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## Section I. Executive Summary

### A. Background

The City of Sanger, as with communities across the country and around the world, is facing the next wave of communications technology. While the economic benefits are immense, it has the potential to impact the safety, aesthetic values, and enjoyment of our community in a manner and to a degree that is far more extensive than cellular phones and other types of recent technology.

Small wireless communications, also known as 5G technology, utilizes higher frequencies with the capability to accommodate significantly higher data needs than current 4G/LTE technologies. The physical limits of the higher frequencies require that the transmitters be installed at the spacing of streetlights or fire hydrants rather than 2+/- miles or greater distances that 4G/LTE technologies accommodate. The result of this physical need is that the public rights-of-way are the optimal location to install the required equipment.

In September of 2018, the Federal Communications Commission (FCC) adopted the Declaratory Ruling and Third Report and Order, known as FCC 18-133. The Order outlines the extent to which local agencies may or may not regulate the installation of small wireless facilities within the public rights-of-way and the use of existing public infrastructure.

One year prior to the adoption of the FCC Order, in September of 2017, Chapter 284 of the Texas Local Government Code became effective. In general, Chapter 284 allows wireless network companies to place network nodes in the public right-of-way (ROW), and provides rules, regulations, and fee structures to reimburse cities for use of the ROW. The Chapter states that cities would retain authority to manage the public ROW to ensure the health, safety, and welfare of the public, and would receive compensation for the installation of network nodes on poles. It is important to note that the FCC Order preempts some of Chapter 284, particularly in the areas of fees, permit review timeframes, and local control.

Similar to the advent of the telephone which required extensive wires, switch boxes, poles and other structures to provide these services, small wireless communications technology will require a structure to mount a transmitter approximately every 300 to 500 feet with fiber and power connections to each one.

Absent the adoption of guidelines to assure that installations are context sensitive, service providers would be free to install equipment with no concern for the visual impact that they create. This document seeks to accommodate the implementation of the new technology while assuring that the new infrastructure is installed using context sensitive solutions.

In addition, the equipment needs to be located where it will not interfere with visibility for drivers, interference with sidewalks, or other common amenities found in public rights-of-way.

Other issues such as safety, noise and accommodating multiple providers at each location are also addressed within these guidelines.

### B. FCC Order

On September 26, 2018, the Federal Communications Commissions (FCC) adopted a [Declaratory Ruling and Third Report and Order](#), titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" (the Order). The Order establishes fees, "shot clocks," and provides limits on local governments' control of small wireless infrastructure.

The FCC Order establishes fees as follows:

- \$500 for non-recurring fees, including a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each small wireless facility beyond five
- \$1,000 for non-recurring fees for a new pole (not a collocation) intended to support one or more small wireless facilities.
- \$270 per small wireless facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW

The following shot clocks are the FCC's permit review times for new small wireless facilities:

- A 60-day review period for collocation of small wireless facilities
- A 90-day review period for construction of new small wireless facilities

Existing shot clocks for non-small wireless facilities deployments remain in place:

- 90 days for collocation on an existing structure
- 150 days for deployment on a new structure

According to the FCC Order, the “shot clock” rules are as follows:

- Both the new and existing shot clocks apply to “any approval that a siting authority must issue under applicable law prior to deployment.” This includes zoning approvals and building permits, and may also include license or franchise agreements to access the rights-of-way, leases for use of municipal poles or property in the rights-of-way, electric permits and road closure permits, among others.
- For small wireless facilities deployments, shot clocks are reset if the siting authority notifies the applicant within 10 days after submission that the application is incomplete. For subsequent determinations of incompleteness, the shot clock would toll—not reset—if the siting authority provides written notice within 10 days that the supplemental submission did not provide the requested information.
- For non-small wireless facilities, shot clocks begin to run when an application is first submitted, and can be paused—not reset—if the siting authority notifies the applicant within 30 days that the application is incomplete. For subsequent determinations of incompleteness, the process is the same as described above for small wireless facilities.
- Failure to act within the new small wireless facility shot clock constitutes a presumptive violation of the Communications Act and applicants may seek expedited injunctive relief in court within 30 days of a local government missing a shot clock deadline. **There is no “deemed granted” remedy.**

The FCC Order, limits aesthetic reviews and requirements (including undergrounding, spacing, and historic/environmental requirements) to what is:

- (a) reasonable
- (b) no more burdensome than those applied to other types of infrastructure deployments
- (c) objective and published in advance

The effective date of the 2018 Order with respect to the new limitations on rights-of-way fees and deadlines for acting on permit applications was January 14, 2019.

### **C. Chapter 284**

[Chapter 284 of the Texas Local Government Code](#) became effective September 1, 2017. In a similar manner to the FCC Order, Chapter 284 establishes fees, “shot clocks,” and provides limits on local governments’ control of small wireless infrastructure.

Chapter 284 establishes fees as follows:

- *Annual Public Right-Of-Way Rate:* A public right-of-way rate for use of the public right-of-way may not exceed an annual amount equal to \$250 multiplied by the number of network nodes installed in the public right-of-way in the municipality's corporate boundaries.
- *Application Fees:* \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole.
- *Service Pole Attachment Fee:* The rate to collocate a network node on a service pole in the public right-of-way shall be \$20 per pole per year.

