

**THE CORPORATION OF THE MUNICIPALITY  
OF HASTINGS HIGHLANDS**

**BYLAW 2017-022**

**BEING** A Bylaw to adopt the Antenna System Siting Protocol for the Municipality of Hastings Highlands.


**WHEREAS** the *Municipal Act*, S.O. 2001, c.25 and amendments a municipal power shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise;


**AND WHEREAS** Council deems it necessary to update their Antenna System Siting Protocol for the Municipality of Hastings Highlands;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Hastings Highlands does enact as follows:

1. **THAT** the Antenna Systems Siting Protocol for the Municipality of Hastings Highlands is hereby approved and marked as Schedule "A" to this Bylaw as evidenced by the signatures of the Mayor and the CAO/ Clerk under the Corporate Seal;
2. **THAT** this Bylaw shall become effective on passage;
3. **THAT** all former Bylaws pertaining to this matter are hereby repealed.

**READ** a first, second and third time and finally passed this 22<sup>nd</sup> day of February, 2017.

  
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Vivian C. Bloom, Mayor

  
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(Ms.) Pat Pilgrim, CAO/Clerk





Schedule A

to Bylaw 2017-022



**MUNICIPALITY OF  
HASTINGS HIGHLANDS**

**ANTENNA SYSTEM SITING PROTOCOL**



## Section 1 Objectives

The objectives of this Protocol are:

1. To establish a siting and consultation process that is harmonized with Industry Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* updated effective July 15, 2014 and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with Antenna Systems siting proposals;
2. To set out an objective process, criteria and guidelines that are transparent, consistent, predictable, and acceptable to the Municipality of Hastings Highlands for the evaluation of Antenna System Siting proposals that:
  - a. Minimize the number of new antenna sites by encouraging co-location;
  - b. Encourage designs that integrate with the surrounding land use and public realm;
  - c. Establish when local public consultation is required; and
  - d. Allow Industry Canada and the communications industry to identify and resolve any potential land use, siting, or design concerns with the Municipality of Hastings Highlands at an early stage in the process.
3. To Provide an expeditious review process for Antenna System siting proposals;
4. To establish a local land use consultation framework that ensures the Municipality of Hastings Highlands and members of the public contribute local knowledge that facilitates and influences the siting (location, development, and design) of Antenna Systems within municipal boundaries;
5. To contribute to the orderly development and efficient operations of a reliable, strong radiocommunication network in the Municipality of Hastings Highlands; and
6. To Provide the Municipality of Hastings Highlands with the information required to satisfy the requirements of Industry Canada regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Municipality of Hastings Highlands to Industry Canada at the end of the process.

## Section 2 Jurisdiction and Roles

### Industry Canada

Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction of inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by Industry Canada. In June 2014, Industry Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) which outlines the process that must be followed by Proponents seeking to install or modify Antenna Systems in Canada, effective July 15, 2014.

Industry Canada also required that Proponents intending to install or modify an Antenna System notify and consult with the municipality and the local community within a prescribed distance from the proposed structure. Industry Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it “considered that the Municipality’s and local residents’ questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an antenna system.” The CPC also establishes a dispute resolution process to be used where the Proponent and the Municipality have reached an impasse.

### Municipality of Hastings Highlands

The ultimate role of the Municipality of Hastings Highlands is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement will consider the land use compatibility of the Antenna System, the responses of the affected residents, and the Proponent’s adherence to this Protocol. The Municipality of Hastings Highlands also guides and facilitates the siting process by:

- Communicating to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- Developing the design guidelines for Antenna Systems contained in Section 6 of this Protocol; and
- Establishing a community consultation process, where warranted.

By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the Municipality of Hastings Highlands seeks to facilitate Antenna System installations that are sensitive to the needs of the local community.

### Role of the Proponent

Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structure;
- Contacting the Municipality to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as required and appropriate.

