

ANCHORAGE, ALASKA
AO NO. 2000-71

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE TITLE 21 REGULATING COMMUNITY AND LOCAL
INTEREST TOWERS

THE ANCHORAGE ASSEMBLY ORDAINS

Section 1: That AMC Section 21.45.265 of the Anchorage Municipal Code is amended to read as follows:

21.45.265 Community and local interest towers.

A General provisions:

1. - 3. No change

4 Collocation.

A. - B. No change.

C All antennas and community and local interest towers shall be made available for use by as many other licensed carriers as can be technically collocated thereon. However, nothing in this Chapter shall prevent a licensed carrier from charging a reasonable fee for the collocation of additional facilities upon said tower which does not exceed the fair market value for the space occupied. All licensed carriers shall cooperate with each other in collocating additional facilities upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation. In the event that a dispute arises as to whether a licensed carrier has exercised good faith in allowing other licensed carriers to collocate upon its tower, the administrative official may require a third party technical study to evaluate the feasibility of collocation at the expense of either or both licensed carriers. This covenant of good faith and fair dealing shall be a condition of any permit issued pursuant to this Chapter for a tower.

1
2 **D.** Any licensed carrier which allows collocation upon a tower
3 permitted pursuant to this Chapter may condition said
4 collocation to assure that the collocated antenna does not
5 cause electronic or radio-frequency interference with its
6 existing antenna(s).

7
8 **E.** The willful and knowing failure of an antenna or tower owner
9 to agree to shared use or to negotiate in good faith with
10 potential users shall be cause for the withholding of future
11 permits to the same antenna or tower owner to install, build, or
12 modify antennae or antenna support structure within the
13 Municipality and possible forfeiture of continued use of the
14 existing tower.

15
16 5. - 8. No change.

17
18 9. **A.** Notice and interference. An operator proposing to install or
19 modify an antenna shall provide notice to all property owners
20 within 500 feet of the date of activation of the new or modified
21 antenna. Within 90 days of activation of the antenna, the
22 operator shall resolve all reported occurrences of interference.

23
24 **B.** EMF standards. The applicant shall comply with Federal
25 standards for EMF emissions. Within six (6) months after the
26 issuance of its operational permit, the applicant shall submit a
27 project implementation report which provides cumulative field
28 measurements of radio frequency (EMF) power densities of all
29 antennas installed at the subject site. The report shall quantify
30 the EMF emissions and compare the results with established
31 Federal standards. Said report shall be subject to review and
32 approval by the administrative official for consistency with the
33 project proposal report and the adopted Federal standards. If
34 upon review the administrative official finds that the antenna
35 does not meet Federal standards, the administrative official
36 may revoke or modify the permit. The applicant shall be given
37 a reasonable time based on the nature of the problem to
38 comply with the Federal standards. If the permit is revoked,
39 then the facility shall be removed within 30 days.

40
41 10. No change

42
43 11 Tower application.

44
45 [ADMINISTRATIVE PERMIT REQUIRED. AN ADMINISTRATIVE PERMIT
46 SHALL BE OBTAINED FROM THE ADMINISTRATIVE OFFICIAL
47 DESIGNATED PURSUANT TO SECTION 21.10.005. THIS PERMIT SHALL

CERTIFY THAT, WHEN GRANTED, THE ANTENNA, OR TOWER STRUCTURE WAS IN COMPLIANCE WITH THIS SECTION. THIS PERMIT SHALL REMAIN VALID SO LONG AS THAT ANTENNA OR TOWER STRUCTURE REMAINS IN CONTINUOUS OPERATIONS.]

a. Any applicant for a tower or antenna permit must prepare and submit to the administrative official an alternatives analysis. This analysis shall identify all reasonable, technically feasible, alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the Municipality. The analysis shall address the potential for collocation and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. In the event that a dispute arises as to whether a licensed carrier has exercised good faith in performing the alternatives analysis, the administrative official may require third party technical verification of the analysis at the applicant's expense. All alternatives analysis submitted pursuant to this section shall remain confidential.

b. Each tower application shall include an inventory of all of said provider's existing wireless telecommunications facilities or approved sites for facilities that are either within the Municipality or within one mile of the border thereof.

c. Fees. Each permit granted pursuant to this Chapter shall contain a condition which requires the permittee to reimburse the Municipality for all direct and indirect expenses reasonably incurred in connection with the modification, amendment, or transfer of the permit. Each permittee shall be required to reimburse the Municipality for all direct and indirect expenses not otherwise covered by permit application fees reasonably incurred while reviewing, inspecting, and supervising the construction, installation, and/or maintenance of an antenna facility authorized by a permit granted pursuant to this Chapter. Costs incurred by the Municipality in response to any emergency at the facility shall be included within the reimbursable expenses.