- *Use of Public Right-Of-Way and Applicable Rate:* A network provider must pay the municipality a monthly public right-of-way rate for transport facilities in an amount equal to \$28 multiplied by the number of the network provider's network nodes located in the public right-of-way.

The following “shot clocks” are Chapter 284’s permit review times for network nodes and node support poles:

- Within 30 days of receiving an application for a network node or node support pole, or 10 days for a transport facility, the City shall determine and notify the Applicant whether the application is complete; or if incomplete, the City must specifically identify the missing information in such notification.
- The City shall make its final decision to approve or deny a complete application no later than (i) 21 days after receipt of a complete application for a transport facility, (ii) 60 days after receipt of a complete application for a network node; and (iii) 150 days after receipt of a completed application for a new node support pole.
- The City shall advise the Applicant in writing of its final decision, and, if denied, the basis for that denial, including specific provisions of City Code or applicable law on which the denial was based, and send the documentation to the Applicant on or before the day the City denies the application. The Applicant may cure the deficiencies identified by the City and resubmit the application within 30 days of the denial without paying an additional application fee. The City shall approve or deny the revised application within 90 days of receipt of the amended application. The subsequent review by the City shall be limited to the deficiencies cited in the original denial.
- If the City fails to act on an application within the review period specified, the application shall be deemed approved.
- An applicant seeking to collocate network nodes may, at the Applicant’s discretion, file a consolidated application and receive permits for up to 30 network nodes. Provided however, the City’s denial of any node within a single application shall not affect other nodes submitted in the same application. The City shall grant permits for any and all nodes in a single application that it does not deny, subject to the requirements of this Section.

Chapter 284 also reiterates existing Texas municipal local police-power-based regulations. It states:

- Subject to this chapter [Chapter 284] and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality’s boundaries, including with respect to utility poles.
- A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.
- A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

Again, the FCC Order preempts some of Chapter 284, particularly in the areas of fees, permit review timeframes or “shot clocks”, and local control.

#### **D. Goal Statement**

Pursuant to its police power authority, the City enacts these Design Guidelines in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.

## SECTION 1. PURPOSE AND APPLICABILITY

This Small Wireless Design Manual provides objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area regarding all of the following, which the City shall consider in reviewing an application.

- (a) The location of any ground-mounted small wireless facilities including their relationship to other existing or planned small wireless sites
- (b) The location of a small wireless facility on a wireless support structure
- (c) The appearance and concealment of small wireless facilities, including those relating to materials used for arranging, screening, and landscaping
- (d) The design and appearance of a wireless support structure including any height requirements adopted in accordance with this manual and the City's Small Wireless Facility Siting Policy.

The City of Sanger ("City") recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities.

The FCC Order and Chapter 284 of the Texas Local Government Code allows certain wireless Network Providers to install in the public rights-of-way their wireless facilities. These wireless facilities are described as "Micro Network Nodes", "Network Nodes", and "Node Support Poles". These facilities are defined in Section 2 of this Manual.

This Design Manual shall apply to any sittings, installations, collocations in, on, over or under the public rights-of-way of Network nodes, Node support poles, Micro network nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state or federal law.

It is the goal of the City to allow the installation of a small wireless infrastructure, including Micro Network Nodes, Network Nodes, Node Support Poles and related ground equipment, with a minimum foot print. This shall be accomplished by small wireless siting and the use of multi-cell poles that can accommodate multiple applicants.

The provisions of this Manual shall not limit or prohibit the City's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from this Design Manual that do not conflict with state or federal law.

A Network Provider shall comply with the City's Ordinances except where in conflict with this Design Manual.

## SECTION 2. DEFINITIONS

*Abandon* and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by Provider in an unused or non-functioning condition for more than 120 consecutive calendar days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

*Administrative Review* means ministerial review of an Application by the City relating to the review and issuance of a Permit, to determine whether the issuance of a Permit is in conformity with the applicable provisions of these Guideline and all City Codes.

*Antenna* means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

*Applicable codes* means:

- (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes

*Applicable Law* means Chapter 284 of the Texas Local Government Code and federal law to the extent it preempts local control.

*Applicant* means any person who submits an application and is a network provider.

*Application* means a request submitted by an applicant (i) for a permit to collocate network nodes; or (ii) to install a transport facility; or (iii) approve the installation, replacement or modification of a pole.

*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 decision relative to an application.

*Base station* means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.

*Batched Applications* is the submission of multiple siting applications at one time. Batched applications shall not exceed 30 individual Small Wireless Facilities.

*City* means the City of Sanger, Texas or its lawful successor. As used throughout, the term City also includes the designated agent of the City.

*City Code* means those ordinance provisions relevant to use of the public right-of-way where compliant with applicable law.

*City Council* means the Sanger City Council.

*City Manager* shall mean City Manager or designee

*Chapter 284* means Texas Local Government Code; Title 9. Public Buildings and Grounds; Subtitle A. Municipal Public Buildings and Grounds; [Chapter 284. Deployment of Network Nodes in Public Right-of-Way](#), which is incorporated herein by this reference.

