

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 389

By: Shurden

AS INTRODUCED

An Act relating to the Corporation Commission; defining terms; prohibiting erection of certain structures without permit; prohibiting erection of certain structures without consent; providing for rulemaking authority; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 146 of Title 17, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Accessory support facilities" means support buildings, structures and equipment cabinets for telecommunications facilities containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities;

2. "Alternative tower structure" means artificial trees, clock towers, bell steeples, building structures or building equipment normally maintained above the roof line of a primary structure, light poles and similar alternative design mounting structures designed to conceal the presence of antennas or towers. This term also includes any antenna or antenna array attached to the alternative tower structure;

3. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, excluding radar signals, wireless telecommunications signals or other communication signals;

4. "Telecommunications facilities" means the plant, equipment and property, including, but not limited to, cables, wires, conduits, ducts, pedestals, antennae, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services;

5. "Telecommunications service" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium; and

6. "Tower" means any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 147 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No tower, alternative tower structure, antenna or accessory support facilities shall be erected in any area which is not otherwise subject to local zoning ordinances or regulations without first obtaining a permit from the Corporation Commission.

B. No tower, alternative tower structure, antenna or accessory support facilities shall be erected within a distance of one-fourth (1/4) mile of any occupied residence, unless the owner or owners of the residence or residences first provide written consent.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 148 of Title 17, unless there is created a duplication in numbering, reads as follows:

Pursuant to 47 U.S.C., Section 332, the Corporation Commission is hereby authorized to adopt all reasonable and necessary rules to enforce the provisions of this act.

SECTION 4. This act shall become effective November 1, 2003.

49-1-30

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