the Board finds that the proposed site is in the best interest of the health, safety and welfare of the Town and its inhabitants.

- B) Upon filing an Application for a Special Use Permit for a Telecommunications Tower, the Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If the site selected is not the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
- C) The Applicant shall, in writing, identify and disclose the number and locations of any additional sites that the Applicant has been, is, or will be considering, reviewing or planning for Telecommunications Towers in the Town and all municipalities adjoining or adjacent to the Town, for a two year period from the date of the subject Application.
- D) Notwithstanding that potential sites may be situated in areas described in Subsection (A) of this Section, the Board may disapprove an Application for reasons of non-compatibility, for any of the following reasons.
 - 1) conflict with safety and safety-related codes and requirements
 - 2) conflict with traffic needs or traffic laws, or definitive plans for changes in traffic flow or traffic laws
 - 3) conflict with the historic nature of a neighborhood or historical district;
 - 4) the placement and location of a Telecommunications Tower which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the Town, or employees of the service provider or other service providers
 - 5) or otherwise conflict with the provisions of this Law
 - 6) conflict with the integrity of the surrounding natural environment and rural character exemplified in farm land

Section 8. Shared use of Telecommunications Tower(s).

- A) Shared use of existing Telecommunications Towers shall be preferred by the Town, as opposed to the proposed construction of new Telecommunications Towers. Additionally, where such shared use is unavailable, location of Antennas on other pre-existing structures shall be considered and preferred. The Applicant shall submit a comprehensive report inventorying existing towers and other appropriate structures within four (4) miles of any proposed new tower site, unless the Applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.
- B) An Applicant intending to share use of an existing Telecommunications Tower or other tall structure shall be required to document the intent of the existing owner to share use.
- C) With respect to an Application to share the use of an existing Telecommunications Tower that does not increase the height of the Telecommunications Tower, the Board shall waive such requirements of the Application required by this Local Law as may be upon good cause shown. The Applicant is encouraged to seek a pre-Application meeting with the Board to review such a proposed Application and settle the waivers or established

provisions which will help to expedite review and permitting for such Applications. The purpose to such waivers or other alternative procedures shall be to expedite for the Applicant and the Town the review and permitting for the shared use of an existing Telecommunications Tower.

- D) Such shared use shall consist only of the minimum Antenna array technologically required to provide service within the Town, to the extent practicable, unless good cause is shown.

Section 9. Height of a Telecommunications Tower

- A) The Applicant must submit documentation justifying to the Board the total height of any Telecommunications Tower and/or Antenna and the basis therefor. Such justification shall be to provide service within the Town, to the extent practicable, unless good cause is shown.
- B) Telecommunications Towers shall be no higher than the minimum height necessary. Unless waived by the Board upon good cause shown, the presumed maximum height shall be one hundred-forty (140) feet, based on three (3) collocated antenna arrays and ambient tree height of eighty (80) feet.
- C) The maximum height of any Telecommunications Tower and attached Antennas constructed after the effective date of this Law shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, County, State, and/or any federal law and/or regulation.

Section 10. Visibility of a Telecommunications Tower

- A) Telecommunications Towers shall not be artificially lighted or marked, except as required by law.
- B) Telecommunications Towers shall be of a galvanized finish, and painted with a rust-preventive paint of an appropriate color such as brown, green, or gray to harmonize with the surroundings as approved by the Board, and shall be maintained in accordance with the requirements of this Law.
- C) If lighting is required, Applicant shall provide a detailed plan for sufficient lighting as unobtrusive and inoffensive as is permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within fifteen-hundred (1,500) feet of all property lines on which the Telecommunications Tower is located.

Section 11. Security of Telecommunications Towers

All Telecommunications Towers and Antennas shall be located, fenced or otherwise secured in a manner which prevents unauthorized access as follows:

1. All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into

2. Transmitters and Telecommunications control points must be installed such that they are readily accessible only to persons authorized by the FCC's licensee to operate or service them

Section 12. Signage

Telecommunications Towers shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any Antennas, Antenna supporting structures or Antenna Towers, unless required by law. The sign shall be approved by the Board before installation.

