Village of Stillwater

Local Law No. 4 of 2026

SMALL CELL WIRELESS FACILITIES

SECTION 1: PURPOSE AND AUTHORITY.

The purpose of this Local Law is to establish uniform policies and procedures for the deployment and installation of small cell wireless facilities in the Village of Stillwater (the "Village"). While the existing wireless infrastructure in the U.S. was erected primarily using macro cells with relatively large antennas and towers, wireless networks increasingly have required the deployment of small cell systems to support increased usage and capacity. In response to this demand, the Federal Communications Commission (FCC) has issued a Declaratory Ruling and Third Report and Order addressing the extent to which state and local municipalities can regulate the deployment of small cell systems in public right-of-ways. The Order permits local municipalities to adopt aesthetic guidelines to ensure that the design, appearance, and other features of buildings and structures are (1) compatible with nearby land uses; (2) manage right-of-ways so as to ensure traffic safety and coordinate various uses; and (3) protect the integrity of their historic, cultural, and scenic resources and their citizens' quality of life. In its adoption of this local law, the Village of Stillwater desires to encourage wireless infrastructure investment only through a fair and predictable process for the deployment of small wireless facilities, which will provide a public health, safety, and welfare benefit consistent with the preservation of the integrity, safe usage, and visual qualities in the Village. This local law is adopted pursuant to Section 10 of the New York State Municipal Home Rule Law.

SECTION 2. DEFINITIONS.

(A) "Small Cell Wireless Facilities" or "Microcell Wireless Facilities" shall be used interchangeably and both shall mean and include facilities that meet the following conditions:

1) The facilities: (i) are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR 1.1320(d), or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

2) Each antenna associated with the deployment, excluding associated antenna equipment is no more than three cubic feet in volume;

3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

4) The facilities do not require antenna structure registration under 47 CFR Part 17; and

5) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in section 47 CFR 1.1307(b).

(B) "Stealth" or "Stealth Technology" means minimizing adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities or Small Cell Wireless Facilities by using the least visually and physically intrusive facility.

SECTION 3: REVIEW OF SMALL WIRELESS FACILITIES.

(A) All small wireless facilities require review and approval by the Village Planning Board.

(B) The Planning Board may condition approval upon implementation of stealth technologies or other measures which mitigate adverse visual impacts.

(C) The Planning Board shall have the authority to waive any requirements relating to the review and approval of a small wireless facility provided that such waiver would further the purposes of this local law.

(D) Unless otherwise set forth in this local law, a facility not meeting the requirements set forth for small wireless facilities shall comply with Section 6 of this local law.

SECTION 4: APPLICATION.

(A) The Planning Board shall review applications for small wireless facilities in accordance with the provisions of this local law.

(B) At the time that a person submits an application for a small wireless facility, such person shall pay a nonrefundable application fee in an amount as determined by resolution of the Village Board and as set forth in the Village Fee Schedule, in addition to any other fee required by law.

(C) Granting small wireless facilities approval shall not waive the requirement for site plan review or approval, including any applicable fees.

(D) The Planning Board may attach such conditions and safeguards to any small wireless facility and site plan as it may deem necessary, in its opinion, to ensure initial and continued conformance to all applicable requirements.

(E) No application shall be accepted or approval granted for any small wireless facility where there exists any outstanding Village taxes, fees, charges, or violations related to the property.

(F) An application for a small wireless facility shall contain, among other information that may be requested by the Planning Board, the following:

1) Signature of the property owner and the applicant certifying the truth of the information contained in the application, which application shall be subject to denial for any false or misleading information;

2) Proof of the owner and applicant's legal interest in the property (i.e., deed lease, contract, etc.);

3) Contact information of the owner, applicant and any agents acting on their behalf;

4) Documentation of intent from the owner of the existing facility to allow shared use;

5) A map showing the applicant's existing and proposed area of coverage. Such map should locate all existing wireless telecommunication facilities sites within the Village and within one-half (1/2) mile of the proposed small wireless facility;

6) A description of the project, work, and objectives for the new facility or any modifications, including the need for coverage and/or capacity requirements, and disclosure of the number and locations of any small cells that the applicant has previously considered, installed or anticipates installing within the Village;

7) Documentation that demonstrates and proves the need for the small wireless facility to provide service primarily and essentially within the Village. Such documentation shall include, but not be limited to: (i) information relating to all other wireless telecommunication facilities that are to be deployed in the Village in conjunction with the proposed small wireless facility; and (ii) propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;

8) A statement explaining the project's compliance with the co-location and priority location requirements of this local law;