*Collocate* and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

*Concealment or Camouflaged* means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

*Contractor* means a person, partnership, corporation, or other legal entity who undertakes to construct, install, alter, move, remove, trim, demolish, repair, replace, excavate, or add to any improvements or public improvements covered by this Manual, that requires work to be undertaken and workers, and/or equipment to be in the ROW in the process of performing the above-named operations. Contractor, as the term is defined herein, should include any and all types of general contractor and subcontractor and successors or assigns of said contractor.

*Decorative pole* means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

*Design District* means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

*Disaster emergency or disaster or emergency* means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the city is threatened, and includes, but is not limited to any declaration of emergency by city state or federal governmental authorities.

*Distribute Antenna System (DAS)* A type of small wireless facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Generally, serves multiple carriers. Shall be included as a type of "Network Node."

*Duct or conduit* means a single enclosed raceway for cables, fiber optics, or other wires. "Duct" or "conduit" shall not include the maintenance duct associated with a conduit that is reserved for use in replacing damaged cable or for rerouting purposes.

*Easement* means and shall include any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

*Effectively Screen* aesthetically pleasing construction meant to conceal small wireless facility equipment. Shall be required where needed to improve the aesthetics of the local environment.

*Eligible facilities request* means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.

*Equipment Concealed* Whenever technically feasible, antennas, cabling, and equipment shall be fully concealed within a Pole, or otherwise camouflaged to appear to be an integrated part of a Pole.

*Excavation or Excavate* means any opening and/or tunneling in or under the surface of any public place or public rights-of-way in the City. The exception is an opening into a lawful structure below the surface of a public place or public right-of-way (e.g., a manhole), the top of which is flush with the adjoining surface and so constructed as to allow frequent openings without injury or damage to the public place or public rights-of-way.

*Facility(ies)* means the plant, equipment, and property, including, but not limited to, lines, transport service, poles, mains, pipes, conduits, ducts, cables and wires located under, on or above the surface of the ground within the public right-of-way and valves, and related facilities and equipment used or useful for the provision of utility services, wireless or network services, or communications services to the public.

*Federal Communications Commission or FCC* means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

*Height* means maximum height of the small wireless facility, including antenna, above established grade measured at the base of the structure

*Highway right-of-way* means right-of-way adjacent to a state or federal highway.

*Historic district* means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

*Indemnification* means that any provider who owns or operates network nodes, node support poles, or transport facilities in the ROW shall indemnify, protect, defend, and hold the City and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the Operator who owns or operates Small Wireless Facilities and wireless service in the ROW, any agent, officer, director, representative, employee, affiliate, or subcontractor of the Operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the Rights-of-Way.

*Inspector* means the person designated by the City within the Public Works Department or the City development department to fulfill the responsibilities that have been empowered with such position.

*Landscape* means any combination of living plant material, such as trees, shrubs, vines, ground covers, flowers, vegetables, turf or grass; natural features, such as land and water forms; and structural features, including but not limited to landscaped pedestrian plazas, fountains, reflecting pools, screening, walls, fences and benches.

*Landscape Screening* The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a small wireless facility from public view.

*Lattice Tower* an antenna support tower that is self-supporting with multiple legs and cross-bracing of structural steel.

*Law* means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

*Local* means within the geographical boundaries of the City.

*Location* means the City approved and lawfully permitted location for the Network Node.

*Macro tower* means a guyed or self-supported pole or monopole greater than 50 feet, as per the FCC Order, above ground level and that supports or is capable of supporting antennas.

*Mayor* means the Mayor for the City.

*Micro network node* means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

*Monopole* a structure composed of a single spire, pole or tower designed and used to support network node antennas or related equipment. Provisions addressed to node support poles herein shall also apply to monopoles.

*Municipal park* means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

*Municipally owned utility pole* means a utility pole owned or operated by a municipally owned utility, as defined by [Section 11.003, Utilities Code](#), and located in a public right-of-way.

*MUTCD* means Manual of Uniform Traffic Control Devices.

*Network node* means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

- (A) includes:
- i. equipment associated with wireless communications;
  - ii. a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
  - iii. coaxial or fiber-optic cable that is immediately adjacent to and directly associated with

a particular collocation; and

- (B) does not include:
- i. an electric generator;
  - ii. a pole; or
  - iii. a macro tower.

*Network provider* means:

- (A) a wireless service provider; or
- (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
- i. network nodes; or
  - ii. node support poles or any other structure that supports or is capable of supporting a network node.

*Node support pole* means a pole or *monopole* installed by a network provider for the primary purpose of supporting a network node.

*Order* means the FCC's [Declaratory Ruling and Third Report and Order](#), WT Docket No. 17-79, WC Docket No. 17-84, FCC-18-133, released September 27, 2018, which is incorporated herein by this reference.

*Permit* means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

*Person* means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.

*Pole* means a service pole, municipally owned utility pole, node support pole, or utility pole.

*Policy* means the City's Small Wireless Facility Siting policy, which is incorporated herein by this reference.

*Private easement* means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

*Provider* has the same meaning as "Network Provider."

*Public right-of-way* means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

*Public right-of-way management ordinance* means an ordinance that establishes the rules and regulations regarding the public right-of-way.

