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From coast to coast, local governments are taking action to protect their communities from the unfettered deployment of 4G and 5G "small cell" wireless facilities. Several cities are passing ordinances that strictly limit the buildout.

Cell Tower Zoning and Permitting. Unless the underlying jurisdiction does not require any zoning at all, most cell towers must be approved by the local land use office prior to being built. In some cases, this is as easy as applying for a building permit from the building permit office.

Uninsurable Risk. FACT: Insurers rank wireless, cell tower and 5G RFR non-ionizing electromagnetic radiation as a "high" risk, comparing the issue to lead and asbestos. FACT: Most insurance plans have "electromagnetic field exclusions" and do not insure for long term RFR damages.

Section 704(a) of the Telecommunications Act of 1996 ("TCA") added Section 332(c)(7) to the Communications Act of 1934, as amended.¹ Section 332(c)(7) provides for limited preemption of state and local zoning authority in the siting of personal wireless service facilities.

Although the FCC permits an effective radiated power (ERP) of up to 500 watts per channel (depending on the tower height), the majority of cellular or PCS cell sites in urban and suburban areas operate at an ERP of 100 watts per channel or less.

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