City of Carroll

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MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MGP-W

DATE: April 11, 2019

SUBJECT: Policy 0715 – Small Wireless Facility Antenna/Tower Right-of-Way Siting

A recent Federal Communications Commission (FCC) Order suggests that all local jurisdictions comply with various rules and recommendations on the exercise of local aesthetic, zoning, public works, and fee schedules when dealing with small cell (Small Wireless Facility) installations. Communities have until April 15, 2019 to approve and publish Small Wire Facility regulation.

The City recognizes its responsibilities under the federal Telecommunications Act of 1996 and Iowa law (Iowa Code Chapter 8C: Iowa Cell Siting Act) and believes that it is acting consistent with Iowa Code Chapter 8C: Iowa Cell Siting Act of the law in ensuring that development activity does not endanger public health, safety, or welfare. The City intends this Policy will ensure that the installation, augmentation and relocation of Small Wireless Facility installations in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the federal Telecommunications Act and Iowa Code Chapter 8C: Iowa Cell Siting Act, relating to the Siting of Small Wireless Facilities with the rights, safety, privacy, property and security of residents of the City.

Policy 0715 addresses the siting of Small Wireless Facility antennas and towers in the City of Carroll.

RECOMMENDATION: Mayor and City Council consideration and approval of a resolution approving Policy 0715 – Small Wireless Facility Antenna/Tower Right-of-Way Siting.

1869 Carroll 2019
150 YEARS

RESOLUTION NO. _____

A RESOLUTION APPROVING POLICY 715 – SMALL WIRELESS FACILITY ANTENNA/TOWER RIGHT-OF-WAY SITING

WHEREAS, Policy 715 – Small Wireless Facility Antenna/Tower Right-of-Way Siting has been deemed necessary due to a recent Federal Communications Commission Order; and

WHEREAS, the Small Wireless Facility Antenna/Tower Right-of-Way Siting is attached hereto as Exhibit "A"; and

WHEREAS, it is determined that the approval of the attached Small Wireless Facility Antenna/Tower Right-of-Way Siting is in the best interest of the City of Carroll, Iowa;

NOW, THEREFORE, BE IT RESOLVED that Policy 715 - Small Wireless Facility Antenna/Tower Right-of-Way Siting, attached as Exhibit "A", be authorized and approved.

PASSED AND APPROVED by the Carroll City Council of the City of Carroll, Iowa this 15th day of April, 2019.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

BY:_____
Eric P. Jensen, Mayor

ATTEST:

By:_____
Laura A. Schaefer, City Clerk

CITY OF CARROLL

POLICIES AND PROCEDURES MANUAL

Subject		**Policy No.**
Small Wireless Facility Antenna/Tower Right-of-Way Siting		0715
Responsible Division(s), Office(s)	**Related Policies & Procedures**	
Public Works Department Building Department	Policy 0716 – Small Wireless Facility Design Guidelines	
Effective/Revision Date	**Approvals(s)**	
April 15, 2019	Michel J. Pogge-Weaver	

This policy has been established to define the general requirements for the installation of small wireless facilities within the rights-of-way in the City of Carroll. See attached for the full policy.

CITY OF CARROLL

DEPARTMENT OF PUBLIC WORKS

Small Wireless Facilities

POLICY TITLE: Small Wireless Facility Antenna/Tower Right-of-Way Siting **POLICY NO.:** 0715

PURPOSE:

1. This policy has been established to define the general requirements for the installation of small wireless facilities within the rights-of-way in the City of Carroll. The policy creates requirements for the siting and design of wireless communication structures, facilities, and related utilities. As such the provisions of this policy are intended to regulate and guide the installation of small wireless facility antennas and related accessory structures on infrastructure and to regulate and guide the installation of new communication towers when needed. It is the desire of the City to encourage the development of an aesthetically pleasing local environment. It is also the intent of the City to encourage the expansion of wireless technology, as it provides a valuable service to City residents and businesses. It is not the City's goal to unreasonably discriminate among providers of functionally equivalent services nor to have the effect of prohibiting, either directly or indirectly, the provisions of small wireless services. It is the City's goal to encourage wireless providers to construct new facilities disguised through techniques of camouflage design, as defined in this Policy. It is the intent of this Policy to achieve the following objectives:
    1) To minimize the adverse visual effects of communication structures through careful design, siting, locating and screening.
    2) To locate and engineer communications support structures in a manner which minimizes potential damage to adjacent properties from structural failure.
    3) To allow for the reasonable location and efficient use of communication structures through the co-location of carriers.
2. The City currently regulates all wireless telecommunications facilities in the public rights-of-way through a permit process. The City's existing code is in the process of being updated to reflect current telecommunications trends or necessary legal requirements. Further, the existing code provisions were not specifically designed to address the unique legal and practical issues that arise in connection with multiple small wireless facility installations deployed in the public rights-of way.