*Routine Maintenance* means:

- (A) work in the public right-of-way that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;
- (B) replacing or upgrading a network node or pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or
- (C) the installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in the public right-of-way.

*Service pole* means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

*Signage* is prohibited on all network nodes and node support poles, including stickers, logos, and other non-essential graphics and information unless required by the FCC, except for a small placard identifying the service provider and contact information, which shall be placed at 6-feet above grade, facing away from the public rights-of-way.

*Small cell or small wireless facility* means a facility meeting all of the following criteria:

- (A) facilities mounted on structures 30 feet, as per the City, or less in height including their antennas, or on structures no more than 10 percent taller than other adjacent structures, or that do not extend existing structures where they are located to a height of more than 30 feet or by more than 10 percent, whichever is greater;
- (B) each antenna is no more than 3 cubic feet in volume;
- (C) all other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associate equipment on the structure is no more than 28 cubic feet in volume; and
- (D) facilities do not result in human exposure to radio frequency radiation in excess of applicable safety standards specified in [47 CFR Rule 1.1307\(b\)](#).

Unless specifically provided for herein, provisions addressed to network nodes herein shall also apply to small cells and small wireless facilities.

*Stealth* shall mean a method that hides or conceals an antenna, supporting electrical or mechanical equipment or any other support structure, including network nodes.

*Street* means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a “Street” does not. A “street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

*SWPPP* shall mean Storm Water Pollution Prevention Plan.

*TAS* means Texas Accessibility Standards.

*Tower* means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

*Traffic Signal* means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

*Transport facility* means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

*Underground Requirement Area* shall mean means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

*User* means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

*Utility pole* means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by [Section 51.002, Utilities Code](#).

*Wireless service* means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

*Wireless service provider* means a person that provides wireless service to the public.

*Wireless facilities* mean "Micro Network Nodes," "Network Nodes," and "Node Support Poles".

## SECTION 3. PROHIBITED AND PREFERRED LOCATIONS

### A. Prohibited or Restricted Areas

***Municipal Parks and Residential Areas.*** A Network Provider may not install a Node Support Pole in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a Municipal park or is adjacent to a street or thoroughfare that is:

- (1) not more than 50 feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and
- (2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

A Network Provider installing a Network Node or Node Support Pole in a public right-of-way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

Each permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.

***Historic District and Design Districts.*** A Network Provider must obtain advance written approval from the City before collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. Therefore, any request for installations in a Design District with Decorative Poles or in a Historic District, must be accompanied with proposed Concealment measures in the permit applications.

The City requires that a Network Provider use Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in an Historic District.

Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.

Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

***Historic Landmarks.*** A Network Provider is prohibited from installing a Network Node or Node Support Pole within 300 feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government, as of the date of the submission of the permit. Each permit application must disclose if it is with 300 feet of such a structure.

***Compliance with Undergrounding Requirements.*** A Network Provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

Areas may be designated from time to time by the City as Underground Requirement Areas in accordance with filed plats, and or conversions of overhead to underground areas, as may be allowed by law.

Each permit application shall disclose if it is within an area that has undergrounding requirements.

## B. Least preferable locations

**Residential Areas and Parks.** A Network Provider is prohibited from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Council if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

A Network Provider installing a Network Node or a Node Support Pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

**Historic Districts and Design Districts.** A Network Provider is prohibited from installing a Network Node or a Node Support Pole in the public right-of-way in any area designated by the City as a Design Districts or in an area of the City zoned or otherwise designated as a Historic District unless such a Network Node or a new Node Support Pole is camouflaged.

## C. Most preferable locations

1. *Industrial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.
2. *Highway Rights-of-Way areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.
3. *Retail and Commercial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

## D. Designated Areas

The City Council may designate an area as a Historic District or a Design District at any time.

Currently designated *Historic Districts* are:

- (a) Historic District Number 1 is the area referred to as the **Downtown Central Business District (Zoned: B-3)**. Its boundaries are approximately: Peach Street on the North, and Locust Street on the South, and North 2<sup>nd</sup> Street on the East, and North 7<sup>th</sup> Street on the West.

The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.

While it is not required to designate Underground Compliance Areas to prohibit above ground Wireless facilities, the City may also, from time to time, also designate Underground Compliance Areas.

## E. Exceptions

The City by its discretionary consent and agreement may grant exception to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner.

## F. Order of Preference

In general, network nodes and related ground equipment shall be installed on support facilities as follows (Most Preferred to Least Preferred):

1. *Existing telephone or electrical lines between existing utility poles.* Micro Network Nodes shall only be lashed on existing telephone or electrical lines between existing utility poles (electric poles or telephones poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.

2. *Existing Utility Poles* (electric poles or telephones poles), shall be the preferred support facility for Network Nodes and related ground equipment.
3. *Municipal Service Poles:*
  - a. *Non-decorative street lights* with a height of more than 20 feet.
  - b. *Traffic signal structures* when such installation will not interfere with the integrity of the facility and will not interfere with the safety of the public.
  - c. *Street signage* shall be a low priority use for attachment of a Network Node.
  - d. *Other municipal Service pole* use is discouraged.
4. *New node support poles* or monopoles shall be the least preferred type of allowed facility for attachment of Network Nodes.