## **Other Federal Legislation**

Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada' Safety Code 6 – Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3KHZ to 300GHZ – Safety Code 6 (2009);
- The Canadian Environmental Assessment Act; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

It is important to note that the Municipality of Hastings Highlands does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers, and radiofrequency exposure guidelines should be directed to both Hastings Highlands Council and Health Canada on-line at [healthcanada.gc.ca](http://healthcanada.gc.ca) and to the Proponent's representative.

## **Section 3 Definitions**

### **Antenna System**

An Antenna System is an exterior transmitting device, or group of devices, used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licences communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast, or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of Antenna Systems:

1. Freestanding Antenna Systems being a structure built from the ground for the expressed purpose of hosting an Antenna System or Systems;
2. Building/Structure-Mounted Antenna System being an Antenna System mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

### **Co-Location**

Co-location is the placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

### **Community Sensitive Location**

Community Sensitive Locations is land on which the siting of the new Antenna Systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations are outlined in more detail in Section 6.

### **Designated Community Association**

A Designated Community Association is an area or neighbourhood specific group that is recognized by the Municipality.

### **Designated Municipal Officer**

The designated Municipal Officer is the staff member of the Municipality of Hastings Highlands tasked with receiving, evaluating and processing submissions for telecommunication Antenna systems. The CAO or designate will act as the designated municipal officer for the purpose of this protocol.

### **Elected Municipal Official**

The Elected Municipal Official is the Mayor of the Municipality of Hastings Highlands.

### **Heritage Structures/Areas**

Heritage Structures and/or areas are buildings and structures or areas/neighbourhoods receiving a heritage designation by the Municipality.

### **Municipal Departments**

Municipal departments are branches of the Municipality of Hastings Highlands that administer public services and are operated by staff of the Municipality of Hastings Highlands.



**Other Agencies**

Other Agencies are bodies, such as boards and commissions that administer public services but are not operated, nor staffed, by the Municipality of Hastings Highlands.

**Prescribed Direct Communication Distance**

The Prescribed Distance is used to establish a radius for direct communication and has been set at 1,500 metres, measured horizontally from the base of the proposed Freestanding or Building/Structure-Mounted Antenna System.

**Proponent**

A Proponent is a company or organization, including contractors undertaking work for telecommunications carriers, proposing to site an Antenna System for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.

**Residential Area**

A Residential Area is lands used or zoned to permit residential uses, including mixed uses.

## **Section 4 Excluded Structures**

This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by Industry Canada, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Municipality. Depending on the type of Antenna System proposed and the proposed system's proximity to discouraged locations, structures typically excluded by Industry Canada may be required to follow all or part of the pre-consultation, proposal submission and public consultation identified in this Protocol.

### **4.1 Exemptions from Antenna Systems siting proposal review and public consultation**

For the following types of installations, Proponents are generally excluded by Industry Canada from the requirement to consult with the Municipality and the public, but must still fulfill the General Requirements outlined in Section 7 of the CPC:

1. Maintenance of existing radio apparatus including the Antenna System, transmission line, mast, tower, or tower antenna-supporting structure;
2. Addition or modification of an Antenna System, including improving the structural integrity of its integral mast to facilitate sharing, the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, etc. including additions to rooftops or support pillars, provided:
  - a. The addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height; and
  - b. The existing Antenna System has not previously been modified to increase its original height by 25%.
3. Maintenance of an Antenna System's painting or lighting in order to comply with Transport Canada's requirements; and
4. Installation, for no more than three (3) months of an Antenna System that is used for a special event, or one that is used to support local, provincial or national emergency operations during an emergency and is removed within three (3) months after the emergency or special event.

The CPC also states that individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the Proponents to consult the Municipality and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- The Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- The location of the proposed Antenna System on the property and its proximity to neighbouring residents;
- The likelihood of an area being a Community-Sensitive Location; and
- Transport Canada marking and lighting requirements of the proposed structure.

### **4.2 Notification and Municipal review of exempt Antenna Systems**

Notwithstanding Industry Canada's exemption criteria for certain Antenna Systems, the Municipality of Hastings Highlands must be informed of all new Antenna System installations within its boundaries so the Municipality can:

- Be prepared to respond to public inquiries once construction/installation has begun;

- Be aware of the site Co-location within the Municipality;
- Maintain records to refer to in the event of future modifications and additions; and
- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent investing in full design.

