

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH10231-TP-4 (02/01)

Short Title: Cell Tower Deployment Act. (Public)

Sponsors: Representatives Hager, Moffitt, W. Brawley, and Alexander (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE AUTHORITY OF LOCAL GOVERNMENTS TO REGULATE  
3 WIRELESS TELECOMMUNICATION FACILITIES TO COMPLY WITH THE  
4 MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012 (P.L. 112-96).

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 19 of Chapter 160A of the General Statutes reads as  
7 rewritten:

8 "Part 3E. Wireless Telecommunications Facilities.

9 "§ 160A-400.50. Purpose and compliance with federal law.

10 (a) The purpose of this section is to ensure the safe and efficient integration of facilities  
11 necessary for the provision of advanced mobile broadband and wireless telecommunications  
12 services throughout the community and to ensure the ready availability of reliable wireless  
13 service to the public, government agencies, and first responders, with the intention of furthering  
14 the public safety and general welfare.

15 (a1) The deployment of wireless infrastructure is critical to ensuring first responders can  
16 provide for the health and safety of all residents of North Carolina and that, consistent with  
17 Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No.  
18 112-96, which, among other things, creates a national wireless emergency communications  
19 network for use by first responders that in large measure will be dependent on facilities placed  
20 on existing wireless communications support structures, it is the policy of this State to facilitate  
21 the placement of wireless communications support structures in all areas of North Carolina.  
22 The following standards shall apply to a city's actions, as a regulatory body, in the regulation of  
23 the placement, construction, or modification of a wireless communications facility.

24 (b) The placement, construction, or modification of wireless communications facilities  
25 shall be in conformity with the Federal Communications Act, 47 U.S.C. § 332 as amended, and  
26 in accordance with the rules promulgated by the Federal Communications Commission.

27 "§ 160A-400.51. Definitions.

28 The following definitions apply in this Part.

- 29 (1) Antenna. – Communications equipment that transmits and receives  
30 electromagnetic radio signals used in the provision of all types of wireless  
31 communications services.
- 32 (2) Application. – A formal request submitted to the city to construct or modify  
33 a wireless support structure or a wireless facility.
- 34 (3) Building permit. – An official administrative authorization issued by the city  
35 prior to beginning construction consistent with the provisions of  
36 G.S. 160A-417.



- 1 (4) Collocation. – The placement or installation of wireless facilities on existing  
2 structures, including electrical transmission towers, water towers, buildings,  
3 and other structures capable of structurally supporting the attachment of  
4 wireless facilities in compliance with applicable codes. The term collocation  
5 includes the placement, replacement, or modification of wireless facilities  
6 within a previously approved equipment compound. The term collocation  
7 further includes any modification of a wireless support structure that does  
8 not meet the definition of a substantial modification. ~~The installation of new~~  
9 ~~wireless facilities on previously approved structures, including towers,~~  
10 ~~buildings, utility poles, and water tanks.~~
- 11 (5) Equipment compound. – An area surrounding or near the base of a wireless  
12 support structure within which a wireless facility is located. ~~Equipment~~  
13 ~~enclosure.~~ ~~An enclosed structure, cabinet, or shelter used to contain radio~~  
14 ~~or other equipment necessary for the transmission or reception of wireless~~  
15 ~~communication signals.~~
- 16 (5a) Fall zone. – The area in which a wireless support structure may be expected  
17 to fall in the event of a structural failure, as measured by engineering  
18 standards.
- 19 (6) Land development regulation. – Any ordinance enacted pursuant to this Part.
- 20 (7) Search ring. – The area within which a wireless facility must be located in  
21 order to meet service objectives of the wireless service provider using the  
22 wireless facility or wireless support structure.
- 23 (7a) Substantial modification. – The mounting of a proposed wireless facility on  
24 a wireless support structure which:
- 25 a. Increases the existing vertical height of the structure by:  
26 1. More than ten percent (10%), or  
27 2. The height of one additional antenna array with separation  
28 from the nearest existing antenna not to exceed 20 feet,  
29 whichever is greater; or
- 30 b. Involves adding an appurtenance to the body of a wireless support  
31 structure that protrudes horizontally from the edge of the wireless  
32 support structure more than 20 feet or more than the width of the  
33 wireless support structure at the level of the appurtenance, whichever  
34 is greater (except where necessary to shelter the antenna from  
35 inclement weather or to connect the antenna to the tower via cable);  
36 or
- 37 c. Increases the square footage of the existing equipment compound by  
38 more than 2,500 square feet.
- 39 (8) Utility pole. – A structure that is designed for and used to carry lines, cables,  
40 or wires for telephone, cable television, or electricity, or to provide lighting.
- 41 (8a) Water tower. – A water storage tank, a standpipe, or an elevated tank  
42 situated on a support structure originally constructed for use as a reservoir or  
43 facility to store or deliver water.
- 44 (9) Wireless facility. – The set of equipment and network components, exclusive  
45 of the underlying support structure or tower, including antennas,  
46 transmitters, receivers, ~~receivers~~-base stations, power supplies, cabling, and  
47 associated equipment necessary to provide wireless data and  
48 telecommunications services to a discrete geographic area.
- 49 (10) Wireless support structure. – A new or existing structure, such as a  
50 monopole, lattice tower, or guyed tower that is designed to support or

