

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 28-2013

**A BY-LAW TO ADOPT A TELECOMMUNICATION FACILITY  
INSTALLATION POLICY FOR THE TOWNSHIP OF EAST GARAFRAXA**

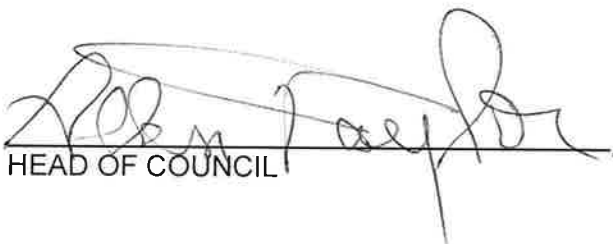
**WHEREAS** Section 227 of the Municipal Act, 2001, S.O. 2001, C. 25, as amended, provides that employees shall implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;

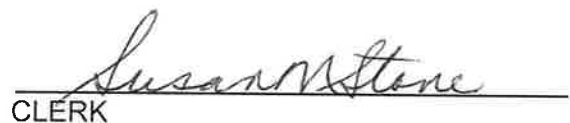
**AND WHEREAS** Council has deemed it expedient to establish a policy to outline the procedures for the installation of telecommunication facilities within the Township of East Garafraxa;

1. NOW THEREFORE, THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA BY ITS COUNCIL, ENACTS AS FOLLOWS:
  - a. THAT the Policies and Procedures for Telecommunication Facility Installations be adopted in accordance with Schedule "A" attached hereto.
  - b. THAT the by-law come into effect upon passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 12<sup>th</sup> DAY OF NOVEMBER 2013

BY-LAW READ A THIRD TIME AND PASSED THIS 12<sup>th</sup> DAY OF NOVEMBER 2013

  
\_\_\_\_\_  
HEAD OF COUNCIL

  
\_\_\_\_\_  
CLERK



# **TOWNSHIP OF EAST GARAFRAXA**

## **POLICIES AND PROCEDURES FOR TELECOMMUNICATION FACILITY INSTALLATIONS**

**NOVEMBER 2013**

### **1 PURPOSE**

The purpose of this policy is to provide a general process to be followed by proponents and the Township when reviewing and commenting on telecommunications facility installation proposals and to provide an opportunity for meaningful public consultation prior to the approval of any proposal.

Applications for the installation of telecommunications facilities fall under the jurisdiction of Industry Canada. The Township recognizes that it has no jurisdiction to regulate telecommunications facilities under the *Planning Act, R.S.O., 1990*. Policies currently followed by Industry Canada require that the proponent of a new telecommunications facility that is subject to federal approval must consult with the appropriate municipality and indicate whether the municipality concurs with the application. Industry Canada also encourages municipalities to develop their own consultation policy regarding telecommunication tower installations to create a framework to manage the process of identifying their concerns, as well as those of the residents they represent.

Due to the potential for land-use conflicts, impacts on views and environmentally sensitive areas as a result of site development, Council requires that a proponent follow the consultation process outlined below.

The Township of East Garafraxa does not assess submissions for telecommunications facility installations with respect to any issues that may be associated with health and radiofrequency exposure. Health Canada has safety guidelines for exposure to radio frequency fields and Industry Canada has adopted these guidelines for radiocommunications and broadcasting installations.

This process is based on Industry Canada's Default Public Consultation Process, but includes additional requirements.

The Township of East Garafraxa does not support the licensing and installation of new telecommunication facilities unless the requirements of this policy have been complied with.

## **2 SCOPE**

This policy applies to all proposals for telecommunication antennas, towers and related structures, with the exception of proposals for:

- a) Maintenance of existing radio apparatus including antenna systems, transmission lines, masts, towers or other antenna-supporting structures which may include painting or lighting.
- b) Installation for a limited duration, of an antenna system that is used for a special event, or one used for emergency operations.
- b) Towers less than 15 metres in height measured from the average grade of the ground surrounding the base of the tower.

## **3 ADMINISTRATION OF POLICY**

This policy will be implemented by the Clerk.

### **3.1 Objectives:**

- a) To balance the location and design requirements of proponents with the need to minimize a telecommunications facility's visual impact;
- b) To address local land use concerns while respecting federal jurisdiction; and
- c) To ensure co-location opportunities for telecommunication antennas are explored and acted upon, where appropriate.