1 d. Permit limitations. Approved permits issued by the Municipality
2 for antennas and towers shall be restricted by the following
3 permit limitations:
4

5 1. A permit for the operation of an antenna and/or tower
6 shall expire two (2) years after the effective date of the
7 permit approval. A permittee wishing to continue the
8 use of a specific antenna and/or tower at the end of the
9 two (2) year period must apply for an application to
10 continue that use at least six (6) months prior to its
11 expiration. The renewal application will be under an
12 administrative review. In ruling on said renewal, the
13 Municipality shall consider all then existing regulations
14 affecting the application that are appropriate to the
15 technology and use.
16

17 2. Construction of an antenna or tower shall commence
18 within one (1) year from the date of the permit's
19 approval, with opportunity for a six-month extension. If
20 not used within one year, or within the extension period,
21 the permit shall become null and void.
22

23 e. Permit revocation. An antenna or tower permit shall be
24 revoked for the following:
25

26 1. Construction, and/or maintenance operation of an
27 antenna or tower at an unauthorized location;
28

29 2. Construction or operation of an antenna or tower in
30 violation of any of the terms and conditions of this
31 Chapter or the conditions attached to the permit;
32

33 3. Misrepresentation or lack of candor by or on behalf of
34 an applicant, permittee, or wireless communications
35 service provider in any application or written or oral
36 statement upon which the administrative official
37 substantially relies in making the decision to grant,
38 review or amend any permit pursuant to this Chapter;
39

40 4. Abandonment of an antenna or tower as set forth in this
41 Chapter;
42

43 5. Failure to relocate or remove facilities as required in this
44 Chapter; or
45

46 6. Failure to promptly cure a violation of the terms or
47 conditions of the permit.

1 12. Setback requirements.

- 2
- 3 a. Antennas and towers shall be set back from all residentially
- 4 zoned or used property by a minimum of five hundred (500)
- 5 feet or two hundred (200) percent of the height of the proposed
- 6 tower, whichever is greater.
- 7
- 8 b. Antennas and towers shall be set back from all schools and
- 9 licensed child care facilities by a minimum of eight hundred
- 10 (800) feet.
- 11
- 12 c. Antennas and towers shall not be permitted nor re-authorized
- 13 either in or on any building or structure within an area of the
- 14 Municipality zoned residential (R1 through R-11 and R-O) or
- 15 PLI, except through a conditional use permit.
- 16

17 B. - C. No change.

18

19 **Section 2:** This ordinance shall become effective immediately upon passage and

20 approval.

21

22 PASSED AND APPROVED by the Anchorage Assembly this _____ day of

23 _____, 2000.

24

25

26

27 _____

28 Chair

29 ATTEST:

30

31

32 _____

33 Municipal Clerk

34

**Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

AO 2000-71

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED 5/9/00
	An Ordinance Amending AMC Title 21 Regulating Community and	INDICATE DOCUMENTS ATTACHED AO
	Local Interest Towers	
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Kevin Meyer
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER 4751
4	COORDINATED WITH AND REVIEWED BY	INITIALS DATE
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations Director	
	Municipal Manager	
	Finance	
	Community Development and Planning	
	Property and Facility Management	
	Management Information Systems	
	Office of Management and Budget	
	Purchasing	
	Operations Manager	
	Cultural and Recreational Services	
	Fire	
	Health and Human Services	
	Police	
	Public Works	
	Transit	
	Merrill Field (Airport)	
	Municipal Light and Power	
	Anchorage Water and Wastewater	
	Port	
	Solid Waste Services	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	<i>Addendum 7B. 19. Introduction</i>	
	<i>Introduced by title only</i>	
6	ASSEMBLY MEETING DATE <i>3/21/00</i>	7 PUBLIC HEARING DATE REQUESTED <i>5/23/00</i>

M.O.A.
00 MAY - 9 PM 4:29
CLERK'S OFFICE

4:26 pm
RECEIVED
Office of Municipal Clerk

MAY 9 2000
P.O. Box 196650
Anchorage, AK 99519-6650