Therefore, Proponents are required to undertake the following steps for all exempt Antenna System Installations before commencing construction.

#### **4.2.1 Building/Structure-Mounted Antenna Systems**

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications to existing Antenna Systems that are mounted to an existing structure, including, but not limited to, a building, rooftop, utility pole or light standard;

1. The location of the Antenna System (address etc)
2. Description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site and/or the preferences expressed in Section 6 of this Protocol;
3. The height of the Antenna System;
4. The height of any modification to existing systems.

The Municipality of Hastings Highlands may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 of this Protocol and all parties will work towards a mutually agreeable solution.

#### **4.2.2 Freestanding Antenna Systems and additions to Freestanding Antenna Systems**

The proponent will confirm to the municipality that the Freestanding Antenna System to be erected, or an addition to an existing Freestanding Antenna System as defined in Section 4.1(3) of this Protocol, meets the exclusion criteria in Section 4.1 by providing the following:

1. The proposed location, including its address and location on the lot or structure;
2. A short summary of the proposed Antenna System including a preliminary set of drawings or visual rendering of the proposed system including all guy wires and;
3. A description of how the proposal meets one of the Section 4.1 exclusion criteria.

The Municipality of Hastings Highlands will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the preferences and sensitivities expressed in Section 6 of this Protocol. In such cases, the Municipality and the Proponent will work toward a mutually agreeable solution, which may include the Municipality requesting the proposal be subject to all or part of the pre-consultation, proposal submission, and public consultation process defined in Sections 5, 7, and 8 of this protocol, as applicable, concluding with a letter of concurrence or non-concurrence.

Proponents should anticipate that the Municipality will request that all proposals for new Freestanding Antenna Systems and additions to existing Freestanding Antenna systems that are proposed within the Prescribed Distance from the nearest Residential Area be subject to the pre-consultation, proposal submission and public consultation process. For this reason, Proponents are strongly encouraged to initiate this process before investing in a final design or site.

#### **4.3 Exemptions from Public Consultation only**

In addition to Industry Canada's basic exemptions listed in subsection 4.1, the following types of Antenna Systems are exempt from the public consultation requirement of the Municipality:  
New Antenna systems which will be located outside the Prescribed Distance from the nearest Residential Area.

Notwithstanding subsection (1) above, the Municipality may, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol. For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

#### **4.4 Siting on Municipal-Owned properties**

Any request to install an Antenna System on lands owned by the Municipality shall be made to the appropriate official dealing with Municipal Properties, in accordance with Municipal Policy.

## **Section 5 Pre-Consultation with the Municipality**

Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result, it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal, including for Freestanding Antenna Systems or additions to Freestanding Antenna Systems, as may be required under Section 4.2.2 of this Protocol, the Proponent will undertake the following preliminary consultations with the Municipality.

### **5.1 Notification**

Proponents will notify the Municipality, through a letter addressed to Council, that locations in the community are being physically assessed for potential Antenna System siting. Once Council has received the letter at a Council meeting, the Designated Municipal Official will be confirmed, and public notification shall be issued as soon as possible, no later than thirty (30) days.

### **5.2 Site Investigation meeting with Municipality**

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the Municipality.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation, including the direct communication area and the need for additional forms of notice and public information sessions;
- Guide the content of the proposal submission; and
- Identify the need for discussions with any Municipal Departments and other agencies as deemed necessary by the Designated Municipal Officer.

Where the municipality has an initial concern with the proposed siting of the proposal they will make known to the Proponent alternative locations within the Proponent's search area for consideration.

The Proponent will bring the following information to the site investigation meeting:

1. The proposed location
2. Potential alternative locations as suggested by the Municipality;
3. The type and height of the proposed Antenna System;
4. Preliminary drawings or visual renderings of the proposed Antenna system superimposed to scale; and
5. Documentation regarding the investigation of co-location potentials on existing or proposed Antenna Systems within 1000 meters of the subject proposal.