1 capable of supporting wireless facilities. A utility pole is not a wireless  
2 support structure.

3 "§ 160A-400.52. **Construction of new wireless support structures or substantial**  
4 **modifications of facilities and wireless support structures.**

5 (a) A city may plan for and regulate the siting or modification of new wireless support  
6 structures or the substantial modification of wireless support structures and wireless facilities in  
7 accordance with land development regulations and in conformity with this Part. Except as  
8 expressly stated, nothing in this Part shall limit a city from regulating applications to construct,  
9 substantially modify, or maintain wireless support structures, or construct, substantially modify,  
10 maintain, or collocate wireless facilities on a wireless support structure based on consideration  
11 of land use, public safety, and zoning considerations, including aesthetics, landscaping,  
12 structural design, setbacks, and fall zones, or State and local building code requirements,  
13 consistent with the provisions of federal law provided in G.S. 160A-400.50. For purposes of  
14 this Part, public safety shall not include requirements relating to radio frequency emissions of  
15 wireless facilities.

16 (b) Any person that proposes to construct or substantially modify a wireless support  
17 structure or wireless facility within the planning and land-use jurisdiction of a city must do both  
18 of the following:

- 19 (1) Submit a completed application with the necessary copies and attachments to  
20 the appropriate planning authority.
- 21 (2) Comply with any local ordinances concerning land use and any applicable  
22 permitting processes.

23 (c) A city's review of an application for the placement, construction, or substantial  
24 modification of a wireless facility or wireless support structure shall only address public safety,  
25 land development, or zoning issues. In reviewing an application, the city may not require  
26 information on or evaluate an applicant's business decisions about its designed service,  
27 customer demand for its service, or quality of its service to or from a particular area or site. In  
28 reviewing an application, the city may review the following:

- 29 (1) Applicable public safety, land use, or zoning issues addressed in its adopted  
30 regulations, including aesthetics, landscaping, land-use based location  
31 priorities, structural design, setbacks, and fall zones.
- 32 (2) Information or materials directly related to an identified public safety, land  
33 development, or zoning issue including evidence that no existing or  
34 previously approved structure can reasonably be used for the antenna  
35 placement instead of the construction of a new tower, that residential,  
36 historic, and designated scenic areas cannot be served from outside the area,  
37 or that the proposed height of a new tower or initial antenna placement or a  
38 proposed height increase of a modified tower, replacement tower, or  
39 collocation is necessary to provide the applicant's designed service.
- 40 (3) A city may require applicants for new wireless facilities to evaluate the  
41 reasonable feasibility of collocating new antennas and equipment on an  
42 existing structure or structures within the applicant's search ring. Collocation  
43 on an existing structure is not reasonably feasible if collocation is technically  
44 or commercially impractical or the owner of the tower is unwilling to enter  
45 into a contract for such use at fair market value. Cities may require  
46 information necessary to determine whether collocation on existing  
47 structures is reasonably feasible.