## SECTION 4. GUIDELINES ON PLACEMENT

### A. Generally

A Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:

1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
2. obstruct the legal use of a public right-of-way by other utility providers;
3. violate nondiscriminatory applicable codes;
4. violate or conflict with any Laws, including but not limited to City Code and the Federal Americans with Disabilities Act (ADA) ([42 U.S.C. Section 12101 et seq.](#)).

### B. General Requirements and Information

1. *Size Limits.* Network Providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations, as specified in this Subsection, as well as in Section 2 of this Manual, regarding the size of a Micro Network Node, size of Network Nodes, and, maximum pole height, with each application and with each request for a permit for each location.
  - (a) A "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.
  - (b) A network node must conform to the following conditions:
    - (1) each antenna that does not have exposed elements and is attached to an existing structure or pole:
      - I. must be located inside an enclosure of not more than six cubic feet in volume;
      - II. may not exceed a height of three feet above the existing structure or pole; and
      - III. may not protrude from the outer circumference of the existing structure or pole by more than two feet;
    - (2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:
      - I. must fit within an imaginary enclosure of not more than six cubic feet;
      - II. may not exceed a height of three feet above the existing structure or pole; and
      - III. may not protrude from the outer circumference of the existing structure or pole by more than two feet;
    - (3) an antenna and equipment attached to a building:
      - I. must be installed on the rear or the side elevations close to other existing utility boxes/poles and if an antenna is installed on a side elevation it must not be visible from public right-of-way;
      - II. must not project more than 18 inches from the building face; and
      - III. must not obstruct, remove, or alter any character defining features of the building.

- (4) roof-mounted antennas and equipment must not be visible from public right-of-way.
    - (5) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:
      - I. be more than 28 cubic feet in volume; or
      - II. protrude from the outer circumference of the existing structure or a node support pole by more than two feet;
    - (6) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and
    - (7) pole-mounted enclosures may not be taller than five feet.
  - (c) The following types of associated ancillary equipment are not included in the calculation of equipment volume under this Subsection:
    - (1) electric meters;
    - (2) concealment elements;
    - (3) telecommunications demarcation boxes;
    - (4) grounding equipment;
    - (5) power transfer switches;
    - (6) cut-off switches; and
    - (7) vertical cable runs for the connection of power and other services.
  - (d) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.
  - (e) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.
2. *State and Federal Rights-of-way permit.* If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.
3. *Confirmation of non-interference with City Safety Communication Networks.*
  - a. The Network Provider needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, or other city safety communications components.
  - b. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed Network Node. A Network Node shall not be installed in a location that causes any interference. Network Nodes shall not be allowed on City's public safety radio infrastructure.
4. *Improperly Located Network Node facilities, Node Support Poles and related ground equipment:*
  - a. Improperly Located Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Right-of-Way. If any Network Node facilities, Node Support Poles or ground equipment is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then Network Provider shall promptly remove the Network Node facilities, Node Support Poles or ground equipment.

- b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days' notice to remove of Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect permitted location, if not relocated the Network Provider shall be subject to a penalty, as per City Code, per day until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City Code, and other applicable ordinances concerning improperly located facilities in the rights-of-way.
5. *Noise.* Network Providers are required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations. The maximum allowable noise emitted by the Small Wireless Facility shall not exceed 30 dB measured at a distance of 3 feet from any portion of the facility.

### **C. Underground Requirement Areas**

1. A Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.
2. If a location is designated by the City to transits to be an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked 90 days after the designation, with removal of said the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within 90 days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.

### **D. Network Node facilities placement**

1. *Right-of-Way:* Network Node facilities, Node Support Poles and related ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way. A minimum three feet from back of curb. No above ground facilities shall be located closer than three feet from the back of curb or edge of alley or within sight visibility area.
2. *Height above ground.* Network Node attachments to a pole shall be installed at least twelve (12) feet above the ground, and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.
3. *Protrusions.* No protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.
4. **Number of Network Nodes per Site.** The City encourages the collocation of more than one Network Node on any one Pole (see *Appendix A* for a multi-node monopole design).

### **E. New Node Support Poles or Monopoles**

1. *New Node Support Poles Spacing.* New node support poles or monopoles shall be spaced apart from existing utility poles or Node Support poles at the same as the spacing between utility poles in the immediate proximity, but no less than at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area. New node supports poles shall be designed as Monopoles, consistent with the pole designs concepts detailed in **Appendix A**.

2. *Height of Node Support Poles or modified Utility Pole.* A Node support pole or modified Utility Pole may not exceed the lesser of:
  - a. 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or
  - b. 30 feet above ground level, as per the City.
3. *Size and Height of New Wireless Facilities.* New Wireless Facilities in the right-of-way should be no greater than the maximum size and height of any other Utility Poles in the immediate proximity.
4. *Style and Color.* All new Node Support Poles shall match existing poles found in the immediate proximity in style and color.

## **F. Ground Equipment**

1. *Ground Equipment near street corners and intersections:* Ground equipment should be minimal and the least intrusive. To minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 30 feet of a street corner or a street intersection. Ground equipment should be neutral color, and of material compatible with the surrounding structures as determined by the City staff. Ground equipment must be within two feet from the outer edge of ROW and minimum three feet from back of curb.
2. *Ground Equipment near Municipal Parks.* For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City in writing.
3. *Minimize Ground equipment density:* To enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more.