If desired by both the Proponent and the Municipality, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

### **5.3 Confirmation of Municipal preferences and requirements**

Following the site investigation meeting, municipal staff will provide the Proponent with an information package that includes:

1. This Protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, co-location, installation, guy wire placement, design, and landscaping;
2. Proposal submission requirements;
3. A list of plans and studies that may be required;
4. A list of Municipal Departments and other agencies to be consulted; and
5. An indication of the Municipality's preferences regarding Co-location for the site under discussion.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of Municipal Departments are taken into account. The Proponent is encouraged to consult with the public, affected Departments as well as the local Elected Municipal Official and/or Designated Municipal Officer before submitting the proposal.

## **Section 6 Development Guidelines**

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the Municipality of Hastings Highlands.

The Municipality has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new Antenna Systems.

The Proponent should review the guidelines identified below as early as possible and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal and undertaking the public consultation, where required by the Municipality. Because expressed preferences may be location or site specific, the Proponent is encouraged to discuss the guidelines fully with the Municipality at the site investigation meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.

### **6.1 Location**

#### **Co-location**

Before submitting a proposal for an Antenna System on a new site, the Proponent must explore the following options:

- Consider sharing an existing Antenna System, modifying or replacing a structure if necessary;
- Locate, analyze, and attempt to use any feasible existing infrastructure, including, but not limited to, rooftops, utility poles and/or light standards.

Where Co-location on an existing Antenna System or structure is not possible, a new Antenna System should be designed with Co-location capacity.

The Municipality recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the Municipality intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The Proponent should, in all cases, verify the Municipality's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

## **6.1 Location (Continued)**

### **Preferred locations**

When new Antenna Systems must be constructed, where technically feasible, the following locations are preferred:

- Areas that respect public views and vistas of important natural or manmade features;
- Located in a manner that does not adversely impact view corridors;
- Transportation or utility corridors;
- Adjacent to public works garages and emergency service locations;
- Non-residential areas;

### **Discouraged locations**

New Antenna Systems should avoid the following areas:

- Ecologically significant natural lands;
- Parks and green spaces;
- Riverbank lands or on a shoreline road allowance;
- Sites of topographical prominence; and
- Within 1000 metres of a residence.

## **6.2 Development and Design Preferences**

Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area, where appropriate. The Municipality's preferred design and development preferences are described below.

### **Style and Colour:**

- Where possible, the Proponent should mitigate negative visual impacts through the use of appropriate landscaping, screening, and stealth design techniques. The options available to meet this requirement will form a discussion point between the Municipality and the Proponent, and an agreement on appearance shall be made prior to the Public Consultation process commencing;
- Included in the discussion noted above will be, at a minimum, tower height, other infrastructure including guy wires and visual effects in the area;
- Towers and communication equipment should have a non-reflective surface.



## 6.2 Development and Design Preferences (Continued)

### Buffering and Screening:

- Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from the ground level or other public views to mitigate visual impacts. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments;
- A mix of deciduous and coniferous trees is preferred to provide year round coverage
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.
- Locate the antenna systems 1000 metres from a residence with a minimum distance of 500 metres (National Research Recommendations); only with the addition of the "Faraday Screen" on towers which are 500 metres up to and including 999 metres.

### Structure:

- The appropriate type of telecommunication antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the telecommunication antenna structure on the community;
- The type of telecommunications antenna structure, including the support for the structure, will be included in the information discussed with the Municipality prior to the Public Consultation process commencing.

### Height:

Given the topography of the Municipality of Hastings Highlands;

- Freestanding Antenna Systems be limited to 100 metres;
- For Antenna Systems mounted on buildings or structures, the antenna not exceed 25% of the height of the existing building, or 15 metres, whichever is less.

### Yards, Parking, and Access:

- Adequate yards will be determined on a site-by-site basis and should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot over the lease period;
- Parking spaces, where provided at each new Antenna System site, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards. To this end, a municipal entrance permit will be required at all locations where access is via municipal roadways.