3. A recent FCC Order suggests that all local jurisdictions comply with various rules and recommendations on the exercise of local aesthetic, zoning, public works, and fee schedules when dealing with small cell (**Small Wireless Facility**) installations. The FCC Order also concludes that local governments function as regulators of their rights-of-way. The FCC's Declaratory Rule and Third Order Rights concluded that when local governments regulate, they do so as a regulatory function. This section is supporting The Declaratory Ruling and Third Order Rights view of local governments acting as regulators. Thus, Carroll Iowa is in clear need of policies that support their role as a regulator of their rights-of-way.
4. The City recognizes its responsibilities under the federal Telecommunications Act of 1996 and state law (Senate File 431: Act Relating to the Siting of Small Wireless Facilities) and believes that it is acting consistent with Senate File 431 Act of the law in ensuring that development activity does not endanger public health, safety, or welfare. The City intends this Policy to ensure that the installation, augmentation and relocation of **small wireless facility** installations in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the federal Telecommunications Act and ***Senate File 431: Act Relating to the Siting of Small Wireless Facilities*** with the rights, safety, privacy, property and security of residents of the City.
5. This policy is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any wireless telecommunications service provider's ability to provide wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify wireless telecommunications service facilities on the basis of environmental effects of radio frequency emissions so long as such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or state law; or (6) otherwise authorize the City's to preempt any applicable federal or state law.
6. Based on the foregoing, Carroll's ***Public Works Department*** finds and determines that the preservation of public health, safety and welfare requires that this Policy be enacted and be effective immediately upon adoption.

POLICY:

A. Application for Small Wireless Facility Permit:

An applicant must submit an application for a permit to install a **Small Wireless Facility**, in, over or under Carroll City rights-of-way. Upon issuance of a permit by the city, the applicant agrees to abide by the terms and conditions of a permit agreement to be approved by the Public Works Department. The application shall consist of the following:

a) Completed City of Carroll Small Wireless Facility Application

b) Signed copy of City of Carroll Small Wireless Facility Special Terms & Conditions.

c) Right-of-Way Permit (available at http://www.cityofcarroll.com/building)

d) Detailed drawing showing location(s) of proposed Small Wireless Facility

e) Proposed location and routing of underground infrastructure (i.e. fiber, handholes/vaults). Fiber and handholes/vaults require separate license (permit) for installation and will be approved separately. Staff will review and provide comments to applicant at time of application for Small Wireless Facilities

f) Signed copy of Special Terms and Conditions for any underground work that will be required for the Small Wireless Facility whether construction is included with installation of Small Wireless Facility or under separate project.

g) Detail drawing of proposed and picture of Small Wireless Facility that will be installed. Detail and picture shall show everything that will be located on the pole/structure.

h) Copy of agreement with pole/structure owner if not the City (proof of permission to locate on pole/structure).

i) If installation is proposed on City owned pole/structure, applicant shall provide calculations as required in Section D Subsection H(l) of this Policy.

j) If new pole is required, application shall include details on proposed pole installation.

B. Permit Fee:

Before any **Small Wireless Facility** permit is issued, the applicant shall be required to pay a permit fee in accordance with a fee schedule established from time to time and approved by the Public Works Department. The City reserves the right to do a rate study at a future date to establish the Permit fee for a Small Wireless Facility permit.

(a) The fee permissible in the most current FCC regulations but not less than $500 for non-recurring fees, including a single up-front application for collocation applications that includes up to five Small Wireless Facilities, with an additional $100 or the fee permissible in the most current FCC regulations, for each Small Wireless Facility beyond five;

(b) The fee permissible in the most current FCC regulations but not less than $1,000 for non-recurring fees for a new pole (*i.e.*, not a collocation) intended to support one or more Small Wireless Facilities; and

(c) The fee permissible in the most current FCC regulations but not less than $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.

