

8C.2 Definitions.

For the purposes of [this chapter](#), unless the context otherwise requires:

1. “*Applicant*” means any person engaged in the business of providing wireless telecommunications services or the wireless telecommunications infrastructure required for wireless telecommunications services and who submits an application.

2. “*Application*” means a request submitted by an applicant to an authority to construct a new tower, for the initial placement of transmission equipment on a wireless support structure, for the modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station, or any other request to construct or place transmission equipment that does not meet the definition of an eligible facilities request.

3. “*Authority*”, used as a noun, means a state, county, or city governing body, board, agency, office, or commission authorized by law to make legislative, quasi-judicial, or administrative decisions relative to an application. “*Authority*” does not include any of the following:

a. State courts having jurisdiction over land use, planning, or zoning decisions made by an authority.

b. The utilities division of the department of commerce.

c. Any entities, including municipally owned utilities established under or governed by [Title IX, subtitle 4](#) of the Code, that do not have zoning or permitting jurisdiction.

4. a. “*Base station*” means a structure or equipment at a fixed location that enables wireless communications licensed by the federal communications commission or authorized wireless communications between user equipment and a communications network.

b. “*Base station*” does not mean a tower or equipment associated with a tower.

c. “*Base station*” includes but is not limited to equipment associated with wireless communications services such as private, broadcast, and public safety services and unlicensed wireless services and fixed wireless services such as microwave backhaul.

d. “*Base station*” includes but is not limited to radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

e. “*Base station*” includes a structure other than a tower that, at the time the relevant application is filed with the state or local government, supports or houses equipment described in [this subsection](#) that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

f. “*Base station*” does not include any structure that at the time the relevant application is filed with the state or local government does not support or house equipment described in [this subsection](#).

5. “*Collocation*” means the mounting or installation of additional transmission equipment on a support structure already in use for the purpose of transmitting or receiving radio frequency signals for communications purposes.

6. “*Electric utility*” means any owner or operator of electric transmission or distribution facilities subject to the regulation and enforcement activities of the Iowa utilities board relating to safety standards.

7. “*Eligible facilities request*” means a request for modification of an existing tower or base station that does not substantially change the physical dimensions of the tower or base station and involves collocation of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment.

8. “*Existing tower*” or “*existing base station*” means a tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process. “*Existing tower*” includes a tower that was not reviewed and approved because it was not in a zoned area when it was built and lawfully constructed.

9. “*Initial placement or installation*” means the first time transmission equipment is placed or installed on a wireless support structure.

10. “*Micro wireless facility*” means a small wireless facility with dimensions no larger than

twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

11. a. “Site”, in relation to a tower that is not in the public right-of-way, means the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

b. “Site”, in relation to support structures other than towers, means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

12. a. “Small wireless facility” means a wireless facility that meets the following requirements:

(1) Each antenna is no more than six cubic feet in volume.

(2) (a) All other equipment associated with the small wireless facility is cumulatively no more than twenty-eight cubic feet in volume.

(b) For purposes of this subparagraph, volume shall be measured by the external displacement of the primary equipment enclosure, not the internal volume of such enclosure. An associated electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, cutoff switch, cable, conduit, and any equipment that is concealed from public view within or behind an existing structure or concealment may be located outside of the primary equipment enclosure and shall not be included in the calculation of the equipment volume.

b. “Small wireless facility” includes a micro wireless facility as defined in [subsection 10](#).

c. “Small wireless facility” does not include any structure that supports or houses equipment described in [this subsection](#).

13. “Substantial change” means a change in the existing support structure which results in one or more of the following:

a. (1) Increase in the height of a tower, other than a tower in the public right-of-way, by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater.

(2) Increase in the height of existing support structures, other than a tower in subparagraph (1), by more than ten percent or more than ten feet, whichever is greater.

(3) Height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops. Otherwise, height shall be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act, Pub. L. No. 112-96, Tit. VI.

b. (1) Addition of an appurtenance to the body of the tower, other than a tower in the public right-of-way, that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(2) Addition of an appurtenance to an existing support structure, other than a tower under subparagraph (1), that would protrude from the edge of the structure by more than six feet.

c. (1) Installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.

(2) Installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the tower in the public right-of-way or base station.

(3) Installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with a tower in the public right-of-way or base station.

d. Excavation or deployment outside the current site.

e. Defeat of concealment elements of the existing support structure.

f. Noncompliance with conditions associated with the siting approval of the construction or modification of the existing support structure or base station equipment, except if the change is noncompliant only in a manner that does not exceed the thresholds identified in paragraphs “a” through “d”.

14. “Tower” means a structure built for the sole or primary purpose of supporting an antenna and the associated facilities authorized or licensed by the federal communications

commission. “*Tower*” includes structures constructed for wireless communications services, including but not limited to private, broadcast, and public safety services and unlicensed wireless services and fixed wireless services, such as microwave backhaul, and the associated site.

15. “*Transmission equipment*” means equipment that facilitates transmission for a wireless communications service licensed or authorized by the federal communications commission, including but not limited to radio transceivers, antennas, coaxial or fiberoptic cable, and regular and backup power supply. “*Transmission equipment*” includes equipment associated with wireless communications services, including but not limited to private, broadcast, and public safety services, such as wireless local area network services and services utilizing a set of specifications developed by the institute of electrical and electronics engineers for interface between a wireless client and a base station or between two wireless clients, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.

16. “*Utility pole*” means a pole or similar structure owned or utilized in whole or in part by a public utility, municipality, wireless service provider, or electric utility that is designed specifically for and used to carry lines, cable, transmission equipment, or wires for telephone, wireless service, cable television, or electricity service, or for lighting, the vertical portion of support structures for traffic control signals or devices, signage, information kiosks, or other similar functions.

17. “*Wireless facility*” means equipment at a fixed location that enables the transmission of wireless communications or information of any kind between user equipment and a communications network, except that “*wireless facility*” does not include coaxial or fiberoptic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

18. “*Wireless service*” means any fixed or mobile service using licensed or unlicensed wireless spectrum and provided using a wireless facility.

19. “*Wireless service provider*” means a provider of wireless service.

20. “*Wireless support structure*” means a structure that exists at the time an application is submitted and is capable of supporting the attachment or installation of transmission equipment in compliance with applicable codes, including but not limited to water towers, buildings, and other structures, whether within or outside the public right-of-way. “*Wireless support structure*” does not include a tower or existing base station.

[2015 Acts, ch 120, §2, 10; 2017 Acts, ch 112, §1, 2](#)

Referred to in §427A.1