48 ~~(d) A collocation application entitled to streamlined processing under~~  
49 ~~G.S. 160A-400.53 shall be deemed complete unless the city provides notice in writing to the~~  
50 ~~applicant within 45 days of submission or within some other mutually agreed upon timeframe.~~  
51 ~~The notice shall identify the deficiencies in the application which, if cured, would make the~~

1 application complete. The application shall be deemed complete on resubmission if the  
2 additional materials cure the deficiencies identified.

3 (e) ~~The city shall issue a written decision approving or denying an application within 45~~  
4 ~~days in the case of collocation applications entitled to streamlined processing under~~  
5 ~~G.S. 160A-400.53 and within a reasonable period of time consistent with the issuance of other~~  
6 ~~land use permits in the case of other applications, each as measured from the time the~~  
7 ~~application is deemed complete.~~

8 (f) A city may fix and charge an application fee, consulting fee, or other fee associated  
9 with the submission, review, processing, and approval of an application to site new wireless  
10 support structures or substantially modify wireless support structures or wireless facilities that  
11 is based on the costs of the services provided and does not exceed what is usual and customary  
12 for such services. Any charges or fees assessed by a city on account of an outside consultant  
13 shall be fixed in advance and incorporated into a permit or application fee and shall be based on  
14 the reasonable costs to be incurred by the city in connection with the regulatory review  
15 authorized under this section. The foregoing does not prohibit a city from imposing additional  
16 reasonable and cost based fees for costs incurred should an applicant amend its application. On  
17 request, the amount of the consultant charges incorporated into the permit or application fee  
18 shall be separately identified and disclosed to the applicant.

19 (g) The city may condition approval of an application for a new wireless support  
20 structure on the provision of documentation prior to the issuance of a building permit  
21 establishing the existence of one or more parties, including the owner of the wireless support  
22 structure, who intend to locate wireless facilities on the wireless support structure. A city shall  
23 not deny an initial land-use or zoning permit based on such documentation. A city may  
24 condition a permit on a requirement to construct facilities within a reasonable period of time,  
25 which shall be no less than 24 months.

26 (h) The city may not require the placement of wireless support structures or wireless  
27 facilities on city owned or leased property, but may develop a process to encourage the  
28 placement of wireless support structures or facilities on city owned or leased property,  
29 including an expedited approval process.

30 (i) This section shall not be construed to limit the provisions or requirements of any  
31 historic district or landmark regulation adopted pursuant to Part 3C of this Article.

32 **"§ 160A-400.53. Collocation and other nonsubstantial modifications of wireless facilities.**

33 (a) Pursuant to Section 6409 of the federal Middle Class Tax Relief and Job Creation  
34 Act of 2012, Pub. L. No. 112-96, a city may not deny and shall approve any application  
35 Applications for collocation as defined in this Part, entitled to streamlined processing under this  
36 section shall be reviewed for conformance with applicable site plan and building permit  
37 requirements but shall not otherwise be subject to zoning requirements, including design or  
38 placement requirements, or public hearing review.

39 (a1) A collocation application shall be deemed complete unless the city provides notice  
40 that the application is incomplete in writing to the applicant within 45 days of submission or  
41 within some other mutually agreed upon time frame. The notice shall identify the deficiencies  
42 in the application which, if cured, would make the application complete. The application shall  
43 be deemed complete on resubmission if the additional materials cure the deficiencies indicated.

44 (a2) The city shall issue a written decision approving a collocation application within 45  
45 days of such application being deemed complete.