C. Definitions:

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.

"Authority" does not include any of the following:

a. State courts having jurisdiction over land use, planning, or zoning decisions made by an authority.

b. The utilities division of the Public Works Department

c. Any entities, including municipally owned utilities established under or governed by Title IX, subtitle 4 of the Code, that do not have zoning or permitting jurisdiction

Alternative Antenna Structure An existing pole or other structure within the public rights-of-way that can be used to support an antenna and is not a utility pole or a City-owned infrastructure.

Antenna means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

Applicant means the person submitting an application.

Application means the process by which a person submits a request to perform construction activity and/or indicates a desire to be granted permission in any way to utilize the rights-of-way of all, or a part, of the City. An application includes all written documentation, in whatever form or forum, made by a person to the City concerning: the installation of any type of public improvements, public utility facilities, the construction of a cable system or any type of information or telecommunications system over, under, on or through the rights-of-way.

Attached wireless facilities are those affixed to a structure except optical fiber, wires, coaxial cable and the mounting hardware used to attach optical fiber, wires, and coaxial cable. Examples of attached facilities include but are not limited to antennas, telephone boxes, power boxes, and other equipment boxes and cabinets on structures located on the ground.

Base Station a structure other than a tower that supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a "base station" at the time the relevant application is filed with the City, even if the structure was not built for the sole or primary purpose of providing such support, but does not include structures that do not at that time support or house base station components.

Camouflage Design Structures and associated equipment taking on the appearance of a piece of art, a natural feature, an architectural structural component or other similar element and which aesthetically blends with the surrounding building environment. Examples of camouflage design include, but are not limited to: architecturally screened roof-mounted antennas; antennas integrated into architectural elements; antennas designed to look other than an antenna; antennas integrated into existing buildings,

sports field lights, highway signs, water towers, etc; and towers designed to blend into the surrounding environment or to look other than a tower, such as flag poles, trees, clock towers, monuments, and church steeples. All such designs are subject to the review and approval of the Public Works Department.

City-Owned Infrastructure Infrastructure in public right-of-way within the boundaries of the City, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the City. **According to City of Carroll code, the use of traffic signal poles and mast arms by any utility is strictly forbidden**.

Collocate means to install or mount a Small Wireless Facility in the Public ROW on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application. "Collocation" has a corresponding meaning.

Collocated Small Wireless Facility Installation means a single telecommunication tower, pole, mast, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

A. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height no higher than the height of the poles and antennas in the surrounding area;

B. A ground or building mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed the height of the poles and antenna in the surrounding area;

C. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.

D. Mobile services providing public information coverage of news events of a temporary nature.

E. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar personal-use devices.

F. Government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights no higher than the height of the poles and antennas in the surrounding area.

G. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this policy, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said

parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures

Communications Facility means collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

Communication Structure any communications tower, antenna, and related accessory structure used in the transmission or reception of microwave energy, analog data transfer techniques, radio frequency energy, and other digital data transfer techniques.

Communications Structure Site a tract or parcel of land that contains the wireless communication structure, accessory building(s), on-site parking, and may include other uses associated with and necessary for wireless communication and transmission.

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.

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 any request for modification of any existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

Eligible Support Structure any tower or base station, as defined in this section, provided that it is existing at the time the relevant application is filed to the City.

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.

Facilities means any and all equipment, structures, materials or tangible components located in the rights-of-way and used to provide a service, including without limitation: all plants, whether inside or outside, fiber strands or optic lines, electronic equipment, amplification equipment, optic equipment, transmission and distribution structures, antennas of any type, lines, termination equipment, pipes, poles, ducts, mains, conduits, inner ducts, regenerators, repeaters, underground lines, vaults, manholes, pull boxes, splice closures, wires and cables, and all other like equipment, fixtures and appurtenances used in connection with transmitting, receiving, distributing, offering, and/or providing such service. Facilities shall include, as the context dictates, wireless telecommunication facilities, as defined herein.