9) A site plan in accordance with Article V of the Village's Form-Based Code showing the location, size and height of all existing and new proposed structures, antennas, and all related fixtures, accessory equipment and appurtenances, including but not limited to, height above preexisting grade, materials, color, and lighting;

10) Documentation justifying the total height of any proposed antenna and structure and the basis thereof. Such justification shall be to provide service within the Village to the extent practicable, unless good cause is shown;

11) The type, locations and dimensions of all proposed and existing landscaping or fencing;

12) The number, type and model of the antenna(s) proposed, with a copy of the specification sheet;

13) The make, model, type and manufacturer of the utility pole, monopole or other structure on which any antenna or accessory equipment is to be located and a design plan stating the structure's capacity to accommodate multiple users;

14) The frequency, modulation and class of service of radio or other transmitting equipment;

15) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts of the antenna(s);

16) Direction of maximum lobes and associated radiation of the antenna(s);

17) A copy of the FCC license applicable for the intended use of the wireless telecommunication facilities;

18) Certification that NIER levels at the proposed site will be and remain within the current threshold levels adopted by the FCC;

19) Certification that the proposed installation will not cause physical or RF interference with other telecommunications devices;

20) Certification that a topographic and geomorphologic study and analysis has been conducted, and that, taking into account the subsurface and substrate, and the proposed drainage plan, the site is adequate to assure the stability of the proposed wireless telecommunications facilities on the proposed site, through the certifying engineer need not be approved by the Village.

21) Information relating to the expected useful life of the proposed small wireless facility.

22) Applicant's proposed maintenance and inspection procedures and related system of records.

(G) The applicant shall furnish written certification that the small wireless facility and attachments are designed and will be constructed to meet all federal, state, county and local laws and regulations, including all structural requirements for loads, wind, and ice loads. If the wireless facility is subsequently approved and constructed, as-built certification indicating that the facility has been constructed in accordance with all standards shall be furnished to the Village prior to issuance of any certificate of occupancy or compliance.

(H) All applications for small wireless facilities shall demonstrate that the facility will be sited so as to minimize visual intrusion as much as possible given the facts and circumstances involved with the proposed site and facility, will employ stealth technologies as directed by the Planning Board, where appropriate, and will thereby have the least adverse visual effect on the environment, the character of the community, surrounding properties and on the residences in the area of the wireless telecommunication facility.

SECTION 5: APPROVAL PROCEDURES.

(A) Timeframes for Approval.

1) Within sixty (60) days of receipt of a complete application for the collocation of a small wireless facility on a preexisting utility pole, monopole or other existing wireless telecommunication facility support structure, the Planning Board shall make a final decision on whether to approve the application and shall notify the applicant in writing of such decision.

2) Within ninety (90) days of receipt of a complete application for a small wireless facility on a new utility pole, monopole or other new wireless telecommunication facility support structure, the Planning Board shall make a final decision on whether to approve the application and shall notify the applicant in writing of such decision.

3) Within ten (10) days of receipt of an incomplete application for a small wireless facility, the Village's Code Enforcement Officer shall notify the applicant in writing of any supplemental information required to complete the application. Upon receipt of an applicant's supplemental information in response to the initial notification of incompleteness by the Village, the applicable shot clock will reset to zero (0) and the Village shall have the full sixty (60) or ninety (90) days permitted by law to act on the completed application.

4) For any subsequent determinations of incompleteness beyond the initial, the Village's Code Enforcement Officer shall notify the applicant of any required supplemental information within ten (10) days of receipt of the supplemental submission and such notice shall toll the applicable review clock until the applicant submits the required supplemental information.

(B) All time periods set forth in this Section reference calendar days.

SECTION 6: **GENERAL REQUIREMENTS FOR SMALL WIRELESS FACILITIES.**

(A) All small wireless facilities shall be maintained in a safe manner and in compliance with all conditions of the small wireless facility approval, without exception, as well as all applicable and permissible federal, state and local laws, statutes, codes, rules and regulations.

(B) Design. All small wireless facilities shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. All small wireless facilities shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Village.

(C) Wind and ice. All small wireless facilities structures shall be designed to withstand the effects of wind gusts and ice to the standard designed by ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).

(D) Aviation Safety. Small wireless facilities shall comply with all federal and state laws and regulations concerning aviation safety.

(E) Public safety communications. Small wireless facilities shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

(F) Radio frequency emissions. A small wireless facility shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields", as amended. When a small wireless facility is complete, as-built readings will be taken and submitted to the Village.

(G) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

1) Small wireless facilities shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Village's residents.

3) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

4) The owner or operator of a small wireless facility shall maintain authorized and approved standby power generators or batteries capable of powering the small wireless facility for at least twelve (12) hours without additional public utility power and indefinitely with a continuous or replenished fuel supply, where appropriate. Such standby power shall activate automatically upon the failure of public utility power to the site. Notwithstanding the foregoing, the Planning Board may waive the requirement for back-up power, where appropriate.

(H) Access. All small wireless telecommunication facilities, antennas, and supporting structure shall be located, fenced or otherwise secured in a manner that prevents unauthorized access.

(I) Performance security. The applicant and owner of record of any proposed small wireless facility property site shall comply with any requirement set forth by the Planning Board regarding the posting of a bond or other security.

(J) Liability insurance. An applicant for a small wireless facility shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the small wireless facilities permit in amounts as approved by the Planning Board.

(K) Annual NIER certification**.** The holder of any small wireless facilities approval shall, annually certify to the Village that NIER levels at the site where a small wireless facility is located are within the threshold levels adopted by the FCC. In addition, the Village, at its own cost and expense, shall be permitted to conduct its own certification test of the NIER levels at the site where any small wireless facility is located, with or without notice to the wireless telecommunication provider. Once operational, but prior to providing service to customers, as-built readings will be provided to the Village.

SECTON 7. LOCATION.

(A) Applications for small wireless facilities shall locate, site and erect said facility in accordance with the following priorities, "1" being the highest priority and "7" being the lowest priority.

1) Collocation on existing utility poles, monopoles or other wireless telecommunication facility support structures on lands owned or controlled by the Village, not including the public right-or-way;

2) Collocation on a site with existing wireless telecommunication facilities or other wireless telecommunication facility structures in the Village;

3) On other lands owned or controlled by the Village including, but not limited to, the Village public right-of-way;

4) On lands owned or controlled by other municipal corporations within the Village, to the extent permitted by such other municipal corporation;

5) On non-residential zoned properties;

6) On residential zoned properties; and

7) No small wireless facilities shall be permitted in the Saratoga Springs Historic District, or on any property designated as a Historic Structure or Village Landmark, unless the applicant demonstrates to the Planning Board's satisfaction that the selected site is necessary to provide adequate service and no feasible alternative site exists.

(B) If the proposed site is not proposed for 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 special use permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

(C) An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the Planning Board why collocation is commercially impracticable.

(D) Notwithstanding the above, the Planning Board may approve any site located within the Village, provided that the Planning Board finds that the proposed site will further the purposes of this section, is in the best interest of the safety, public welfare, character and environment of the Village and will not have a deleterious effect on the nature and character of the community and surrounding properties.

SECTION 8: HEIGHT.

Small wireless facilities shall be no higher than the minimum height necessary. The proposed height, which may be in excess of maximum height permitted for other structures in the applicable zone, shall address any additional height necessary to accommodate collocation by additional antenna arrays, but under no circumstances is the height to be in excess of what is permitted for small wireless facilities.

SECTION 9: SETBACK.

All wireless telecommunication support structures for small wireless facilities located outside the public right-of-way shall be set back from the property line of the lot on which it is located at a distance equal to, not less than, the total height of the facility, including support structure, measured from the highest point of such support structure to the finished grade elevation of the ground on which it is situated, plus ten percent (10%) of such total height. The Planning Board may reduce such setback requirements based upon consideration of lot size, topographic conditions, adjoining land uses, landscaping, other forms of screening and/or structural characteristics of the proposed support structure.

SECTION 10: VISIBILITY.

(A) All small wireless telecommunication facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless telecommunications facilities sites.

(B) Both the small wireless telecommunication facility and any and all accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.

(C) Small wireless telecommunication facilities shall not be artificially lighted or marked, except as required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under federal, state and local laws, statutes, codes, rules or regulations.

(D) Electrical and land-based telephone lines extended to serve the wireless telecommunication services facility sites shall be installed underground.

(E) Stealth technologies shall be required to be employed in an effort to blend into the surrounding environment and minimize aesthetic impact.

(F) Landscaping shall be provided, if appropriate, and as required by the Planning Board.

SECTION 11. PUBLIC RIGHT-OF-WAY.

(A) All small wireless facilities located in the public right-of-way shall be required to comply with the following regulations and obtain a right-of-way permit from the Village Department of Public Works:

1) Location. Small wireless facilities in the public right-of-way shall be collocated on existing wireless telecommunications facilities, whenever possible. If collocation is not technologically feasible, the applicant shall locate its small wireless facility on existing utility poles or other structures that do not already act as wireless telecommunication facility support structures.

