

Municipal Code 10.13 Amendment

Town Council

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Overview

- Background
- Proposal
- Recommendation



Background

Municipal Code

Title 10 Chapter 13

Wireless Communication
Facilities





Background

- Federal Regulations
- State Action – House Bill 25-1056
 - Amends Definitions
 - Grants approval for failure to act on an application within a specified timeframe
 - Prohibits municipalities from requiring permits for an Eligible Facilities Request (EFR) unless it is for Building Code or safety requirements



Proposal

- Municipal Code Title 10, Chapter 13, Wireless Communication Facilities modifications include:
 - Definition added for tolling
 - Update review time clock by application type
 - Add requirements for tolling an application time clock in review
 - Require Town approval of applications that do not meet time clock
 - Add permit required to meet Building Code and Engineering Standards & Specifications to meet public safety

Proposal

| Type | Current Review Time | Revised Review Time |
|--|---------------------|---------------------|
| EFR* – within limit | 60 days | 60 days |
| EFR* – outside limit | 90 days | 90 days |
| Small cell in right of way – new facility | 90 days | 90 days |
| Small cell in right of way – existing equipment | 90 days | 60 days |
| Cell tower, wall or roof mounted antenna | 150 days | 150 days |



Approval Criteria – 10-7-18

- a. The proposed amendment will promote the public health, safety, and general welfare; and
- b. The proposed amendment is generally consistent with the Town's Comprehensive Master Plan and the stated purposes of this UDC; and
- c. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.



Staff & Planning Commission Recommendation

Staff recommends adoption of Ordinance 024-2025 amending Title 10, Chapter 13 of the Erie Municipal Code to bring wireless communication facility regulations into conformance with HB 1056 that takes effect on January 1, 2026.

Planning Commission considered this code amendment on November 19, 2025, and passed Resolution P25-14 recommending adoption of the ordinance unanimously with the condition to add a definition for “tolling”.



Questions & Discussion