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

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

Permit Area Locations in city zones where **small wireless facilities** are permitted to be installed and operated pursuant to the requirements of this policy.

Major Wireless Telecommunications Facility means telecommunication towers, poles or similar structures greater than 50 feet in height, including accessory equipment such as transmitters, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

Micro Wireless Facility means a **small wireless facility** with dimensions no larger than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

Minimum Height- the lowest vertical distance at which the structure can still operate at an efficient level of service. An efficient level of service is deemed to be 95% or greater of possible service levels.

Modification Includes collocation, removal, or replacement of an antenna or any other transmission equipment associated with the supporting structure.

Monopole A structure composed of a single spire, pole or tower designed and used to support antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure.

Provider means any person including a franchisee who is providing or is in the process of seeking permission to provide a service to citizens of the City through the placement of facilities or structures either owned or leased in and thereby occupying the rights-of-way, as defined herein.

Replacement exchanging of transmission equipment; not to include the structure on which the equipment is located.

Rights-of-way or ROW means the surface and space above and below any real property in which the City has a real property interest and/or which have been dedicated to the public or is hereafter dedicated to the public and maintained under public City or by others at the direction of the public City and located within the City including, but not limited to, public: streets, roadways, highways, avenues, lanes, alleys, bridges, sidewalks, easements, public ways and similar public property and areas.

Signage Signage is prohibited on all small wireless facilities and wireless support structures, 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 Wireless Facility(ies) are low powered antennas that provide cellular and data coverage to small geographic areas supplementing the larger cellular network. It includes all equipment required for the operation and maintenance of radio-frequency

communications systems that transmit and/or receive signals but are not "major wireless telecommunications facilities," including antennas, electronics, and other types of equipment required for the transmission or receipt of such signals.

Alternatively, Small Wireless Facility means either of the following:

(a) Micro wireless facilities that are no larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that have an exterior antenna, if any, of no more than eleven (11) inches in length; or

(b) A wireless service facility where each antenna is located inside an enclosure of no more than 6 cubic feet in volume and where primary equipment enclosures associated with the small wireless facility is cumulatively no more than twenty-eight cubic feet in volume and shall be placed underground unless it is integrally incorporated inside the customary pole structure or base.

For purposes of this subparagraph volume shall be measured by the external displacement of the primary equipment enclosure, not the internal volume of each enclosure. An associated electric meter, concealment, telecommunications, demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, cutoff switch, cable, conduit and any equipment that is concealed from public view within or behind an existing structure or concealment may be located outside of the primary equipment enclosure and shall not be included in the calculation of the equipment volume.

For the purposes of this policy, a **small wireless facility** does not include the following:

A. Wireline backhaul facility, which shall mean a facility used for the transport of communications data by wire from wireless facilities to a network.

B. Coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna or collocation.

C. Underlying vertical infrastructure, which shall mean poles or similar facilities owned or controlled by the City that are in the public rights-of-way or public utility easements and meant for, or used in whole or in part for, communications service, electric service, lighting, traffic control, or similar functions

Small Wireless Facility Installation means all equipment required for the operation and maintenance of so-called "small cell" wireless communications systems that transmit and/or receive signals but are not "Major Telecommunications Facilities," including antennas, microwave dishes, power supplies, transformers, electronics, and other types of equipment required for the transmission or receipt of such signals.

Stealth Facility Any commercial wireless communications facility that is designed to blend into the surrounding environment by means of screening, concealment, or camouflage. The antenna and supporting antenna equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing landscape or environment rather than identifiable as a wireless communications facility. Stealth facilities may be installed, but such installation methods are not limited to, undergrounding, partially undergrounding and landscaping.

Structure means anything constructed or erected with a fixed location below, on, or above grade, including, without limitation, service cabinets, junction boxes, foundations, fences, retaining walls, awnings, balconies, and canopies.

Structure Height the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the cell site shall be used in calculating the height.

Tower Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure. Except as otherwise provided for by this Policy, the requirements for a tower and associated antenna facilities shall be those required in this Policy.

Utility Pole An upright pole or similar structure owned and utilized in a whole or in part by a public utility, municipality. It is designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.

Variance or Variation A grant of relief by the **Public Works Director** or his/her designee.

