

**ORDINANCE OF THE TOWNSHIP OF BELLEVILLE
ESSEX COUNTY, NEW JERSEY**

ORDINANCE NO. 20-23

DATE OF INTRODUCTION: 6/13/23 DATE OF ADOPTION: 7/11/23
Legal Advertisement: 6/23/23 Legal Advertisement: 7/20/23

TITLED:

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BELLEVILLE, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AMENDING THE REVISED GENERAL ORDINANCE CODE OF THE TOWNSHIP OF BELLEVILLE, CHAPTER 23, SECTION 18 TO INCLUDE A NEW SECTION 18.30 ENTITLED "SATELLITE DISH"

WHEREAS, the Governing Body of the Township of Belleville has the power pursuant to N.J.S.A. 40:48-2 to make, amend, repeal, and enforce such ordinance, regulations, rules, and by-laws not contrary to the laws of the State of New Jersey or the United States, as it may deem necessary and proper for good government, order, and protection of persons and property, and for the preservation of public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Governing Body of the Township of Belleville has determined that an ordinance is necessary regulating satellite dishes within the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Belleville, New Jersey:

§23-18:30 – SATELLITE DISH

- A. Satellite Dishes, as defined in this chapter, are permitted as an accessory structure in all zoning districts. No such apparatus shall be permitted on a lot without a principal structure or building subject to the following:
1. **ALL DISTRICTS**
 - a. No satellite dish surface shall be utilized for the purposes of business or advertising signage.
 - b. The satellite dish shall be designed for the use of the occupants of the particular property and only one (1) dish is permitted per tenant/unit. The satellite dish(es) must be removed when no longer in use, or before another dish is installed for the occupants of the particular property.
 - c. In all zones, the satellite dish is not permitted to be mounted to the siding/wall surface of any primary structure. They must be mounted to the roof in a location not visible from the street right-of-way.

- d. Ground mounted satellite dish antennas shall be considered a conditional use and be effectively screened from any residential zoned lot or a lot used for residential purposes and from any street right-of-way. The goal is to minimize motor noise and visibility from the street and adjacent properties. The ability of the applicant to install the dish in an unobtrusive location and to minimize the noise impact on adjacent properties shall be a major factor in determining whether or not the conditional use is approved.
 - i. No satellite dish shall be permitted in the front yard.
 - ii. The location of satellite dishes shall be as follows:
 - a) Rear yard:
 - 1) Satellite dishes shall be located in the rear yard. It shall be at least ten (10) feet away from the principal structure, eight (8) feet away from adjoining property lines, at least 50 feet away from any side street line and at least 50 feet away from any front street line.
 - 2) If the location of the satellite dish in the rear yard is satisfactory for purposes of receiving satellite signals but the applicant is unable to comply with the setback requirements of this subsection, then the Planning Board, without application fee, shall have the authority to adjust the setback requirements consistent with the purpose of this subsection.
 - b) Side yard:
 - 1) The satellite dish must be at least five (5) feet away from the principal structure, ten (10) feet away from any side street line, eight (8) feet away from adjoining property line and at least 50 feet away from the front street line.
 - 2) If the location of the satellite dish in the side yard is satisfactory for purposes of receiving satellite signals but the applicant is unable to comply with the setback requirements of this subsection, then the Planning Board, without application fee, shall have the authority to adjust the setback requirements consistent with the purpose of this subsection.
 - c) All wiring to or from the dish shall be placed underground.
 - iii. All applications for satellite dishes not attached to a primary structure shall be accompanied by a certified survey map showing location, setbacks, height, size, type of construction and direction of orientation of the dish.
- e. Permits shall be required (building and electrical) and inspections shall be performed by the Building Inspector (proper installation), Electrical Inspector (required wiring and grounding), and Zoning Officer (to make sure the location is as per Township Zoning requirements).
- f. Where the applicant desires a permit for the placement of a satellite dish in a location other than allowed in this section, the applicant shall have the burden of proving the unreasonableness of the permitted locations, that is they impose an unreasonable limitation on or prevent the reception of satellite-delivered signals or impose costs on the applicant that are excessive in light of the purchase and installation costs. A location shall be considered reasonable if the applicant is able to receive usable satellite signals from the major communication satellites.