Section 13. Lot Size and Setbacks

- A) All proposed Communications Towers shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from a Tower or Tower failure, and to preserve the privacy and sanctity of any adjoining properties.
- B) Telecommunications Towers shall be located with a minimum setback from any property line a distance equal to the height of the Tower plus any antennae attached to its zenith.

Section 14. Retention of Expert Assistance and Reimbursement by Applicant

- A) The Board may hire any consultant and/or expert necessary to assist the Board in reviewing and evaluating the Application and any requests for recertification.
- B) An Applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of engineering, legal, consultant and expert evaluation and consultation to the Board in connection with the review of any Application. The initial deposit shall be \$7,500.00 These funds shall accompany the filing of an Application and the Town will maintain a separate escrow account for all such funds. If at any time during the review process this escrow account should be less than \$2,500, additional funds must be submitted to the Town before any further action or consideration will be permitted on the Application. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing, the difference shall be promptly refunded to the Applicant.
- C) The total amount of the funds set forth in Subsection (B) of this Section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed by the Board or its consultant/expert to complete the necessary review and analysis. Additional funds, as required, shall be paid by the Applicant. The initial amount of the escrow deposit shall be established at a pre-Application meeting with the Town.

Section 15. Exceptions from a Special Use Permit for a Telecommunications Tower.

- A) No person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of a Telecommunications Tower as of the effective date of this Law without having first obtained a Special Use Permit for a Telecommunications Tower. Notwithstanding anything to the contrary in this Section, no Special Use Permit shall be required for those exceptions noted in the definition of Telecommunications Tower.
- B) New construction, including routine maintenance on an existing Telecommunications Tower, shall comply with the requirements of this Law.
- C) All Telecommunications Towers existing on or before the effective date of this Law shall be allowed to continue their usage as they presently exist provided, however, that any modification to existing Towers must comply with this Law.

Section 16. Public Hearing Required

- A) Prior to the approval of any Application for a Special Use Permit for a Telecommunications Tower, a public hearing shall be held by the Town Board, notice of which shall be published in the official newspaper of the Town no less than 10 calendar days prior to the scheduled date of the public hearing. In order that the Town may notify nearby landowners, the Applicant, at least three (3) weeks prior to the date of said public hearing, shall be required to provide names and address of all landowners whose property is located within fifteen hundred (1500) feet of any property line of the parcel on which the proposed new Telecommunications Tower is proposed to be located.
- B) The Board shall schedule the public hearing referred to in Subsection (A) of this Section once it finds the Application is complete. The Board, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary.

Section 17. Acting on an Application for a Special Use Permit for a Telecommunications Tower.

- A) Applications shall be filed with the Town Clerk at least 12 days prior to a regular meeting of the Board to which such Application must be submitted.
- B) The Board will undertake a review of an Application pursuant to this law in a timely fashion, consistent with its responsibilities with SEQRA, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely resolution.
- C) The Board may refer any Application or part thereof to any advisory or other committee for a non-binding recommendation.
- D) Except for necessary building permits and subsequent Certificates of Compliance, no additional permits or approvals from the Town shall be required for Telecommunications Towers or facilities covered by this Law.

- E) After formally considering the Application, the Board may approve and issue, or deny a Special Use Permit. Its decision shall be in writing and shall be based on substantial evidence upon a record. The burden of proof for the grant of the permit shall always be upon the Applicant.
- F) If the Board approves the Special Use Permit for a Telecommunications Tower, then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the Board's action and the Special Use Permit shall be issued within thirty (30) days after such approval.
- G) If the Board denies the Special Use Permit for a Telecommunications Tower, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the Board's action.
- H) The Town's decision on an Application for a Special Use Permit for a Telecommunications Tower shall be supported by substantial evidence contained in a written record.

Section 18. Construction of Telecommunications Towers.

All construction shall be done in accordance with the terms and description of the application and permit without modification or deviation. No modification or deviation shall be made until approved by the Board. Any application to modify shall be subject to the same procedures and requirements as the initial application.

Section 19. Recertification of a Special Use Permit for a Telecommunications Tower.