46 (a3) A city may impose a fee not to exceed five hundred dollars (\$500.00) for technical  
47 consultation and the review of a collocation application. The fee must be based on the actual,  
48 direct, and reasonable administrative costs incurred for the review, processing, and approval of  
49 a collocation application. A city may engage a third-party consultant for technical consultation  
50 and the review of a collocation application. The fee imposed by a city for the review of the  
51 application may not be used for either of the following:

- 1           (1) Travel expenses incurred in a third party's review of a collocation  
2           application.  
3           (2) Reimbursement for a consultant or other third party based on a contingent  
4           fee basis or results-based arrangement.

5           (b) ~~Applications for collocation of wireless facilities are entitled to streamlined~~  
6 ~~processing if the addition of the additional wireless facility does not exceed the number of~~  
7 ~~wireless facilities previously approved for the wireless support structure on which the~~  
8 ~~collocation is proposed and meets all the requirements and conditions of the original approval.~~  
9 ~~This provision applies to wireless support structures which are approved on or after December~~  
10 ~~1, 2007.~~

11          (c) ~~The streamlined process set forth in subsection (a) of this section shall apply to all~~  
12 ~~collocations, in addition to collocations qualified for streamlined processing under subsection~~  
13 ~~(b) of this section, that meet the following requirements:~~

- 14           (1) ~~The collocation does not increase the overall height and width of the tower~~  
15 ~~or wireless support structure to which the wireless facilities are to be~~  
16 ~~attached.~~  
17           (2) ~~The collocation does not increase the ground space area approved in the site~~  
18 ~~plan for equipment enclosures and ancillary facilities.~~  
19           (3) ~~The wireless facilities in the proposed collocation comply with applicable~~  
20 ~~regulations, restrictions, or conditions, if any, applied to the initial wireless~~  
21 ~~facilities placed on the tower or other wireless support structure.~~  
22           (4) ~~The additional wireless facilities comply with all federal, State and local~~  
23 ~~safety requirements.~~  
24           (5) ~~The collocation does not exceed the applicable weight limits for the wireless~~  
25 ~~support structure."~~

26          **SECTION 2.** Article 18 of Chapter 153A of the General Statutes reads as  
27 rewritten:

28                               "Part 3B. Wireless Telecommunications Facilities.

29          "**§ 153A-349.50. Purpose and compliance with federal law.**

30           (a) Purpose. – The purpose of this section is to ensure the safe and efficient integration  
31 of facilities necessary for the provision of advanced mobile broadband and wireless  
32 telecommunications services throughout the community and to ensure the ready availability of  
33 reliable wireless service to the public, government agencies, and first responders, with the  
34 intention of furthering the public safety and general welfare.

35           (a1) The deployment of wireless infrastructure is critical to ensuring first responders can  
36 provide for the health and safety of all residents of North Carolina and that, consistent with  
37 Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No.  
38 112-96, which, among other things, creates a national wireless emergency communications  
39 network for use by first responders that in large measure will be dependent on facilities placed  
40 on existing wireless communications support structures, it is the policy of this State to facilitate  
41 the placement of wireless communications support structures in all areas of North Carolina.  
42 The following standards shall apply to a county's actions, as a regulatory body, in the regulation  
43 of the placement, construction, or modification of a wireless communications facility.

44           (b) Compliance with the Federal Communications Act. – The placement, construction,  
45 or modification of wireless communications facilities shall be in conformity with the Federal  
46 Communications Act, 47 U.S.C. § 332 as amended, and in accordance with the rules  
47 promulgated by the Federal Communications Commission.