2) Design Requirements:

i. All equipment shall be the smallest and least visibly intrusive equipment feasible.

ii. Antenna and accessory equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3) Equipment Location. Small wireless facilities and any accessory equipment in the public right-of-way shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the public right-of-way as determined by the Village. In addition:

i. In no case shall ground-mounted accessory equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, or within four (4) feet of the edge of the cartway, or within an easement extending into a privately-owned lot;

ii. To the extent feasible, accessory equipment shall be placed underground. Ground-mounted accessory equipment that cannot be placed underground shall be screened from surrounding views, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Village. Ground-mounted accessory equipment shall be screened, when possible, by utilizing existing structures. If screening by utilizing existing structures is not possible, ground-mounted accessory equipment shall be made architecturally and aesthetically compatible with the surrounding area through the use of coatings, landscaping, and/or

screening walls, enclosures or other stealth technology to the satisfaction of the Village.

iii. Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the Village.

iv. Any graffiti on any small wireless facility support structure or any accessory equipment shall be removed within thirty (30) days upon notification by the Village at the sole expense of the owner.

v. Any proposed underground vault related to small wireless facilities shall be reviewed and approved by the Village.

vi. Accessory equipment attached to the small wireless facility support structure shall have such vertical clearance as the Village may determine.

4) Relocation or removal of small wireless facilities in the public right-of-way. In addition to the removal provisions set forth in Section S above, within ninety (90) days following written notice from the Village, or such longer period as the Village determines is reasonably necessary, or such shorter period in the case of an emergency, an owner of a small wireless facility and any accessory equipment in the public right-of-way shall, at its own expense, temporarily or permanently remove, relocate, or change the position of any small wireless facility or accessory equipment when the Village, consistent with its police powers and any applicable regulations, shall have determined that such removal, relocation, change or alteration is reasonable necessary under the following circumstances:

i. To construct, repair, maintain or install any Village or other public improvement located in the public right-of-way;

ii. To prevent the interference with the operations of the Village or other governmental entity, in the public right-of-way;

iii. Abandonment of a street or road or the release of a utility easement; or

iv. An emergency as determined by the Village Council.

(B) Reimbursement for the use of the public right-of-way. In addition to application fees for small wireless facility approval, every small wireless facility located in the public right-of-way is subject to the Village's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. Such compensation for use of the public right-of-way shall be directly related to the Village's actual public right-of-way management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervision and other public right-of-way management activities by the Village. The owner of each small wireless facility permit shall pay an annual fee to the Village to compensate the Village for the Village's costs incurred in connection with the

activities described above as determined by resolution of the Village Board and as set forth in the Village Fee Schedule.

SECTION 12: INDEMNIFICATION.

Any approval for small wireless facilities that is proposed for Village property or in a public right-of-way, pursuant to this section, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village and its elected officials, officers, board members, employees, agents, and consultants from any and all penalties, damages, costs, 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 placement, construction, erection, modification, location, product performance, use operation, maintenance, repair, installation, replacement, removal, or restoration of said facility; excepting, however, any portion of such claims, suits, demands, causes of action or award or damages as may be attributable to the negligent or intentional acts or omissions of the Village or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorney's fees, consultant's fees, and expert witness fees are included in those costs that are recoverable by the Village.

SECTION 13: INSPECTION.

In order to verify that the holder of a small wireless facilities approval and any and all lessees, renters, and/or licensees of small wireless facilities place and construct such facilities, including supporting structures, accessory equipment and antennas, in accordance with all applicable technical, safety, fire, building, and zoning laws, statutes, codes, rules, regulations and other applicable requirements, the Village may inspect at any time, upon providing reasonable notice, all facets, including placement, construction, modification and maintenance of such facilities, including, but not limited to, structures, antennas, accessory equipment and electromagnetic output.

SECTION 14: RECERTIFICATION

(A) At the five-year (5) anniversary date after the effective date for the small wireless facility approval and for all subsequent fifth (5th) anniversaries of the effective date of the original approval for small wireless telecommunications facilities, the holder of the small wireless facility approval shall submit a signed written document with the following information, to the appropriate Village department, confirming the compliance of the small wireless facility with the small wireless facility approval. Such submission shall include the following:

1) The name of the holder of the small wireless facilities approval for the wireless telecommunications facilities.

2) The date of the original granting of the small wireless facilities approval.

3) Whether the small wireless facility has been modified since the issuance of the small wireless facilities approval and, if so, in what manner.