- A) At any time between twelve (12) months and six (6) months prior to the five (5) year anniversary date and all subsequent fifth anniversaries of the original granting of a Special Use Permit for a Telecommunications Tower, the holder of a Special Use Permit for such Tower shall submit a written request for recertification. In the written request for recertification, the holder of such Special Use Permit shall note the following:
 - 1) the name of the holder of the Special Use Permit for the Telecommunications Tower
 - 2) if applicable, the number or title of the Special Use Permit
 - 3) the date of the original granting of the Special Use Permit
 - 4) whether the Telecommunications Tower has been moved, re-located, rebuilt, repaired, or otherwise modified since the issuance of the Special Use Permit
 - 5) if the Telecommunications Tower has been moved, re-located, rebuilt, repaired, or otherwise modified, then whether the Board approved such action, and under what terms and conditions, and whether those terms and conditions were complied with and abided by
 - 6) any requests for waivers or relief of any kind whatsoever from the requirements of this Law and any requirements for a Special Use Permit
 - 7) that the Telecommunications Tower is in compliance with the Special Use Permit and in compliance with all applicable codes, laws, rules, and regulations.

- B) If, after such review, the Board determines that the permitted Telecommunications Tower is in compliance with the Special Use Permit and all applicable codes, laws and rules, then the Board shall issue a recertification Special Use Permit for the Telecommunications Tower, which may include any new provisions that are mutually agreed upon or required by the force of law or regulation.
- C) If the Board does not complete its review, as noted in Subsection (B) of this Section, prior to the five (5) year anniversary date of the Special Use Permit, or subsequent fifth anniversaries, then the Applicant for the permitted Telecommunications Tower shall receive an extension of the Special Use Permit for up to six (6) months in order for the Board to complete its review as noted in Subsection (B) of this Section.
- D) If the holder of a Special Use Permit for a Telecommunications Tower does not submit a request for recertification of such Special Use Permit within the timeframe noted in Subsection (A) of this Section, then such Special Use Permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the Special Use Permit, or subsequent fifth anniversaries, unless the holder of the Special Use Permit adequately demonstrates to the Board that extenuating circumstances prevented a timely recertification request. If the Board agrees that there were legitimately extenuating circumstances, then the holder of the Special Use Permit may submit a recertification request for the existing Special Use Permit for a Telecommunications Tower to be extended for up to six (6) months in order to allow the Board adequate time to review the recertification request.

Section 20. Extent and Parameters of Special Use Permit for a Telecommunications Tower.

The extent and parameters of a Special Use Permit for a Telecommunications Tower shall be as follows:

- 1) such Special Use Permit shall be non-exclusive
- 2) such Special Use Permit shall not be assignable or transferable without the express written consent of the Board, and such consent shall not be unreasonably withheld
- 3) such Special Use Permit may be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Use Permit for a Telecommunications Tower, or for a material violation of this Law.

Section 21. Application Fee.

- A) At the time that a person submits an Application for a Special Use Permit for a new Telecommunications Tower, such person shall pay an application fee of \$2000 to the Town of Caroline. If the Application is for a Special Use Permit for collocating on an existing Telecommunications Tower, the fee shall be \$400.
- B) An Application fee is not required in order to recertify a Special Use Permit for a Telecommunications Tower, unless there has been a modification of the Telecommunications Tower since the date of the issuance of the existing Special Use Permit. In the case of any modification, Subsection (A) shall apply.

- C) Before construction may begin, a building permit shall be approved by the Code Enforcement Officer.

Section 22. Performance Security

The Applicant and the owner of record of any proposed Telecommunications Tower property site shall, upon approval of application and prior to construction of tower or placement of antennae, be jointly required to execute and file with the Town a security bond to assure the faithful performance of the terms and conditions of this Law and any Special Use Permit issued pursuant to this Law. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until the removal of the Telecommunications Tower, and any necessary site restoration is completed. The security bond shall be in the amount approved by the Board, but not less than \$50,000.