48          "**§ 153A-349.51. Definitions.**

49           The following definitions apply in this Part:

- 1 (1) Antenna. – Communications equipment that transmits and receives  
2 electromagnetic radio signals used in the provision of all types of wireless  
3 communications services.
- 4 (2) Application. – A formal request submitted to the county to construct or  
5 modify a wireless support structure or a wireless facility.
- 6 (3) Building permit. – An official administrative authorization issued by the  
7 county prior to beginning construction consistent with the provisions of  
8 G.S. 153A-357.
- 9 (4) Collocation. – The placement or installation of wireless facilities on existing  
10 structures, including electrical transmission towers, water towers, buildings,  
11 and other structures capable of structurally supporting the attachment of  
12 wireless facilities in compliance with applicable codes. The term collocation  
13 includes the placement, replacement, or modification of wireless facilities  
14 within a previously approved equipment compound. The term collocation  
15 further includes any modification of a wireless support structure that does  
16 not meet the definition of a substantial modification. ~~The installation of new~~  
17 wireless facilities on previously approved structures, including towers,  
18 buildings, utility poles, and water tanks.
- 19 (5) Equipment compound. – An area surrounding or near the base of a wireless  
20 support structure within which a wireless facility is located. ~~Equipment~~  
21 enclosure. – An enclosed structure, cabinet, or shelter used to contain radio  
22 or other equipment necessary for the transmission or reception of wireless  
23 communication signals.
- 24 (5a) Fall zone. – The area in which a wireless support structure may be expected  
25 to fall in the event of a structural failure, as measured by engineering  
26 standards.
- 27 (6) Land development regulation. – Any ordinance enacted pursuant to this Part.
- 28 (7) Search ring. – The area within which a wireless facility must be located in  
29 order to meet service objectives of the wireless service provider using the  
30 wireless facility or wireless support structure.
- 31 (7a) Substantial modification. – The mounting of a proposed wireless facility on  
32 a wireless support structure which:
- 33 a. Increases the existing vertical height of the structure by:
- 34 1. More than ten percent (10%), or
- 35 2. The height of one additional antenna array with separation  
36 from the nearest existing antenna not to exceed 20 feet,  
37 whichever is greater; or
- 38 b. Involves adding an appurtenance to the body of a wireless support  
39 structure that protrudes horizontally from the edge of the wireless  
40 support structure more than 20 feet or more than the width of the  
41 wireless support structure at the level of the appurtenance, whichever  
42 is greater (except where necessary to shelter the antenna from  
43 inclement weather or to connect the antenna to the tower via cable);  
44 or
- 45 c. Increases the square footage of the existing equipment compound by  
46 more than 2,500 square feet.
- 47 (8) Utility pole. – A structure that is designed for and used to carry lines, cables,  
48 or wires for telephone, cable television, or electricity, or to provide lighting.
- 49 (8a) Water tower. – A water storage tank, a standpipe, or an elevated tank  
50 situated on a support structure originally constructed for use as a reservoir or  
51 facility to store or deliver water.

1 (9) Wireless facility. – The set of equipment and network components, exclusive  
2 of the underlying support structure or tower, including antennas,  
3 transmitters, ~~receivers~~, ~~receivers~~-base stations, power supplies, cabling, and  
4 associated equipment necessary to provide wireless data and  
5 telecommunications services to a discrete geographic area.

6 (10) Wireless support structure. – A new or existing structure, such as a  
7 monopole, lattice tower, or guyed tower that is designed to support or  
8 capable of supporting wireless facilities. A utility pole is not a wireless  
9 support structure.

10 "§ 153A-349.52. **Construction of new wireless support structures or substantial**  
11 **modifications of facilities and wireless support structures.**

12 (a) A county may plan for and regulate the siting or modification of new wireless  
13 support structures or the substantial modification of wireless support structures and wireless  
14 facilities in accordance with land development regulations and in conformity with this Part.  
15 Except as expressly stated, nothing in this Part shall limit a county from regulating applications  
16 to construct, substantially modify, or maintain wireless support structures, or construct,  
17 substantially modify, maintain, or collocate wireless facilities on a wireless support structure  
18 based on consideration of land use, public safety, and zoning considerations, including  
19 aesthetics, landscaping, structural design, setbacks, and fall zones, or State and local building  
20 code requirements, consistent with the provisions of federal law provided in G.S. 153A-349.50.  
21 For purposes of this Part, public safety shall not include requirements relating to radio  
22 frequency emissions of wireless facilities.