## **G. Municipal Service Poles**

1. *In accordance with Agreement:* Installations on all Service Poles shall be in accordance with a written agreement with the owner of the Service Pole (City, etc.).
2. *Required industry standard pole load analysis:* Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load.
3. *Height of attachments:* All attachments on all Service Poles shall be at least 12 feet above grade, and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.
4. *Installations on Traffic Signals:* Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with a written agreement with the owner of the traffic signal structure (City, etc.). Installation of Network Node facilities on any traffic signal structures shall:
  - a. Be encased in a separate conduit than the traffic light electronics;
  - b. Have a separate electric power connection than the traffic signal structure; and
  - c. Have a separate access point than the traffic signal structure; and

- d. Not be attached to signal arms.
5. *Installations on Street signage:* Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that has electrics shall:
- a. Be encased in a separate conduit than any City signage electronics;
  - b. Have a separate electric power connection than the signage structure; and
  - c. Have a separate access point than the signage structure.

## **SECTION 5. GENERAL AESTHETIC REQUIREMENTS**

### **A. Concealment**

1. Concealment of Network Nodes and Node support poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts.
2. The City requires that all new node support poles be camouflaged, except those located in an area zoned or predominantly industrial area. Companies shall submit their proposal for camouflage with the permit application in accordance with the City's Policy.
3. The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible.

### **B. New Node Support Pole Spacing**

New node support poles shall be at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

### **C. Minimize Ground Equipment Concentration**

In order to minimize negative visual impact to the surrounding area, and to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more to minimize effect on property values and aesthetics on the area.

### **D. Allowed Colors**

Colors in Historic Districts and Design Districts must be approved by the City from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

## SECTION 6. ELECTRICAL SUPPLY

- A. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.
- B. Network Provider shall not allow or install generators or back-up generators in the Right-of-Way.

## **SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS**

- A. Insurance, bonding and security deposits shall be in strict accordance with the City's applicable ordinances.
- B. Indemnity shall be in accordance with the City's applicable ordinances and Section 2 of this Manual.

## **SECTION 8. REMOVAL, REPLACEMENT, MAINTENANCE, AND REPAIR**

### **A. Removal or Relocation by Network Provider**

1. If the Network Provider removes or relocates a Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, it shall notify the City in writing not less than 10 business days prior to removal or relocation. Network Provider shall obtain all Permits required for relocation or removal of its Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment prior to relocation or removal.
2. The City shall not issue any refunds for any amounts paid by Network Provider for Micro Network Node, Network Node facilities, Node Support Poles or related ground equipment that have been removed.

### **B. Removal or Relocation Required for City Project**

1. Except as provided in existing state and federal law, a Network Provider shall relocate or adjust Micro Network Node, Network Node, Node Support Pole and related ground equipment in a public right-of-way in a timely manner and without cost to the City.
2. Network Provider understands and acknowledges that the City may require Network Provider to remove or relocate its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or any portion thereof from the Right-of-Way for City construction projects as allowed by state and federal law, including the common-law.
3. Network Provider shall, at the City's direction, remove or relocate the same at Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever the City reasonably determines that the relocation or removal is needed for any of the following purposes: Required for the construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project of a street public rights-of-way to enhance the traveling public's use for travel and transportation.
4. If Network Provider fails to remove or relocate the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof as requested by the City within 90 days of the Network Provider's receipt of the request, then the City shall be entitled to remove the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof at the Network Provider's sole cost and expense, without further notice to Network Provider.
5. Network Provider shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof.

### **C. Removal Required by City for Safety and Imminent Danger Reasons**

1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City if the City reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment:
  - (a) is necessary to protect the public health, safety, welfare, or City property;
  - (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property; or

- (c) Network Provider fails to obtain all applicable licenses, permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law.

If the City reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense.

2. The City shall provide 90 days written notice to the Network Provider before removing a Micro Network Node, Network Node, Node Support Pole and related ground equipment under this Section, unless there is imminent danger to the public health, safety, and welfare.
3. Network Provider shall reimburse City for the City's actual cost of removal of Micro Network Node, Network Node, Node Support Pole and related ground equipment within 30 days of receiving the invoice from the City.

## **SECTION 9. INSTALLATION AND INSPECTIONS**

### **A. Installation**

Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the City, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City.

All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").