Section 23. Reservation of Authority to Inspect Telecommunications Towers

- A) In order to verify that the holder of a Special Use Permit for a Telecommunications Tower and any and all lessees, renters, and/or licensees of a Telecommunications Tower place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and land use codes or other applicable requirements, the Town may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.
- B) The Town shall pay for all of its costs associated with such an inspection, except for those circumstances occasioned by said holder's, lessee's or licensee's refusal to provide necessary information, or necessary access to such facilities, including Towers, Antennas, and appurtenant or associated facilities, or refusal to otherwise cooperate with the Town with respect to an inspection, or if violations of this Law are found to exist, in which case the holder, lessee or licensee shall reimburse the Town for the cost of the inspection.
- D) Payment of such reimbursement shall be made to the Town within thirty (30) days from the date of the invoice or other demand for reimbursement. In the event that the finding(s) of violation is/are appealed in accordance with the procedures set forth in this Law, said reimbursement payment must still be paid to the Town and the reimbursement shall be placed in an escrow account established by the Town specifically for this purpose, pending the final decision on appeal.

Section 24. Annual NIER Certification

The holder of the Special Use Permit shall annually certify to the Town that NIER levels at the site are within the threshold levels adopted by the FCC. (The certifying engineer need not be approved by the Town.)

Section 25. Liability Insurance.

- A) A holder of a Special Use Permit for a Telecommunications Tower shall secure and at all times maintain public liability insurance, property damage insurance, and umbrella insurance coverage for the duration of the Special Use Permit in amounts as set forth below

- 1) Public liability: \$1,000,000.00 per person/per occurrence;
- 2) Property damage: \$1,000,000.00 per any one (1) claim;
- 3) Umbrella liability \$3,000,000.00

- B) The public and personal liability and property damage insurance policy shall specifically include the Town and its officials, employees and agents as additional insureds.
- C) The public and personal liability insurance and property damage insurance policy shall be issued by an agent or representative of an insurance company licensed to do business in the State.
- D) The public liability and property damage insurance policy shall contain an endorsement obligating the insurance company to furnish the Town with at least thirty (30) days written notice in advance of the cancellation of the insurance.
- E) Renewal or replacement policies or certificates shall be delivered to the Town at least fifteen (15) days before the expiration of the insurance which such policies are to renew or replace.
- F) Before construction of a permitted Telecommunications Tower is initiated, but in no case later than fifteen (15) days after the grant of the Special Use Permit, the holder of the Special Use Permit shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

Section 26. Indemnity.

- A) Any Special Use Permit issued pursuant to this Law shall contain a provision with respect to indemnity. Such provision shall require the holder of the Special Use Permit, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town, officials of the Town, its officers, agents, servants, and employees from any and all penalties, damage, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the construction, erection, modification, location, products performance, operation, maintenance, repair, installation, replacement, removal, or restoration of a Telecommunications Tower within the Town. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town.
- B) Notwithstanding the requirements noted in Subsection (A) of this Section, an indemnity provision will not be required in those instances where the Town itself applies for and secures a Special Use Permit for a Telecommunications Tower.

Section 27. Fines

- A) In the event of a violation of this Law or any Special Use Permit issued pursuant to this Law, the Board may impose and collect, and the holder of the Special Use Permit for a Telecommunications Tower shall pay to the Town, fines or penalties as set forth below.
- B) A violation of this local law is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six

months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation

- C) Notwithstanding anything in this Law, the holder of the Special Use Permit for a Telecommunications Tower may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Law or any Section of this Law. An attempt to do so shall subject the holder of the Special Use Permit to termination and revocation of the Special Use Permit. The Town may also seek injunctive relief to prevent the continued violation of this Law, without limiting other remedies available to the Town.

Section 28. Default and/or Revocation.

- A) When any permitted Telecommunications Tower is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with provisions of this Law or of the Special Use Permit, then the Board shall notify the holder of the Special Use Permit for a Telecommunications Tower of the specific inconsistent, non-compliant or violative use or situation. Such notice shall indicate that the Telecommunications Tower, and any appurtenant or related facilities located at the permitted site, is in violation of or in non-compliance with the requirements of this Law or the Special Use Permit, and that the holder of the Special Use Permit is in default of its Special Use Permit, and that the facilities must be returned to consistent, compliant use and status within seven (7) days of the date of the postmark of the Notice, or of the date of personal service of the Notice, whichever is applicable. Notwithstanding anything to the contrary in this Subsection or any other Section of this Law, if the situation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, in the sole determination of the Board, the Board may, at its sole discretion, order the violative or non-compliant situation remedied within twenty-four (24) hours.
- B) If within the seven (7) day period set forth in Section 26(A) the affected and non-compliant Telecommunications Tower is not brought into compliance with either the land use code, or the provisions of this Law, or of the Special Use Permit, or substantial steps are not taken in order to bring the affected Telecommunications Tower into compliance, then the Board may revoke such Special Use Permit for a Telecommunications Tower, and shall notify the holder of the Special Use Permit within forty-eight (48) hours of such action.