23 (b) Any person that proposes to construct or substantially modify a wireless support  
24 structure or wireless facility within the planning and land-use jurisdiction of a county must do  
25 both of the following:

26 (1) Submit a completed application with the necessary copies and attachments to  
27 the appropriate planning authority.

28 (2) Comply with any local ordinances concerning land use and any applicable  
29 permitting processes.

30 (c) A county's review of an application for the placement, construction, or substantial  
31 modification of a wireless facility or wireless support structure shall only address public safety,  
32 land development, or zoning issues. In reviewing an application, the county may not require  
33 information on or evaluate an applicant's business decisions about its designed service,  
34 customer demand for its service, or quality of its service to or from a particular area or site. In  
35 reviewing an application the county may review the following:

36 (1) Applicable public safety, land use, or zoning issues addressed in its adopted  
37 regulations, including aesthetics, landscaping, land-use based location  
38 priorities, structural design, setbacks, and fall zones.

39 (2) Information or materials directly related to an identified public safety, land  
40 development or zoning issue including evidence that no existing or  
41 previously approved structure can reasonably be used for the antenna  
42 placement instead of the construction of a new tower, that residential,  
43 historic, and designated scenic areas cannot be served from outside the area,  
44 or that the proposed height of a new tower or initial antenna placement or a  
45 proposed height increase of a modified tower, replacement tower, or  
46 collocation is necessary to provide the applicant's designed service.

47 (3) A county may require applicants for new wireless facilities to evaluate the  
48 reasonable feasibility of collocating new antennas and equipment on an  
49 existing structure or structures within the applicant's search ring. Collocation  
50 on an existing structure is not reasonably feasible if collocation is technically  
51 or commercially impractical or the owner of the tower is unwilling to enter

1 into a contract for such use at fair market value. Counties may require  
2 information necessary to determine whether collocation on existing  
3 structures is reasonably feasible.

4 ~~(d) A collocation application entitled to streamlined processing under~~  
5 ~~G.S. 153A-349.53 shall be deemed complete unless the city provides notice in writing to the~~  
6 ~~applicant within 45 days of submission or within some other mutually agreed upon timeframe.~~  
7 ~~The notice shall identify the deficiencies in the application which, if cured, would make the~~  
8 ~~application complete. The application shall be deemed complete on resubmission if the~~  
9 ~~additional materials cure the deficiencies identified.~~

10 ~~(e) The county shall issue a written decision approving or denying an application within~~  
11 ~~45 days in the case of collocation applications entitled to streamlined processing under~~  
12 ~~G.S. 153A-349.53 and within a reasonable period of time consistent with the issuance of other~~  
13 ~~land use permits in the case of other applications, each as measured from the time the~~  
14 ~~application is deemed complete.~~

15 (f) A county may fix and charge an application fee, consulting fee, or other fee  
16 associated with the submission, review, processing, and approval of an application to site new  
17 wireless support structures or substantially modify wireless support structures or wireless  
18 facilities that is based on the costs of the services provided and does not exceed what is usual  
19 and customary for such services. Any charges or fees assessed by a county on account of an  
20 outside consultant shall be fixed in advance and incorporated into a permit or application fee  
21 and shall be based on the reasonable costs to be incurred by the county in connection with the  
22 regulatory review authorized under this section. The foregoing does not prohibit a county from  
23 imposing additional reasonable and cost based fees for costs incurred should an applicant  
24 amend its application. On request, the amount of the consultant charges incorporated into the  
25 permit or application fee shall be separately identified and disclosed to the applicant.