Wi-Fi Antenna An antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

D. Standards and Regulations:

Small Wireless Facilities will be permitted to be placed in right-of- way within the jurisdiction of the City as attachments to existing utility poles, alternative antenna structures, or City-owned infrastructure subject to the following regulations.

A. **Aesthetics.** A small wireless facility shall reasonably match the aesthetics of an existing utility pole or wireless support structure in the area that incorporates decorative elements. Furthermore, a small wireless facility will allow retroactive aesthetic or placement requirements.

B. **Number Limitation and Co-Location.** The **Public Works Director** or his/her designee may regulate the number of **small wireless facilities** allowed on each utility pole or unit of City-owned infrastructure. Up to **two (2) small wireless facilities** will be permitted on utility poles or Alternative Antenna Structure. This Policy does not preclude or prohibit co-location of **small wireless facilities** on towers or monopoles that meet the requirements as set forth elsewhere in this section or as required by federal law.

C. **Separation and Clearance Requirements for Existing Decorative Poles. Small wireless facilities** may be attached to a utility pole, alternative antenna structure, monopole, or City-owned infrastructure including decorative only where such pole, structure or infrastructure is located evenly behind the curb. This supports The FCC Order that creates a One-Touch-Make-Ready ("OTMR") regiment for pole attachments. The City of Carroll, Iowa currently maintains

decorative lighting zone in the downtown core (bounded by and including West Street, 7th Street, Court Street, and 4th Street) and a corridor (on US Highway 30 between Highway 71 and Grant Road).

D. **Separation and Clearance Requirement New Small Wireless Facilities**. For new **small wireless facilities** between existing decorative street lights no closer than a distance equal to one hundred (100) per cent of the height of such facility to any residential building and no closer than **Three Hundred (300)** feet from any other **small wireless facility** for the same carrier**.** A new small wireless facility shall be installed on the nearest lot line and not in front of the building or structure on the lot. A separation or lesser clearance may be allowed by the **Public Works Director** or his/her designee as an administrative variance to this Policy when the Applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so within the right-of-way.

E. **City-Owned Infrastructure**. **The City's preference is that Small Wireless Facilities be installed on non-City-owned infrastructure.** If the facility is attached to City-owned infrastructure then the **Small Wireless Facilities** can only be mounted to City-owned infrastructure including, but not limited to, streetlights, towers or buildings, if authorized by a license or other agreement between the owner and the City.

F. **Construction Requirements**. **All Small Wireless Facility installations shall comply with the following:**

1. All needed traffic control shall comply with the most recent version of the Manual on Uniform Traffic Control Devices.
2. Any needed lane closures on arterial roadways shall not start before 9:00 A.M. and end no later than 3:00 P.M.
3. Small Wireless Facilities shall be installed on non-decorative facilities/poles wherever possible.
4. Once new pole designs have been approved in an area, all providers shall use the same pole design.
5. Installations shall foster an aesthetically pleasing environment, prevent visual blight, protect and preserve public safety and general welfare, and maintain the character of residential and nonresidential areas consistent with the adopted plans and compliance of applicable State and Federal legislation.
6. All disturbed or damaged ROW shall be hydro-seeded, seeded with erosion mat or replaced with sod as soon as completed.
    a) If seeding or hydro-seeding, prepare the area by hand raking to a depth of 3-4 inches and proper grade. When hydro-seeding, scarify the seedbed to facilitate lodging and germination of the seed.

b) If sodding, sod shall be rolled immediately after laying to create firm contact with the ground.

Areas shall be maintained by the permittee until satisfactory growth is established. Permittee shall water all seeded or sodded areas once per day for the first 15 days and as needed until established growth and signed off by the city. Any day that there is ¼" or more rainfall in that 24-hr. period, watering does not need to take place.

7. It will be the responsibility of the Permittee to work with property owners to identify location of any existing lawn irrigation system within the public right of way. Any damage to these systems is the responsibility of the Permittee to repair.
8. Installations shall maintain a minimum distance of 15 feet from existing trees in the ROW.
9. Only equipment necessary for the installation of Small Wireless Facilities can sit on the right of way. Large trucks must stay on a hard surface at all times. No equipment can be left on the right of way overnight.
10. Work **cannot** take place during City snow/ice operations.
11. The City reserves the right to deny any future projects with the Permittee if the Permittee has failed to follow the aforementioned Construction Requirements on a previous permit.