2. RESIDENTIAL DISTRICTS. In residential zone districts, satellite dish antennas shall comply with the following additional requirements:

- a. Satellite dish antennas are permitted which are designed to receive direct broadcast satellite service, including direct-to-home satellite service, that are one meter (39.37 inches) or less in diameter.
- b. Satellite dish antennas may only be roof mounted facing the rear yard and not visible from any street right-of-way.
- c. Transmitting dishes in a residential zone or a residential use in a mixed-use zone is not permitted use, except for amateur radio operators licensed by the Federal Communications Commission at the licensee's authorized station location. The Planning Board is hereby authorized to grant a conditional use permit for such antenna subject to reasonable requirements, consistent with orders and opinions of the Federal Communications Commission concerning public health and aesthetics.

3. NON-RESIDENTIAL DISTRICTS. In nonresidential districts, satellite dish antennas shall comply with the following requirements:

- a. Satellite dish antennas are permitted which are designed for "fixed wireless signals", which are commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location, that are two meters (78.74 inches) or less in diameter.
- b. Satellite dish antennas may be roof mounted or located in any side or rear yard.
- c. No roof-mounted dish shall be greater in height than 10 feet measured from the base of the antenna to its highest point, or 25% of the existing height of the building, whichever the lesser.
- d. Installation shall be done by a qualified professional installer.
- e. RF radiation shall not exceed federal health and safety agencies standards beyond the lot line. All transmitting stations shall have clear signage marked with a warning of RF danger and indicate the danger area. A copy of the specifications of the unit, plus direction and distance that RF radiation will emanate from the unit shall be filed with the Code Enforcement Department. A letter certifying the measured RF radiation at the lot line directly in front of the sending unit will be supplied to the Code Enforcement Office prior to issuance of a certificate of occupancy.
- f. For regulation regarding Wireless Communication Antenna's and communication towers, see Section 23-7.20 "Wireless Communication Antenna" of this chapter.

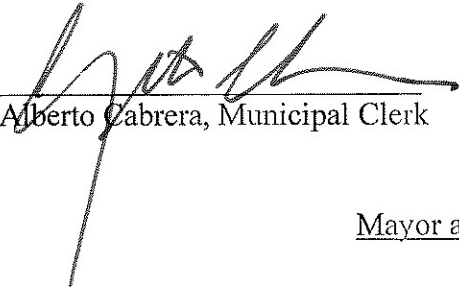
On a motion by Council Member: COZZARELLI

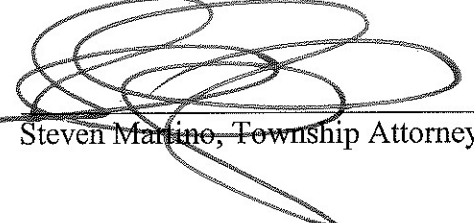
Seconded by Council Member: NOTARI

INTRODUCTION

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI	X				ROVELL	X			
DE PEÑA	X				STRUMOLO BURKE	X			
GRAZIANO	X				MAYOR MELHAM	X			
NOTARI	X								
X - Indicates Vote			N.V. - Not Voting			AB - Absent			

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 13th day of JUNE, 2023.


Alberto Cabrera, Municipal Clerk


Steven Marino, Township Attorney

Mayor and Municipal Council
Department

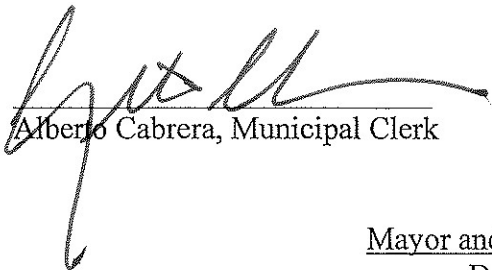
On a motion by Council Member: COZZARELLI

Seconded by Council Member: ROVELL

ADOPTION

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI	X				ROVELL	X			
DE PEÑA				X	STRUMOLO BURKE	X			
GRAZIANO	X				MAYOR MELHAM	X			
NOTARI	X								
X - Indicates Vote			N.V. - Not Voting			AB - Absent			

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 11th day of July, 2023.


Alberto Cabrera, Municipal Clerk


Steven Martino, Township Attorney

Mayor and Municipal Council
Department