26 (g) The county may condition approval of an application for a new wireless support  
27 structure on the provision of documentation prior to the issuance of a building permit  
28 establishing the existence of one or more parties, including the owner of the wireless support  
29 structure, who intend to locate wireless facilities on the wireless support structure. A county  
30 shall not deny an initial land-use or zoning permit based on such documentation. A county may  
31 condition a permit on a requirement to construct facilities within a reasonable period of time,  
32 which shall be no less than 24 months.

33 (h) The county may not require the placement of wireless support structures or wireless  
34 facilities on county owned or leased property, but may develop a process to encourage the  
35 placement of wireless support structures or facilities on county owned or leased property,  
36 including an expedited approval process.

37 (i) This section shall not be construed to limit the provisions or requirements of any  
38 historic district or landmark regulation adopted pursuant to Part 3C of this Article.

39 **"§ 153A-349.53. Collocation and other nonsubstantial modifications of wireless facilities.**

40 (a) Pursuant to Section 6409 of the federal Middle Class Tax Relief and Job Creation  
41 Act of 2012, Pub. L. No. 112-96, a county may not deny and shall approve any application  
42 Applications for collocation as defined in this Part, entitled to streamlined processing under this  
43 section shall be reviewed for conformance with applicable site plan and building permit  
44 requirements but shall not otherwise be subject to zoning requirements, including design or  
45 placement requirements, or public hearing review.

46 (a1) A collocation application shall be deemed complete unless the county provides  
47 notice that the application is incomplete in writing to the applicant within 45 days of  
48 submission or within some other mutually agreed upon time frame. The notice shall identify the  
49 deficiencies in the application which, if cured, would make the application complete. The  
50 application shall be deemed complete on resubmission if the additional materials cure the  
51 deficiencies identified.



1        (a2) The county shall issue a written decision approving a collocation application within  
2 45 days of such application being deemed complete.

3        (a3) A county may impose a fee not to exceed five hundred dollars (\$500.00) for  
4 technical consultation and the review of a collocation application. The fee must be based on the  
5 actual, direct, and reasonable administrative costs incurred for the review, processing, and  
6 approval of a collocation application. A county may engage a third-party consultant for  
7 technical consultation and the review of a collocation application. The fee imposed by a county  
8 for the review of the application may not be used for either of the following:

9            (1) Travel expenses incurred in a third party's review of a collocation  
10 application.

11            (2) Reimbursement for a consultant or other third party based on a contingent  
12 fee basis or results-based arrangement.

13        ~~(b) Applications for collocation of wireless facilities are entitled to streamlined~~  
14 ~~processing if the addition of the additional wireless facility does not exceed the number of~~  
15 ~~wireless facilities previously approved for the wireless support structure on which the~~  
16 ~~collocation is proposed and meets all the requirements and conditions of the original approval.~~  
17 ~~This provision applies to wireless support structures which are approved on or after December~~  
18 ~~1, 2007.~~

19        ~~(c) The streamlined process set forth in subsection (a) of this section shall apply to all~~  
20 ~~collocations, in addition to collocations qualified for streamlined processing under subsection~~  
21 ~~(b) of this section, that meet the following requirements:~~

22            ~~(1) The collocation does not increase the overall height and width of the tower~~  
23 ~~or wireless support structure to which the wireless facilities are to be~~  
24 ~~attached.~~

25            ~~(2) The collocation does not increase the ground space area approved in the site~~  
26 ~~plan for equipment enclosures and ancillary facilities.~~

27            ~~(3) The wireless facilities in the proposed collocation comply with applicable~~  
28 ~~regulations, restrictions, or conditions, if any, applied to the initial wireless~~  
29 ~~facilities placed on the tower or other wireless support structure.~~

30            ~~(4) The additional wireless facilities comply with all federal, State, and local~~  
31 ~~safety requirements.~~

32            ~~(5) The collocation does not exceed the applicable weight limits for the wireless~~  
33 ~~support structure."~~

34        **SECTION 3.** This act becomes effective October 1, 2013, and applies to  
35 collocation applications received on or after that date.