### **B. Inspections**

The City may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way as the City deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Node, Node Support Poles or related ground equipment, the City shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

## **SECTION 10. REQUIREMENTS UPON ABANDONMENT**

Network Provider shall remove Micro Network Node, Network Node, Node Support Pole and related ground equipment when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the Micro Network Node, Network Node, Node Support Pole and related ground equipment being Abandoned or within 90 days of receipt of written notice from the City. When Network Provider removes, or Abandons permanent structures in the Right-of-Way, the Network Provider shall notify the City in writing of such removal or Abandonment and shall file with the City the location and description of each Micro Network Node, Network Node, Node Support Pole and related ground equipment removed or Abandoned. The City may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

## SECTION 11. GENERAL PROVISIONS

1. **As Built Maps and Records.** Network Provider shall maintain accurate maps and other appropriate records of its Network Node facilities, Node Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way, including, upon request, the use of Auto CAD/GIS digital format. Network Provider will provide additional maps to the City upon request.
2. **Courtesy and Proper Performance.** Network Provider shall make citizen satisfaction a priority in using the Right-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Micro Network Node, Network Node, Node Support Pole and related ground equipment in the Right-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.
3. **ALLOCATION OF FUNDS FOR REMOVAL AND STORAGE.** The City has appropriated \$0 to pay for the cost of any removal or storage of Micro Network Node, Network Node, Node Support Pole and related ground equipment, as authorized under this Article, and no other funds are allocated.
4. **OWNERSHIP.** No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the Right-of-Way by Network Provider will become, or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by Network Provider on the Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City prior to any work in the Right-of-Way.
5. **Tree Maintenance.** Network Provider, its contractors, and agents shall obtain written permission from the City before trimming trees hanging over its Micro Network Node, Network Node, or Node Support Pole, to prevent branches of such trees from contacting attached Micro Network Node, Network Node, or Node Support Pole. When directed by the City, Network Provider shall trim under the supervision and direction of the Parks Director or designee. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.
6. **Lighting.** The City has illumination and lighting guidelines. All new or replacement light fixtures and luminaries must meet those guidelines.
7. **Signage.** Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City.  
  
Except as required by Laws or by the Utility Pole owner, Network Provider shall not post any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service pole or Utility Pole.
8. **Graffiti Abatement.** As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Micro Network Node, Network Node, Node Support Pole, and related ground equipment located in the Right of Way. The foregoing shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinance or regulation.
9. **Restoration.** Network Provider shall repair any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network

Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within 10 calendar days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City.

10. **Network provider's responsibility.** Network Provider shall be responsible and liable for the acts and omissions of Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions.

## **SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION**

Should the Network Provider desire to deviate from any of the standards set forth in the Design Manual, the Network Provider may request an Administrative Hearing before a Board of Appeals. The Zoning Board of Adjustment shall act as the Board of Appeals for a Request for Exemption.

The process for an application, hearing and vote shall follow the process set out for a variance.

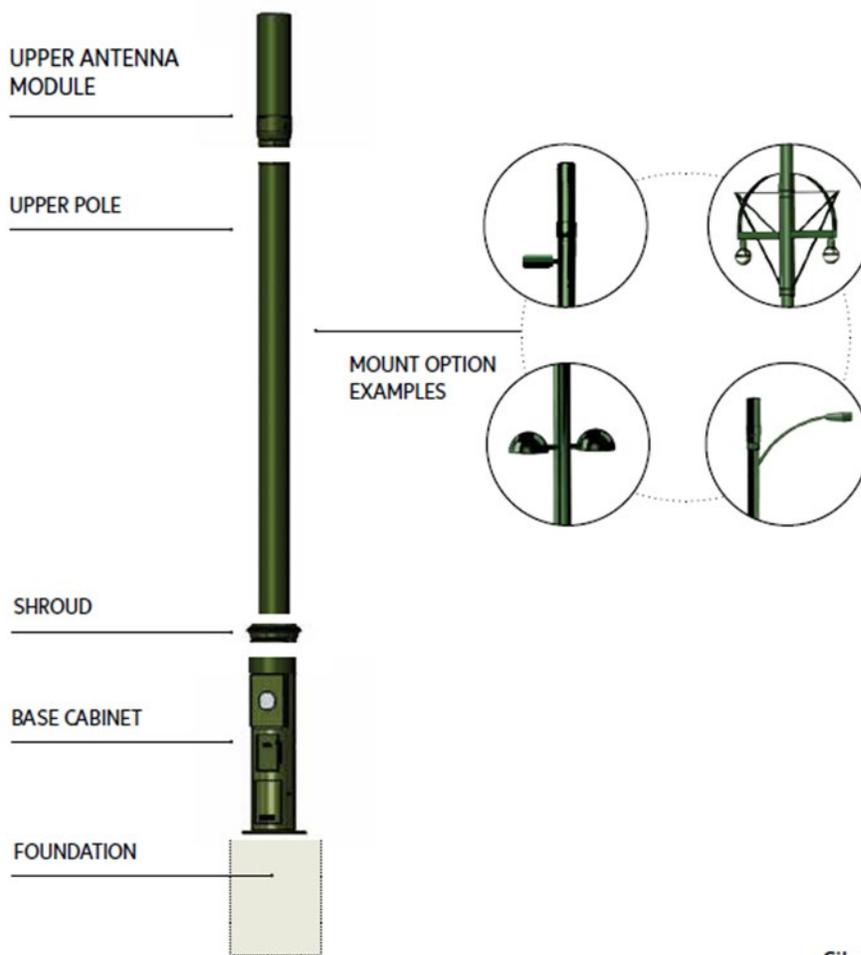
## **SECTION 13. DESIGN MANUAL - UPDATES**

Placement or Modification of Micro Network Node, Network Node, Node Support Pole and related ground equipment shall comply with the City's Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

## Appendix A: Design Concepts

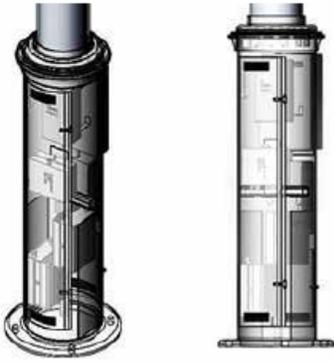
The following diagrams and information were provided by, and used with the permission of, Comptek Technologies/CityPole®. The inclusion of this information in no way indicates that the City endorses CityPole or its products. Self-contained poles from other manufacturers will be considered as long as the structure meets the other guidelines outlined in the Small Wireless Facilities Ordinance and this document.