Section 29. Circumstances Resulting in the Removal of a Telecommunications Tower.

- A) Under the following circumstances, the Board may determine that the health, safety, and welfare interests of the Town warrant and require the removal of a Telecommunications Tower:

- 1) a permitted Telecommunications Tower has been abandoned for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, which in this case means not used for the intended and permitted purpose for such a period, except for situations caused by the commonly recognized definition of force majeure or Acts of God of an extraordinary and catastrophic nature and effect in which case repair or removal shall commence within 90 days from destruction from Acts of God or force majeure
 - 2) a permitted Telecommunications Tower falls into such a state of disrepair that it creates a health or safety hazard
 - 3) a Telecommunications Tower has been located, constructed, or modified on property located within the Town in a manner not authorized by Special Use Permit, or other necessary authorization;
- B) If the Board makes such a determination as noted in Subsection (A) of this Section, then the Board shall notify the holder of the Special Use Permit for the Telecommunications Tower within forty-eight (48) hours that said Telecommunications Tower must and shall be removed, unless the Board approves an Interim Temporary Use Agreement/Permit, such as to enable the sale of the Telecommunications Tower.
- C) If a Telecommunications Tower is not removed voluntarily within ninety (90) days after the permit holder has received notice or substantial progress has not been made to remove the Telecommunications Tower within ninety (90) days of said notice, then the Board may order officials or representatives of the Town to remove the Telecommunications Tower at the sole expense of the owner or permit holder, or the Town, at its discretion, may take possession of the Telecommunications Tower.
- D) If, pursuant to Subsection (C) of this Section, officials, employees, or representatives of the Town remove, or cause to be removed, a Telecommunications Tower, and the owner of the Telecommunications Tower does not claim the property and remove it within ten (10) days, then the Town may take whatever steps are available under State law to declare the Telecommunications Tower abandoned and sell the facility and its components.
- E) If the Board approves an Interim Temporary Use Agreement/Permit for the Telecommunications Tower, such Agreement/Permit shall be for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Telecommunications Tower shall be developed by the holder of the permit, subject to the approval of the Board, and an agreement to such plan shall be executed by the holder of the permit and the Town. If such a plan is not developed within the ninety (90) day time frame, then the Town may take possession of and dispose of the affected Telecommunications Tower in the manner noted in Subsection (C) of this Section.
- F) In the event a Telecommunications Tower is no longer used for the purpose specified in the Application, or the Telecommunications Tower ceases operations for a period of one hundred and eighty (180) days in any three hundred and sixty five (365) day period, the holder of the Special use Permit, or its successors or assigns, shall dismantle and remove such Telecommunications Tower and all associated structures and facilities from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt

of written notice from the Board. However, if the owner of the property upon which the Telecommunications Tower is located wishes to retain any access roadway to the Telecommunications Tower, the owner may do so with the approval of the Board.

Section 30. Relief

Any Applicant desiring relief or exemption from any aspect or requirement of this Law may request such from the Board at a pre-Application meeting, provided that the relief or exemption is contained in the original Application for either a Special Use Permit, or in the case of an existing or previously granted Special Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the Board. However, the burden of proving the need for the requested relief or exemption, and its lack of significant effect on the Town or its residents or other service providers, is solely the responsibility of the Applicant to prove to the satisfaction of the Board. The Applicant shall bear all costs of the Board or the Town in considering the request and the relief shall not be transferable to a new or different holder of the permit or owner of the Tower or facilities without the specific written permission of the Board. Such permission shall not be unreasonably withheld. Before granting relief, the Board shall determine that such relief is not detrimental to public health, safety, or welfare and the cost of compliance is excessive when contrasted to benefit to be achieved by granting relief.

Section 31. Periodic Regulatory Review by the Board.

