

**Borough of Norwood**

**Ordinance No. 09:10**

**An Ordinance Amending Chapter 233  
of the Code of the Borough of Norwood  
Titled "Zoning" to Permit Communications Towers and Communications Antennas as  
Conditional Uses**

**WHEREAS**, the Mayor and Council of the Borough of Norwood is authorized to create and from time to time modify land use regulations consistent with N.J.S.A. 40:55D-1 et seq., the Municipal Land Use Law; and

**WHEREAS**, the Mayor and Council makes the following findings:

1. The popularity of various forms of communication equipment, including but not limited to cellular telephones, pagers, and satellite television, has created an increase in the demand for facilities for cellular communications systems, personal communication services (PCS), specialized mobile radio transmitters (SMR), and for wireless communications towers and antennas capable of sending and receiving signals for these devices.

2. There is a corresponding rising concern in the Borough and throughout the State of New Jersey over the effects that wireless communication towers and antennas have on the safety, welfare, and aesthetics of the community as a whole.

3. The Federal Telecommunications Act of 1996, 47 U.S.C. §332 (the "Act") establishes a framework for the exercise of jurisdiction, in part, by municipalities over the construction, modification, and placement of facilities for cellular telecommunications systems, personal communication services and specialized mobile radio transmitters.

4. Pursuant to the Act, the Borough may not discriminate between different providers of cellular telecommunications systems, PCS, or SMR.

5. Two communication towers are already constructed and are in use in the Borough.

6. In order to maximize the usefulness of wireless communications towers and antennas while minimizing the negative impact they create, and in order to protect and to preserve, the public health, safety, and welfare of the residents of the Borough and to maintain the fair market value of properties in the Borough generally, and specifically in the immediate area of the location of wireless communications towers and antennas, the Mayor and Council intends to regulate the location and installation of wireless communications towers and antennas in the Borough to the extent permissible under the Act and the Municipal Land Use Law; and

**WHEREAS**, the purpose of this ordinance is to establish general guidelines for the location of wireless communications towers and antennas, in order to protect residential areas and environmentally sensitive areas in the Borough from the potential adverse impacts of these towers and antennas, and to regulate the location of these towers and antennas throughout the Borough while enhancing the ability of the providers of telecommunications services to provide their services to the community quickly, effectively, and efficiently.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Norwood, County of Bergen, State of New Jersey, as follows:

Section 1: Section 233-3 of Chapter 233 of the Code of the Borough titled "Definitions and Word Usage" shall be amended to include the following additional definitions in sub-section 233-3(B):

"COMMUNICATIONS ANTENNA" shall mean any exterior transmitting or receiving device mounted on a tower, building, or structure, and used in communications that radiate or capture electromagnetic waves, digital signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

“COMMUNICATION TOWER” means any structure that is designed and constructed primarily for the purpose of supporting one or more communications antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and similar structures. The term shall include the structure and any support thereof, together with other accessory structures and equipment associated therewith.

Section 2: A new section 233-23A shall be added to state the following:

§233-23A. Conditional Uses.

The following are conditional uses that are permitted uses only on the conditions set forth herein.

A. Communications towers are permitted subject to the following conditions:

(1) Communication towers with communications antennas shall be permitted only on property that is owned, leased, or otherwise controlled by the Borough at the following locations: the portion of lot 17 in block 27 on the Borough’s tax map that is west of Ludlow Ditch;

(2) The Mayor and Council of the Borough must give its consent before Borough property may be used for a communication tower. This consent shall be in the form of a resolution of approval adopted by the Mayor and Council of the Borough;

(3) No communication tower shall be erected or operated in the Borough except pursuant to a license issued by the Mayor and Council or a lease entered into between the operator of the facility and the Borough;

(4) Communications towers shall have a galvanized steel finish, or subject to any applicable standards of the Federal Aviation Administration (“FAA”), shall be painted a neutral color, so as to reduce visual obtrusiveness;

(5) Communications towers shall not be artificially lighted, unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternative and design

chosen must cause the least disturbance to the surrounding properties; and

(6) No signs shall be allowed on a communications tower.

Section 3: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 4: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.


Section 5: This ordinance shall take effect upon passage and publication in accordance with N.J.S.A. 40:49-2(d). The Borough Clerk will serve copies on the County Planning Board and the Borough's tax assessor within thirty (30) days of adoption.

Introduced and passed first reading: September 1, 2009

Passed second reading: October 6, 2009

ATTEST:

APPROVED BY:

  
Lorraine L. McMackin, Borough Clerk

  
James P. Barsa, Mayor