## **6.2 Development and Design Preference (Continued)**

### **Signage and Lighting:**

- Where Transport Canada and/or NAV Canada required a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lighting should be set to the maximum strobe interval allowed by Transport Canada;
- The lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity and is provided by a motion detector or similar system;
- Other than the above points, the display of lighting is discouraged;
- Small owner identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing;
- Use of small owner identification signs, as well as any other proposed signage, will form part of the presentation and discussion with the Municipality prior to the Public Consultation process commencing.

### **Rooftop Equipment:**

- Equipment shelters located on a roof of a building should be set back from the roof edge to the greatest extent possible and painted to match the building.

## **Section 7 Proposal Submission**

For a proposed Antenna System, except for cases in which consultation is not required as per Section 4.2.1 of this Proposal, or the Municipality has not requested consultation as per Section 4.2.2, the Proponent will submit to the Municipality an Antenna System siting proposal and a fee of \$1,500.

### **7.1 Proposal Submission Requirements**

The Proponent must include the following information when submitting an Antenna System siting proposal:

1. A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage, and capacity of existing Antenna Systems in the general area and a summary of opportunities for Co-location potentials on existing or proposed Antenna Systems within 1000 metres of the subject proposal;
2. Visual rendering(s) of the proposed Antenna System including guy wires superimposed to scale;
3. A site plan showing the proposed development situated on the site;
4. A map showing the horizontal distance between the property boundary of the proposed site and the nearest residential property;
5. For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna Systems including guy wires;
6. Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
7. An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and
8. Any other documentation as identified by the Municipality following the site investigation meeting.

A determination on the completeness of an application or request for additional information will be provided within ten (10) working days of receipt of the proposal.

Upon receipt of a complete proposal submission, the Municipality will circulate the proposal for review and comment to:

1. Affected Municipal Departments;
2. Any adjacent Municipalities within the Prescribed Distance; and
3. The Local Elected Municipal Official.

#### **Fees**

The Proponent must pay any applicable application fee to the Municipality prior to requesting concurrence.

The Proponent is responsible for securing applicable applications or permissions from all relevant Municipal Departments and paying any applicable application fees or charges as required by the Municipality.

## Section 8 Public Consultation Process

If the proposed Antenna System is not exempt from the public consultation process as per the requirements of Section 4, the Proponent will initiate the following public consultation process, including issuing notice, undertaking written consultation, hosting public information sessions and reviewing the consultation results with the Municipality.

### 8.1 Notice Recipients

After the Proponent has submitted an Antenna Systems siting proposal, the Proponent will give notice to:

1. All affected residential properties within the Prescribed Distance;
2. All Designated Community Associations within the Prescribed Distance;
3. Any adjacent Municipalities within the Prescribed Distance;
4. The Local Elected Municipal Official;
5. The Designated Municipal Officer; and
6. The Industry Canada Regional Office.

The Municipality of Hastings Highlands also requires the publication of the notice in local newspapers.

The Municipality of Hastings Highlands will also require the Proponent, based on local conditions to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the Municipality during or following the site investigation meeting. Other forms of notification may include, but are not limited to a large format notice board sign posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site or hand delivery of notices as specified.

### 8.2 Notice Requirements

The notice will be sent by regular mail or hand delivered, a minimum of 30 days before the public information session, confirmed at the initial meeting, and include:

1. Information on the location, height, type, design, and colour of the proposed Antenna System including guy wires; including a copy of the site plan submitted with the application on letter-sized paper;
2. The rationale, including height and location requirements, of the proposed Antenna System;
3. The name and contact information of a contact person for the Proponent;
4. The name and contact information for the Designated Municipal Officer;
5. An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emissions levels for these devices;
6. The date, time and location of the public information session; and
7. A deadline for receipt by the Proponent of public responses to the proposal

The notification shall be sent out in an envelope address to the "Occupant:" and shall clearly show in bold type on the face of the envelope the statement:

**"NOTICE FOR RESIDENTS WITHIN 1,500 METERS OF A NEW PROPOSED CELL TOWER.  
INFORMATION ENCLOSED"**

### **8.3 Written Consultation Process**

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent will:

1. Provide the public at least 45 days to submit questions, comments or concerns about the proposal;
2. Respond to all questions, comments and concerns in a timely manner (no more than 60 days from the date of receipt);
3. Allow the party to reply to the Proponent's response providing at least 21 days for public reply comments;
4. Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding;
5. Provide a copy of all written correspondence to the Municipality.