G. New Towers. When approved by the City, a new monopole shall be installed on the nearest lot line and not in front of the building or structure on the lot. No new monopole or other tower to support **small wireless facilities** shall be installed in rights-of-way, that exceeds the height of surrounding existing poles, within the jurisdiction of the **Carroll, Iowa** unless the **Public Works Department** finds, based on clear and convincing evidence provided by the applicant, that locating the **small wireless facilities** on the rights-of-way is necessary to close a significant coverage or capacity gap in the Applicant's services or to otherwise provide adequate services to customers, and the proposed new monopole or other tower within the rights-of-way is the least intrusive means to do so.

a. New monopole or tower installations, where approved by the City, shall maintain a minimum horizontal clearance of four (4) feet from all City utilities.

b. New monopole or tower installations, where approved by the City, shall maintain a minimum horizontal distance of 15 feet from existing trees in the ROW.

H. Attachment Limitations. No small wireless telecommunication antenna or facility within the rights-of-way will be attached to a utility pole, alternative antenna structure, tower, or City-owned infrastructure unless all of the following conditions are satisfied:

a. Surface Area of Antenna: The small wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped

antennas, cannot have a surface area of more than **six (6)** cubic feet in volume.

b. **Size of Above-Ground Small Wireless Facility**: The total combined volume of all above-ground equipment and appurtenances comprising a **small wireless facility,** exclusive of the antenna itself, cannot exceed **twenty-eight (28)** cubic feet.

c. **Small Wireless Facility Equipment**: The operator of a **Small wireless facility** must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than **twelve (12)** feet above grade.

d. **Small Wireless Facility Services Equipment Mounted at Grade:** Any equipment or appurtenances that are to be installed outside the exterior of the pole, monopole or structure, must be installed below grade. Pedestals at grade are allowed. In the event that the operator of a **small wireless facility** proposes to install a facility where equipment or appurtenances are to be installed at grade outside of the right-of-way. Where required screening must be installed to minimize the visibility of the facility. Screening must be installed outside the right-of-way, at least **three (3)** feet from the equipment installed at-grade and **eight (8) feet** from a roadway.

e. **Height:** The top of the highest point of the antenna cannot extend more than **ten (10)** feet above the highest point of the utility pole, alternative antenna support structure, tower or City-owned infrastructure or 40' above ground level. If necessary, the replacement or new utility pole, alternative support structure or City-owned infrastructure located within the public rights-of-way may not be higher than existing poles adjacent to the replacement or new pole or structure.

f. **Color:** A **small wireless facility**, including all related equipment and appurtenances, must be a color that blends with the surroundings of the nearest pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover.

g. **Antenna Panel Covering:** A **small wireless facility** antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering must be of a color that blends with the color of the pole, structure, tower or infrastructure on which it is mounted.

h. **Wiring and Cabling:** Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the electrical code currently in effect. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.

i. **Grounding:** The **small wireless facility** must be grounded in accordance with the requirements of the electrical code currently in effect in the City.

j. **Guy Wires:** No guy or other support wires will be used in connection with a **small wireless facility** unless the facility is to be attached to an existing utility pole, alternative antenna support structure, tower or City-owned infrastructure that incorporated guy wires prior to the date that an applicant has applied for a permit.

k. **Pole Extensions:** No pole extensions to utility poles, alternative support structures, towers and City-owned infrastructure are allowed.

l. **Structural Integrity:** The **small wireless facility**, including the antenna, and all related equipment must be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. For any facility attached to City-owned infrastructure or, in the discretion of the City, for a utility pole, tower, or alternative antenna structure, the operator of the facility must provide the City with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Iowa.

m. **Signage.** Other than signs required by federal law or regulations or identification and location markings, installation of signs on a **small wireless facility** is prohibited.

n. **Screening.** Where screening is required, it must be natural landscaping material or a fence subject to the approval of the City and must comply with all regulations of the City. Appropriate landscaping must be located and maintained and must provide the maximum achievable screening, as determined by the City, from view of adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than **six (6)** feet in height. Landscape screening when permitted in the rights-of-way must be provided with a clearance of three (3) feet in all directions from the facility. The color of housing for ground-mounted equipment must blend with the surroundings. For a covered structure, the maximum reasonably achievable screening must be provided between such facility and the view from adjoining properties and public or private streets.