- A) *The Board may at any time conduct a review and examination of this entire Law.*
- B) *If, after such a periodic review and examination of this Law, the Board determines that one or more provisions of this Law should be amended, repealed, revised, clarified, or deleted, then the Board may take whatever measures are necessary in accordance with applicable law to accomplish the same. It is noted that, where warranted, and in the best interests of the Town, the Board may repeal this entire Law at any time.*
- C) *Notwithstanding the provisions of Subsections (A) and (B) of this Section, the Board may at any time, and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Law.*

Section 32. Adherence to State and/or Federal Rules and Regulations.

- A) *To the extent that the holder of a Special Use Permit for a Telecommunications Tower has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to and comply with all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical, and RF emission standards.*
- B) *To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use Permit for a Telecommunications Tower, then the holder of such a Special Use Permit shall conform the permitted Telecommunications Tower to the applicable changed and/or modified rule, regulation,*

standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

Section 33. Conflict with Other Laws

Where this Law differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State, or federal government, the more restrictive or protective of the Town and the public shall apply.

Section 34. Effective Date.

This Law shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

Section 35. Authority.

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

INDEX

SECTION 1. PURPOSE AND LEGISLATIVE INTENT.....	1
SECTION 2. TITLE.....	1
SECTION 3. SEVERABILITY.	2
SECTION 4. DEFINITIONS.	2
SECTION 5. OVERALL POLICY AND DESIRED GOALS FOR SPECIAL USE PERMITS FOR TELECOMMUNICATIONS TOWERS.....	4
SECTION 6. SPECIAL USE PERMIT APPLICATION AND OTHER REQUIREMENTS.....	5
SECTION 7. LOCATION OF TELECOMMUNICATIONS TOWERS.	9
SECTION 8. SHARED USE OF TELECOMMUNICATIONS TOWER(S).	10
SECTION 9. HEIGHT OF A TELECOMMUNICATIONS TOWER.....	11
SECTION 10. VISIBILITY OF A TELECOMMUNICATIONS TOWER.....	11
SECTION 11. SECURITY OF TELECOMMUNICATIONS TOWERS	11
SECTION 12. SIGNAGE.....	12
SECTION 13. LOT SIZE AND SETBACKS	12
SECTION 14. RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT	12
SECTION 15. EXCEPTIONS FROM A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER.	13
SECTION 16. PUBLIC HEARING REQUIRED	13
SECTION 17. ACTING ON AN APPLICATION FOR A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER.	13
SECTION 18. ACTING ON AN APPLICATION FOR A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER.	14
SECTION 19. RECERTIFICATION OF A SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER.	14
SECTION 20. EXTENT AND PARAMETERS OF SPECIAL USE PERMIT FOR A TELECOMMUNICATIONS TOWER.	15
SECTION 21. APPLICATION FEE.....	15
SECTION 22. PERFORMANCE SECURITY.....	16

SECTION 23. RESERVATION OF AUTHORITY TO INSPECT TELECOMMUNICATIONS TOWERS.....	16
SECTION 24. ANNUAL NEIR CERTIFICATION.....	16
SECTION 25. LIABILITY INSURANCE.....	16
SECTION 26. INDEMNITY.....	17
SECTION 27. FINES.....	17
SECTION 28. DEFAULT AND/OR REVOCATION.....	18
SECTION 29. CIRCUMSTANCES RESULTING IN THE REMOVAL OF A TELECOMMUNICATIONS TOWER.....	18
SECTION 30. RELIEF.....	20
SECTION 31. PERIODIC REGULATORY REVIEW BY THE BOARD.....	20
SECTION 32. ADHERENCE TO STATE AND/OR FEDERAL RULES AND REGULATIONS.....	20
SECTION 33. CONFLICT WITH OTHER LAWS.....	21
SECTION 34. EFFECTIVE DATE.....	21
SECTION 35. AUTHORITY.....	21

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1998 of the (County)(City)(Town)(Village) of Caroline was duly passed by the Caroline Town Board on 9/3 1998, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Kim Case

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 9/17/98

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Tompkins

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

John C. Barney

Signature

John C. Barney, Town Attorney

Title

County _____
City of Caroline
Town _____
Village _____

Date: September 24, 1998