### **3.2 Preliminary Consultation:**

The proponent will arrange for preliminary consultation with the Township prior to presenting its proposal. Township staff will provide the proponent with the following:

- a) This policy, including the process to be followed and requirements for public consultation.
- b) A list of agencies and associations to be consulted.

The preliminary consultation shall not mark the commencement of the 120 day consultation process.

### **3.3 Site Selection and Structure Design:**

The proposed towers should primarily be located within areas designated Employment as outlined in the Township's Official Plan and shall be away from areas designated Environmental Protection, Estate Residential or Community Residential. When towers are proposed in proximity of residential areas, they should not be located less than 1km away from Estate Residential and Community Residential designations.

Wherever possible, communication facilities should utilize existing towers or structures and share facilities (co-location).

The Township encourages telecommunication facilities to be camouflaged or designed to blend in with and fit the context of the surrounding area. Monopole or monopine structures are the preferred structures, depending on the location of the proposed telecommunication facility. Tri-pole structures, trellis structures, or any antenna supporting structures that require guy wires are discouraged.

Proponents are encouraged to protect the natural landscape of a site at all times. Where required, additional planting of trees and shrubs to buffer the tower site is highly recommended.

With the exception of lighting required by Transport Canada, all outdoor illumination should be dark-sky friendly (ie: full cut-off lighting; no up-lighting, or have reflectors installed to direct the light downward). Where Transport Canada requires a telecommunications facility to be lit or where lighting is required for security purposes, the lighting should be to the minimum number of lights and the lowest illumination allowable.

The telecommunication tower shall never be used for advertising purposes.

### **3.4 Submission Requirements:**

The proponent shall submit the following documentation to the Township Clerk for review and submission to Council for consideration:

- a) Location of the proposed facility;
- b) Site plan, drawn to scale, illustrating proposed setbacks from existing buildings and structures, as well as from all property lines as well as the height and type of tower in profile;
- c) Description of proposed facility and accessory structures;
- d) Site changes ie: fencing, landscaping, access and parking;
- e) 1 hard copy and 1 electronic copy of a preliminary set of drawings illustrating the site development and location of the facility, elevations and surrounding land uses;

- f) A cheque payable to the Township of East Garafraxa to cover administrative and processing costs in the amount of \$500.00.
- g) Written documentation from the proponent outlining the steps taken by the Proponent to investigate all non-tower and co-location options and why a tower option is the only viable alternative. If a tower option is the only viable alternative, then the proponent should provide an analysis of other possible sites and why these sites are not satisfactory. A pre-consultation meeting with Township staff is strongly encouraged in conjunction with this exercise to discuss and rationalize the proposal.

### **3.5 Public Consultation Process:**

The proponent shall organize and facilitate the public consultation process to the satisfaction of the Township. The public consultation process shall be required for all telecommunication facility installation proposals.

The Township will provide to the proponent a list of the mailing addresses of the properties located within a radius of 500 metres of the proposed tower.

The proponent is required to prepare and circulate, by regular mail, a Notice of Public Consultation Meeting a minimum of 30 calendar days prior to the meeting to the following:

- Clerk of the Township of East Garafraxa;
- Clerk of the adjoining municipality if the site is located within 500 metres of a boundary;
- The landowners within 500 metres of the proposed site including those persons within and outside the Township boundary, as the case may be. The Township will provide the list of the landowner names and addresses that are located within the 500m area including those persons within the Township boundary and the ones affected from the adjacent municipality.

The Notice of Public Consultation Meeting shall include the following:

- The date, time and location of the meeting;
- The name, address, telephone number and email address of the contact person employed by the proponent;
- Description of the land and key map showing the location of the property;
- Physical details of the tower including its height, colour, type and design;
- Where and when additional information regarding the proposal will be available to the public for inspection.

A 1.2 metre square sign should be erected along each street frontage of the property a minimum of 30 days prior to the advertised the public consultation meeting, notifying the public of the proposal to establish a telecommunication facility on the site.

The sign will read as follows with the appropriate underlined information filled out by the proponent:

(NAME OF THE APPLICANT) HAS PROPOSED  
TO LOCATE A TELECOMMUNICATION FACILITY, BEING  
(HEIGHT) METRES IN HEIGHT, ON THIS PROPERTY.

A PUBLIC CONSULTATION MEETING WILL BE HELD ON  
(DATE) AT (LOCATION/ADDRESS). PUBLIC COMMENTS  
ARE WELCOME.