### **8.4 Public Information Session**

The Municipality of Hastings Highlands requires the Proponent chair a public information session at the beginning of the public consultation process and one at the end of the process. The type of public meeting to be conducted will be confirmed at the site investigation meeting.

An appropriate date, time and location for the public information sessions will be determined in consultation with the Designated Municipal Official.

The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

The Proponent will provide the Municipality with a package summarizing the results of the public information sessions containing, at a minimum, the following:

1. List of attendees, including names, addresses and phone numbers (provided voluntarily);
2. Copies of all letters and other written communications received; and
3. A letter of response from the Proponent outlining how all concerns and issues raised by the public were addressed.

### **8.5 Post Consultation Review**

The Municipality and Proponent will communicate following completion of the public consultation process to discuss the results and next steps in the process. A meeting can be arranged at the Municipality's request.

## **Section 9 Statement of Concurrence or Non-Concurrence**

### **9.1 Concurrence and Concurrence with Conditions**

The Municipality will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the Municipality, the requirements as set out within this Protocol and the Municipality's technical requirements and will include conditions of concurrence if required.

The Municipality will issue the letter of concurrence within the timeframe established in Section 10.

### **9.2 Non-Concurrence**

The Municipality will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to Municipal requirements as set out within this Protocol. The Municipality will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

The Municipality will issue the letter of non-concurrence within the timeframe established in Section 10.

### **9.3 Rescinding a Concurrence**

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality that the proposal contains a misrepresentation or a failure to disclose all pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the Municipality will provide notification, in writing, to the Proponent and to Industry Canada and will include the reason(s) for rescinding its concurrence.

### **9.4 Duration of Concurrence**

A concurrence remains in effect for a maximum period of three years from the date it was issued by the Municipality. If construction has not commenced within this time period the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.

In addition, if construction has not commenced after two years from the date of concurrence was issued, the Municipality requests that the Proponent send written notification of their intent to construct to the Designated Municipal Officer, the Elected Municipal Official and any designated Community Association once the work to erect the structure is about to start. This notification should be sent sixty (60) days prior to any construction commencing. No further consultation or notification by the Proponent is required.

### **9.5 Transfer of Concurrence**

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent without the need for further consultation provided that:

1. All information gathered by the original Proponent in support of obtaining the concurrence from the Municipality is transferred to the Current Proponent;
2. The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
3. Construction of the structure is commenced within the duration of concurrence period.

**Section 10 Consultation Process Timeframe**

Consultation with the Municipality is to be completed within sixty (60) days of the proposal being accepted as complete by the Municipality as explained in Section 7 of this Protocol.

Where public consultation is required, consultation with the Municipality and public consultation are both to be completed within one hundred twenty (120) days of the proposal being accepted as complete by the Municipality. The Municipality or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

In the event that the consultation process is not completed in two hundred seventy (270) days, the Proponent will be responsible for receiving an extension from the Municipality or reinitiating the consultation process to the extent requested by the Municipality.



## **Section 11 Letter of Undertaking**

The Proponent may be required, if requested by the Municipality, to provide a Letter of Undertaking which may include the following requirements:

1. The posting of a security for the construction of any proposed fencing, screening, guy wires and landscaping;
2. A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and Industry Canada Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17);
3. All conditions identified in the letter of concurrence.

## **Section 12 Redundant Antenna Systems**

The Municipality of Hastings Highlands reserves the right to request network operators to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within thirty (30) days of receiving the request, and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna system is redundant, the network operator and the Municipality will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. The cost of this removal is the responsibility of the network operator. Removal will occur no later than two (2) years from when the Antenna System was deemed redundant. Should the removal not occur within the timeframe, the municipality reserves the right to coordinate the removal and collect the cost by adding it to the applicable tax account of the property owner for collection.