

MEETING DATE: 4/15/19

ITEM: 10D

AGENDA ITEM SUMMARY

Subject: Consider Resolution 49-19 to approve policy to address use of pole mounted antenna

The FCC recently made a ruling to help facilitate eventual 5g antenna deployment across the country. This ruling generally set the ground rules for allowing installation of antenna on publically owned structures such as street lights and other structures in the public right of way. Communities can set up their own policies to help direct where these installations can take place to meet the desires of the community.

Enclosed is a policy drafted by Brad Slotter based on sample policies drafted by the Cities of Center Point and Coralville, IA.

Communities have until April 15, 2019 to adopt a policy to address this antenna deployment. It is generally understood that the policy can be amended as we see fit for future needs, but we need to have a base policy in place by the April 15th deadline.

Also enclosed are some sample pics from another community on types of poles and attachments structures, we may want to include samples such as this.

I recommend approval of this policy.

.

.

CITY OF CHARLES CITY

RESOLUTION NO. 49 -19

Resolution authorizing adoption of Policy to address use of pole mounted antennas

WHEREAS, due to recent FCC rulings on antenna deployments across the country, the city desires to adopt a policy concerning the installations of antennas on publically owned structures, and

WHEREAS, the City deems it necessary and desirable to adopt this policy to maintain local control over these types of installations; and

WHEREAS, the proposed policy for small wireless facility design guidelines procurement is attached as Exhibit A;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Charles City, Iowa, as follows:

Section 1. The small wireless facility design guideline attached hereto as Exhibit A is hereby adopted and shall be dated as of the date hereof.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved April 15, 2019.

Mayor

Attest:

City Clerk

**SMALL WIRELESS FACILITY DESIGN GUIDELINES
CITY OF CHARLES CITY, IOWA**

I. PURPOSE AND COMPLIANCE

The purpose of these guidelines is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, collocation, modification, relocation, operation and removal of pole-mounted (or other structure-mounted) utility facilities within the City's right-of-way. The goals of these guidelines are to:

- A. Provide standards, technical criteria and details for utility facilities in the City's right-of-way to be uniformly applied to all applicants and owners of utility facilities or support structures for such facilities.
- B. Enhance the ability of utility providers to deploy services in the City quickly, effectively and efficiently so that residents, businesses and visitors benefit from ubiquitous and robust utility service availability.
- C. Preserve and protect the character of the City.
- D. Ensure that utility facilities and support structures conform to all applicable health and safety regulations and will blend into their environment to the greatest extent possible.

Comply with, and not conflict with or preempt, all applicable state and federal laws

II. DEFINITIONS

Abandoned means any utility facilities or support structures that are unused for a period of three hundred sixty-five (365) days without the operator otherwise notifying the City and receiving the City's approval.

Antenna means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

Applicant means any Person applying for a Permit hereunder.

City means the City of Charles City.

City property means property other than right-of-way owned by the City.

Collocation or Collocate means to install, mount, maintain, modify, operate, or replace utility facilities on a utility support structure.

County means Floyd County, Iowa.

Decorative Pole means a pole, arch, or structure other than a street light pole placed in the right-of-way specifically designed and placed for aesthetic purposes and on which no

appurtenances or attachments have been placed except for any of the following (a) electric lighting; (b) specially designed informational or directional signage; (c) temporary holiday or special event attachments.

Industrial Area means an industrially-zoned area.

Operator means a utility service provider, cable operator, or a video service provider that operates a utility facility and provides utility service. *Operator* includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the “Telecommunications Act of 1996,” 110 Stat. 59, 47 U.S.C. 153(2), and services that are fixed in nature or use unlicensed spectrum.

Ornamental Pole means a pole or structure placed in the right-of-way to support traffic signals and/or streetlights which has been specifically designed and placed for aesthetic purposes.

Ornamental Poles may include appurtenances or attachments for banners and/or other aesthetic features.

Permit means the non-exclusive grant of authority issued by the City of Charles City to install a utility facility and/or a utility support structure in a portion of the right-of-way in accordance with these guidelines. Utility facilities and support structures include small cell facilities and support structures utilized for small cell and wireless uses.

Permittee means the owner and/or operator issued a Permit pursuant to these guidelines.

Person means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

Retail and Commercial Areas means a commercially-zoned area.

Residential Area means a residentially-zoned area.

Right-of-way means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City of Charles City.

Small Cell Facility means a wireless facility that meets both of the following requirements:

- (1) Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six (6) cubic feet in volume.
- (2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not

include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

State means the State of Iowa.

Toll means the pause or delay of the running of the required time period.

Utility means a private company providing electric, gas and/or telecommunications service with conduits, cables or other facilities within the public right-of-way. *Utility* includes any company providing fiber optic or small cell communications services.

Utility Pole means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles.