FOR FURTHER INFORMATION, PLEASE CONTACT:  
(PROPONENT'S CONTACT INFORMATION INCLUDING  
ADDRESS, EMAIL ADDRESS, TELEPHONE AND FAX NUMBER)

The affidavit attached as Schedule "A" must be returned to the Township prior to the Public Consultation Meeting. Failure to do so will result in the need for the Public Consultation Meeting to be rescheduled and the proponent to provide further notice.

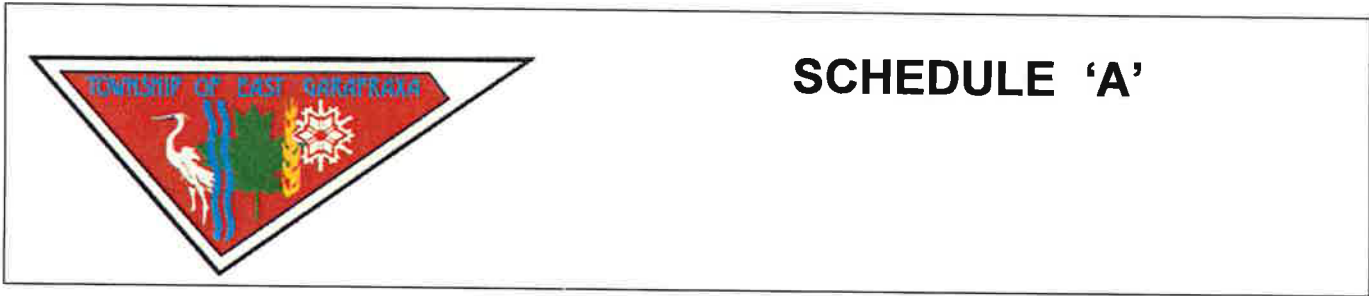
Once the proposal has been dealt with by the Township, the sign(s) on the property shall be removed by the proponent.

### **3.6 Public Meeting:**

- a) Notice of the Public Consultation Meeting shall be placed by the proponent in the three local newspapers (ie: The Orangeville Banner, The Orangeville Citizen and The Wellington Advertiser).
- b) The Public Consultation Meeting should occur no sooner than 30 days from the date that the Notice is placed in the newspaper, mailed and posted. In addition to the tower details provided in the Notice of Public Consultation Meeting, the Proponent should make available at the Meeting, a colour photograph of the subject property (11" x 17" minimum) with a superimposed image of the proposed tower.
- c) Within 15 business days following the Public Consultation Meeting, the Proponent is to forward to the Township:
  - A record of names and addresses of attendees;
  - Minutes of the public meeting to identify the issues and concerns that were raised;
  - A follow-up letter to the Township to indicate the proponent's formal response to the concerns raised at the Public Consultation Meeting. Should any modification of the proposed structure be required, then further details, ie: revised plans or technical drawings will be provided as soon as possible.
- d) Upon receipt of the above information, Township staff will forward an information report to the next regularly scheduled Council meeting, where possible, and the Township will inform the Proponent and Industry Canada by way of resolution, that

the land use authority consultation process has been completed in accordance with the Township's Policies and Procedures for Telecommunication Facility Installations. In addition, the Township will also advise the above noted parties of its position on the proposed facility by way of concurrence or non-concurrence.

Issuance of non-concurrence does not mean that the installation of the proposed telecommunication facility will not proceed. As the approval authority for such installations, Industry Canada will consider the Township's position and whether the proposed installation meets Industry Canada requirements before issuing a decision.



I, hereby confirm that a 1.2 metre square sign, advertising the proposal to establish a telecommunication facility has been posted on the property outlined below, which was posted for a minimum of 30 days prior to the scheduled Public Consultation Meeting, and that this sign will not be removed until after the Meeting.

I understand that failure to comply with the above will mean that proper Notice was not given. In that event, the public meeting will have to be rescheduled.

Property Location: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Date of Posting: \_\_\_\_\_

Signature: \_\_\_\_\_

\_\_\_\_\_  
(Please print name above)

\_\_\_\_\_  
(Date of Signature)

Please return this signed form to the Township at the address below, as soon as possible. In the event that this form is not received one week prior to the Public Consultation Meeting date, the meeting will not proceed as scheduled.

**Send to:** Susan Stone, CAO, Clerk & Treasurer  
Township of East Garafraxa  
Fax: 519-941-1802  
Email: [suestone@amaranth-eastgary.ca](mailto:suestone@amaranth-eastgary.ca)