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TECHNICAL BULLETIN

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Source Document: **19NYCRR - *Building Code of New York State* (BCNYS)**

Topic: **Communication Towers, Cellular Towers, and Wind Generators**

This document is to clarify the application of the requirements of Building Code of New York State (BCNYS) section 3108, entitled "Radio and Television Towers." Section 3108.1, entitled general, states:

Subject to the provisions of Chapter 16 and the requirements of Chapter 15 governing the fire-resistance-ratings of buildings for the support of roof structures, radio and television towers shall be designed and constructed as herein provided.

BCNYS Chapter 16, entitled structural design, contains the seismic requirements for buildings and Chapter 15, entitled roof assemblies and rooftop structures, contains specific requirements for rooftop structures in section 1509. Section 3108.4, states that towers shall be designed to resist wind loads in accordance with EIA/TIA 222-E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

Although EIA/TIA 222-E contains provisions which are applicable free-standing towers, it is our opinion that Article 18 of the Executive Law does not authorize regulation of communication towers which are not associated with a building. Nothing in section 377 nor in section 378 of Article 18 of the Executive Law authorizes the regulation of free-standing communication towers.

When a tower is installed on a building, section 3108.1 is applicable. When a free-standing tower is accompanied by a building for equipment, the building is regulated by the code.

With respect to cellular towers, and wind generators nothing in section 377 nor in 378 of Article 18 of the Executive Law authorizes the regulation of such free-standing structures. Furthermore, nothing in the Uniform Code regulates cellular towers nor wind generators.

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