4) Any requests for waivers or relief of any kind whatsoever from the requirements of this section and any requirements for small wireless facilities approval.

5) Certification that the small wireless facilities are in compliance with the original small wireless facilities approval and in compliance with all applicable codes, laws, rules, regulations, Federal certification requirements including but not limited to this section.

6) Certification that the wireless telecommunications facility support structure, attachments and accessory equipment have been designed and constructed (as build) and continues to meet all local, county, state and federal structural requirements for loads, including wind and ice loads. Such certification shall be by a qualified New York State licensed professional engineer.

(B) If the holder of a small wireless facility approval does not submit the certifications in Subsection 1 of this section within the time frame noted in Subsection 1 of this section, then such small wireless facilities approval shall terminate and any authorizations granted thereunder shall cease to exist on the date of the fifth (5th) anniversary of the original granting of the special use approval, or subsequent fifth (5th) anniversaries, unless the holder of the small wireless facilities approval adequately demonstrates to the Planning Board that extenuating circumstances prevented a timely submission of such written certification. If the Village agrees that there were extenuating circumstances, then the holder of the expired small wireless facilities approval may submit a late recertification request or application for a new small wireless facilities approval.

SECTION 15: ENFORCEMENT.

(A) If any small wireless facilities are constructed, repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this section or of the small wireless facility approval conditions and requirements, or it is determined conclusively that the applicant made materially false or misleading statements during the application process, then the Planning Board, Code Enforcement Officer, , or their designee, shall notify the holder of the small wireless facilities permit in writing of such violation. Such notice shall specify the nature of the violation or noncompliance, and the violations must be corrected 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 earlier. Notwithstanding anything to the contrary in this subsection or any other section of this section, if a violation or non-compliance causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Code Enforcement Office may, at their sole discretion, order the violation remedied within twenty-four (24) hours.

(B) If within the period set forth in Subsection A above, the small wireless facilities are not brought into compliance with the provisions of this section, or of the approval, or substantial

steps are not taken in order to bring the affected small wireless facilities into compliance, then the Planning Board or the Code Enforcement Officer may revoke such small wireless facility approval and require removal of such small wireless facility pursuant to Section 15 below.

SECTION 16: REMOVAL.

(A) Under the following circumstances, the Village may determine that the safety, public welfare, character and environment of the Village warrant and require the removal of small wireless facilities, under the following circumstances:

1) The small wireless facility has been abandoned (i.e., not used as wireless telecommunication facilities) for a period exceeding ninety (90) consecutive days or a total of one hundred eighty days (180) in any three hundred sixty five day (365) period, except for periods caused by force majeur or acts of God, in which case, repair or removal shall commence within ninety (90) days;

2) A permitted small wireless facility falls into such a state of disrepair that it creates a safety hazard;

3) The small wireless facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required small wireless facilities approval, or any other necessary authorization; or

4) Any small wireless facility is determined to be in violation pursuant to Section R above and fails to cure such violation within the time set forth in that Section.

(B) If the Village makes a determination as noted in Subsection 1 of this section, then it shall notify the holder of the small facilities permit and the owner of the property in writing that said small wireless facilities are to be removed.

(C) The holder of the small wireless facilities approval or the owner of the property shall be required to dismantle and remove such small wireless facilities, and all accessory equipment and associated structures, from the site and return the site to its original condition and certify through soils or other testing that no contamination has been created by the facility, such restoration being completed, limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the Village to remove such small wireless facilities. However, if the owner of the property upon which the small wireless facilities are located wishes to retain any access roadway to the small wireless facilities, the owners may do so with the approval of the Village.

(D) If the small wireless facilities are not removed or substantial progress has not been made to remove the small wireless facilities within ninety (90) days after the holder of small wireless facility approval has received such written notice of removal, then the Village may remove the small wireless facilities at the sole expense of the property owner and/small wireless facility approval holder.

(E) If the Village removes or causes to be removed the small wireless facilities, and the owner of the wireless telecommunication facilities does not claim and remove them to a lawful location within ten (10) days, then the Village may take steps to declare the small wireless facilities abandoned and dispose of or sell them and their components and retain the proceeds therefrom. The Village may also cause the costs associated with the removal and disposal of the small wireless facilities to be assessed on the property in the same manner as a tax or assessment.

SECTION 17: EXEMPTIONS.

Non-commercial usage exemption. Village residents utilizing satellite dishes, citizen and/or band radios, and antenna for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations relating to small wireless facilities enumerated in this section.

SECTION 18: EFFECTIVE DATE.

This local law shall take effect upon filing in the Office of the Secretary of State.