### A.1 Small Wireless Facility Pole



CityPole.com

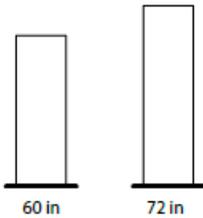
## A.2 Base Cabinet



Integrated wireless equipment in base cabinet.

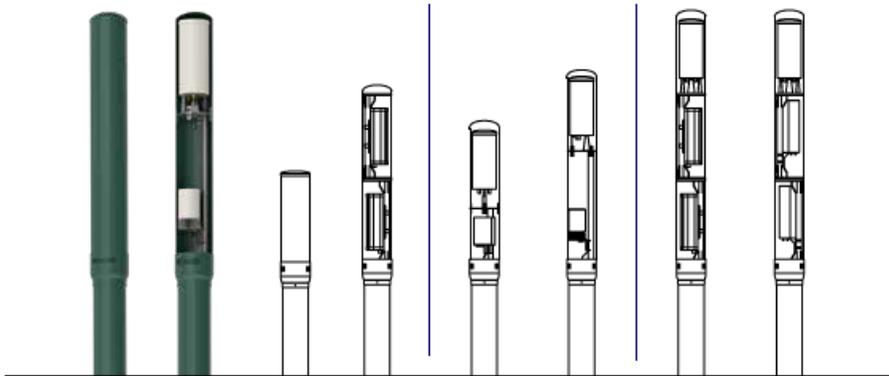


The base cabinet can be configured with a wide range of electrical disconnects to meet local building codes and preferences.



The base cabinet height can be chosen to house future equipment and complement local cityscapes.

### A.3 Upper Antenna Module



The upper antenna module can be easily reconfigured for a number of technology generations. These includes multiple configurations of cellular technology, various backhaul and low power options such as WIFI, Bluetooth, or Zigbee, and as many as three different technology generations.

### A.4 Foundation Selection



CityPole® pre-cast foundation speeds work in the Right of Way.



Caisson and custom designs are available.

Cast in place foundations are acceptable, as long as the foundation meets accepted guidelines for structural integrity required by the attached equipment.

### A.5 Lighting Accessories



### A.6 Color Options

CITYPOLE® STANDARD RAL COLOR OPTIONS



CUSTOM COLORS AND NATURAL FINISHES  
ARE AVAILABLE UPON REQUEST



### A.7 Product Selection Matrix

		Standard CityPole® System Offering	Custom Options
Overall Pole Height		25', 30', 35', and 40' Above Ground Level (AGL)	Available ↓
Color Choices		9 Color Choices are Standard (Custom colors are available.)	
Base Cabinet	Technology Types	1, 2, or 3 Different Technologies can be Accommodated	
	Dimension	Ground Diameter: 18", 20", 24"   Height: 60", Optional 72"	
	Flexible Mount System	FlexMount™ system to reconfigure internals for future equipment sizes.	
	Electrical Options	No Disconnect, Disconnect Only, or Meter and Disconnect.	
	Universal Meter Bay	Accommodates power meter and meter screen requirements as determined by local utility provider; fits meter boxes of all sizes.	
Upper Pole Antenna Module	Rad Center Location	Variable and Based on Pole Height and Other Options	
	Technology Types	1, 2, or 3 Different Technologies can be Accommodated	
	Auxiliary Bay Options	Low Power RF, Backhaul, and Wifi Options can be Accommodated. Multiple and reconfigurable 12 3/4 inch modules with RlexRail™ universal equipment track system optional.	
	Antenna Mount and Shroud Options	Separate and Secure Bays with RF Transparent Materials to accommodate 4G/5G Equipment. Omni and Panel Types available.	
Accessory Selection	Lighting	Pole can be ordered without lighting or with 1, 2, 3, or 4 lights.	
	Light Mounts	Standard Plate or Offset Arms depending on light selection	
	Lighting	Shoebox, Cobrahead, Cylindrical, Dome and Acorn	
	Other Technology	Gun Shot Sensors, Video, Weather, Traffic Mgmt	
	Lower Shroud Details	Multiple Options are Available	
	Base Plate Details	Multiple Options are Available	
	Foundation Options	Pre-cast, or Cast-In-Place	
Environmental Control	Thermal Management	All Equipment and Antenna Bays Monitored for Temperature. Passive and Forced Air Standard; Heat Pipe and Thermoelectrical Optional	
	Security	External and Internal Locking Features. CityPole® FlexSmart™ Control and Connectivity Optional.	
	Monitoring and Control	Industrial Controller with 24 Digital and 12 Analog Inputs with FlexSmart™	