I. **Permission to Use Utility Pole or Alterative Antenna Structure.** The operator of a **small wireless facility** must submit to the City written copies of the approval from the owner of a utility pole, monopole, or an alternative antenna

structure, to mount the **small wireless facility** on that specific pole, tower, or structure, prior to issuance of the City permit.

J. **Licenses and Permits.** The operator of a **small wireless facility** must verify to the City that it has received all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility have been obtained and will be maintained within the corporate limits of the City.

   a. The City currently maintains 1 zone and 1 corridor with decorative street lighting on them. The City maintains that it reserves to determine accessibility to the street lighting.

   b. The City reserves the right to deny any future projects with the Permittee if the General Terms and Conditions or Special Provisions of this Permit have not been stratified.

K. **Abandonment and Removal.** Any **small wireless facility** located within the corporate limits of the City that is not operated for a continuous period of twelve (12) months, shall be considered abandoned and the owner of the facility must remove same within ninety (90) days of receipt of written notice from the City notifying the owner of such abandonment. Such notice shall be sent by certified or registered mail, return-receipt-requested, by the City to such owner at the last known address of such owner. In the case of **small wireless facilities** attached to City owned infrastructure, if such facility is not removed within ninety (90) days of such notice, the City may remove or cause the removal of such facility through the terms of the applicable permit agreement or through whatever actions are provided by law for removal and cost recovery.

L. **NOISE AND EMISSION STANDARDS**.

   a. **Noise**. The incorporation of ambient noise suppression measures is required and/or it is 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.

   The only exception is during emergencies or periodic routine maintenance which requires the use of a back-up generator, where the noise standards may be exceeded temporarily.

   b. **Emissions**. The Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction to regulate radio frequency emissions. Facilities that meet the FCC standards shall not be conditioned or denied on the basis of emissions impacts. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

M. **New Technologies** Should, within the term of any lease, developments within the field for which the grant was made to the holder of the lease, present the opportunity to the holder of the lease to be more effective, efficient and

economical through the use of a substance or material other than those for which the lease was originally made, the holder of the lease may petition the Public Works Department which, with such requirements or limitations as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the lease.

N. Safety Requirements

a. **Prevention of failures and accidents.** Any Person who owns a Small Wireless Facility and/or Wireless Support Structure sited in the ROW shall at all times employ ordinary and reasonable care and install and maintain in use industry standard technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.

b. **Compliance with fire safety and FCC regulations.** Small Wireless Facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.

c. **Changes in state or federal standards and regulations.** If state or federal standards and regulations are amended, the owners of the Small Wireless Facilities and/or Wireless Support Structures governed by this policy shall bring any facilities and/or structures into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring Small Wireless Facilities and/or Wireless Support Structures into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.

d. **Indemnification** Any Person who owns or operates Small Wireless Facilities or Wireless Support Structures 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.

e. **Surety bond or equivalent financial tool for cost of removal**. All owners must procure and provide to the City a bond, or must provide proof of an equivalent financial mechanism, to ensure compliance with all provisions

of this policy. The bond must be maintained for as long as the owner has Small Wireless Facilities and/ or Wireless Support Structures located in the ROW. The bond or equivalent financial method must specifically cover the cost of removal of unused or Abandoned Small Wireless Facilities and/ or Wireless Support Structures or damage to City property caused by an Operator or its agent of each Small Wireless Facility and/ or Wireless Support Structure in case the City has to remove or pay for its removal. Two acceptable alternatives to a bond include a funds set-aside and a letter of credit.

O. Severability The various parts, sentences, paragraphs, Sections and clauses of this Policy are hereby declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Policy shall not be affected thereby.

Conflict of Laws

Where the conditions imposed by any provisions of this Policy regarding the siting and installation of **small wireless facilities** are more restrictive than comparable conditions imposed elsewhere in any other local law, policy, resolution, rule or regulation, the regulations of this Policy will govern.

Date of Policy: 4/15/19 Revised:
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