Utility Support Structure means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen (15) foot or taller sign pole, or utility pole capable of supporting utility facilities, including small cell facilities. *Utility Support Structure* excludes a utility pole or other facility owned or operated by an electric utility.

III. REQUIREMENT TO COMPLY

Placement, modification, operation, relocation and removal of a utility facility and/or utility support structure shall comply with the Charles City Code of Ordinances, design standards and permitting requirements which are current at the time the permit for installation, modification, relocation or removal is approved, and as amended from time to time.

IV. AESTHETIC REQUIREMENTS FOR SMALL WIRELESS FACILITIES

A. ANTENNAS

1. Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.
2. The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
3. All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, or mounted to the side of the wireless support structure such that the vertical centerline of the antenna enclosure shall be parallel with the wireless support structure with the height of the side mounted antenna being at a location on the wireless support structure noted in the application and approved by the City, but at least 10 feet above ground level at its lowest point.

4. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the City.

B. CABLES AND WIRES

All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

C. COLORS

All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets. Notwithstanding the foregoing, in the case of existing wood utility poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum.

D. EQUIPMENT ENCLOSURES/CONCEALMENT

1. Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

2. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the City.

3. Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

E. SIGNAGE/LOGOS/LIGHTS/DECALS/COOLING FANS

1. Signage: The small wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.

2. Lights: New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.

3. Logos/Decals: The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

4. Cooling Fans: In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

V. LOCATION OF UTILITY FACILITIES

A. MOST PREFERABLE LOCATIONS

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

1. *Industrial Districts* if not adjacent to a park, residential district or historic district.
2. *Highway Rights of Way* areas if not adjacent to a park, residential district, or in the Downtown Business B-2 Commercial District.
3. *Retail and Commercial Districts* if not adjacent to a park, residential district or in the Downtown Business B-2 Commercial District.

B. COLLOCATION PREFERENCE

It is the City's strong preference that whenever an applicant proposes to place a new utility support structure with a utility facility within two hundred fifty (250) feet from an existing utility support structure, the applicant either collocate with the existing facility or demonstrate that a collocation is either not technically feasible or space on the existing facility is not potentially available.

C. LEAST PREFERABLE LOCATIONS

The following are the least preferred areas for new small wireless facilities in the order of preference (3 being least preferable).

1. *Residential Districts*
2. *Parks*

3. *Downtown Business District (B-2)*

D. ORDER OF PREFERENCE FOR UTILITY SUPPORT STRUCTURES

The following list indicates the order of preference for utility support structures for utility facilities. Images of the examples of the Service Poles are attached in Exhibit A.

- A. *Existing Utility Poles:* It is the City's preference that utility facilities be installed on existing utility poles (electric or telephone) or lashed onto existing telephone or electrical lines between existing utility poles.
- B. *Non-Ornamental Municipal Service Poles:* If the applicant does not have the right to use existing utility poles or lines under reasonable terms and conditions or the utilization imposes technical limits, the City prefers that the applicant next look to existing non- ornamental municipal street lights or traffic signal structures.
- C. *New Poles:* If Items A-B listed above have proven to be unavailable, the City prefers the installation of a new pole to serve as a utility support structure.
- D. *Ornamental Municipal Service Poles:* The use of ornamental municipal street lights and traffic signals as utility support structures is discouraged. These should only be proposed if Items A-C listed above are unavailable or when requested by the City based on the proposed location. Use of ornamental traffic signal mast arms is preferred over use of ornamental street lights.

E. CONSIDERATION OF ALTERNATE LOCATIONS

The City reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the ROW in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

F. GUIDELINES ON PLACEMENT

The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent City poles, and of the surrounding area adjacent to their location. In the absence of adjacent City poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

The following additional guidelines on placement shall apply:

1. Small wireless facilities and wireless support structures shall be located no closer than 150 feet away, radially, from another small wireless facility and wireless support structure.
2. Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.
3. Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a ROW by a utility provider.
4. Small wireless facilities and wireless support structures shall be located in a manner that does not violate or conflict with the City Code, applicable law and regulations, or these Guidelines.
5. Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
6. Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
7. Small wireless facilities and wireless support structures shall be located in alignment with existing trees, utility poles, and streetlights.
8. Small wireless facilities and wireless support structures shall be located equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
9. Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
10. Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
11. New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure.
12. To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the City where multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.

VI. LIMITATIONS

While the City fully intends to apply the guidelines established in this policy uniformly to all small wireless facility applications, there may be circumstances where not every specific

guideline may be met. In these case, City staff will use its reasonable discretion in approving small wireless facilities permit applications that deviate from the strict application of this policy.

VII. EFFECTIVE DATE OF POLICY

This Policy will be effective as of the 15th day of April, 2019. Modifications of the Policy will be effective on the date said modifications are approved by the City Council

EXHIBIT A



A. Existing utility poles



B. Non-Ornamental
Municipal Service Pole



C. New Pole



D. Ornamental Municipal Service Pole