

# HOUSE BILL No. 1051

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-5.2.

**Synopsis:** Siting of telecommunications towers. Allows a municipality or county through its zoning authority to regulate the location, erection, construction, reconstruction, change, alteration, removal, or enlargement of a telecommunications tower.

**Effective:** July 1, 1998.

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**L. Lutz**

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January 6, 1998, read first time and referred to Committee on Commerce and Economic Development.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1051

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-7-5.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]:

4 **Chapter 5.2. Telecommunications Towers**  
5 **Sec. 1. This chapter applies to a telecommunications tower that:**  
6 **(1) is constructed after June 30, 1998; and**  
7 **(2) has attached to it radio frequency transmission or**  
8 **reception equipment.**

9 **Sec. 2. As used in this chapter, "local unit" means a**  
10 **municipality or county that has planning and zoning powers under**  
11 **IC 36-7-4.**

12 **Sec. 3. As used in this chapter, "public utility" has the meaning**  
13 **set forth in IC 8-1-2-1.**

14 **Sec. 4. As used in this chapter "telecommunications tower"**  
15 **means:**  
16 **(1) a free-standing structure; or**  
17 **(2) a structure to be attached to a building or other structure;**

1998

IN 1051—LS 6574/DI 87+



1 that is proposed to be owned or principally used by a public utility  
2 engaged in the provision of telecommunications services.

3 **Sec. 5. A local unit, through its zoning authority, may regulate**  
4 **the location, erection, construction, reconstruction, change,**  
5 **alteration, removal, or enlargement of a telecommunications**  
6 **tower.**

7 **Sec. 6. This chapter does not confer power on a local unit with**  
8 **respect to the:**

9 (1) **location, erection, construction, reconstruction, change,**  
10 **alteration, maintenance, removal, use, or enlargement of**  
11 **buildings or structures of a public utility, whether publicly or**  
12 **privately owned, or the use of land by a public utility for the**  
13 **operation of its business; or**

14 (2) **maintenance or use of a telecommunications tower or**  
15 **change or alteration that would not substantially increase the**  
16 **tower's height.**

