

## **17. Establishment of Telecommunications Towers**

### **17.0 Telecommunications Towers**

Telecommunications towers are regulated under Federal jurisdiction. In addition to the policies of the Township Official Plan and the regulations of the Township Zoning By-law, protocols for the establishment/public notification and maintenance of telecommunications towers have been established.

In addition to the minimum protocols established by Innovation, Science and Economic Development Canada, (ISED), as amended from time to time, the following criteria shall be met in respect of obtaining a letter of concurrence from the Corporation of the Township of Hamilton for the establishment of Telecommunications Towers within the Township boundaries.

### **17.1 Affected Parties**

The following requirements apply to anyone who is planning to install or modify an antenna system, as defined by ISDEC, regardless of the type. This includes telecommunications carriers, businesses, governments, Crown agencies, operations of broadcasting undertakings and the public, including for amateur radio operation and over the air TV reception for personal use, and also includes those who install towers or antennae systems on behalf of others for leasing purposes ("third party tower owners").

### **17.2 Applicant**

The applicant shall be either

- (i) a private property owner who wishes to construct telecommunications tower for business or personal use, or
- (ii) an established telecommunications company or an appropriately authorized agent thereof. The letter of authorization shall be on company letterhead of the established telecommunications company and clearly include contact information for the company representative and the third party/agent representative.

### **17.3 Letter of Authorization**

If the applicant is not the registered owner of the subject property, then the applicant shall have a letter of authorization

to represent the owner(s) of the subject property and that letter shall include the name and signature of all registered owners of the subject land.

#### **17.4 Co-Location**

The applicant shall provide technical information and explain in detail to the satisfaction of the Township why they cannot share/co-locate their technology on existing telecommunications towers. The applicant shall also indicate how others will be able to share/co-locate on this tower in the future.

#### **17.5 Public Notification Requirements**

- (1) The applicant shall prepare the Public Notice to be published and circulated as required by ISEDC. The draft Public Notice shall be submitted to the Planning Co-Ordinator for the Township of Hamilton, being the Land Use Authority as described in the federal protocols, for review and approval. The accompanying key plan map shall require approval of the Township Planning Co-Ordinator.
- (2) The Public Notice shall be served upon the property owner of neighbouring lands as per the circulation radius, defined below.
  - (a) The circulation radius for the required Public Notice shall be:
    - (i) 152.5 m (500 ft) from the boundary of the subject property when the subject property is within the Settlement Area designations as found in the Township Official Plan;
    - (ii) 457.5 m (1500 ft) from the boundary of the subject property when the subject property is outside of the Settlement Area designations as found in the Township Official Plan.
  - (b) For the purposes of subsection 17.2, the owner of the land shall be deemed to be the person shown on the last revised assessment roll of the municipality.
- (3) The serving of the Public Notice shall be via First Class mail through Canada Post or hand delivered, at the sole expense of the applicant.

- (4) The applicant shall provide a copy of the mailing list to the Township Planning Co-Ordinator for review, prior to mailing.
- (5) The mailing list shall include the mailing address of the Township Planning Co-Ordinator, who will then ensure that Council and Senior Staff receive a copy of the Notice of Public Meeting.
- (6) Publication of the Public Notice shall be within the Local Print Media as per the ISEDC requirements.
- (7) Signage regarding the public consultation meeting/open house and general proposal information shall be posted on site at the applicant's expense on or before the date of publication in the Local Print Media. The location and wording of the signage shall be approved by the Township Planning Co-Ordinator. Signage shall be:
  - \* 4 feet X 4 feet in size;
  - \* constructed of durable material such as plywood with a weather resistant finish, and
  - \* posted on the lands that are the subject of the application so as to be read from the public roadway by passers-by.

#### **17.6 Public Consultation Meeting**

- (1) A public consultation meeting/open house shall be required for all proposed telecommunications towers. Personal use towers not exceeding 15 m above ground are excluded from this requirement.
- (2) The required public consultation meeting/open house shall be held within the limits of the Township of Hamilton and as close to the site as possible. Meeting halls in other municipalities shall not be used in respect of proposal for Hamilton Township.

#### **17.7 Presentation to Committee of the Whole**

- (1) Following the required public consultation meeting/open house the applicant shall make arrangements with the Township Clerk's Department to appear before the Committee of the Whole to advise them of the details on the fulfillment of the protocol process (Township and ISEDC) and answer any questions the Committee may

have. The proponent will advise Committee of the questions posed by the public and how they were satisfactorily addressed.

- (2) Township staff shall ensure that the information to Committee will include generalized mapping of the circulation area and the location of existing and approved towers in the Township.
- (3) Township staff shall work with the proponent and bring forward to Council a Site Plan Agreement, including the site plan drawings, that will illustrate the location of the tower on the subject lands together with landscape buffering techniques, permitted access points to the land, lighting of the area and any other element required by the Site Plan Control By-law, as amended from time to time, or as deemed necessary by Council. This agreement shall be registered on the title of the subject land at no cost to the Township and a copy of the registered document shall be provided to the Township Planning Department prior to the construction of the tower.

#### **17.8 Letter of Concurrence**

When satisfied, Council will pass a motion to instruct staff to issue the requested letter of concurrence.

#### **17.9 Lapsing of Concurrence**

Construction of an antenna system must be completed within three years of the conclusion of consultation. The letter of concurrence shall lapse after 3 years. If the tower is not built then the process must be started again.

#### **17.10 General Provisions and Maintenance**

- (1) The applicant shall strive to refrain from locating a tower within a community-sensitive location, such as but not limited to the hospice/medical facility, cemeteries and high-density residential communities.
- (2) Towers, and enclosures, shall not be utilized for any commercial advertising purposes.

All towers, supporting structures and safety enclosures shall be maintained in a safe, workmanship-type manner at all times.