Small Wireless Facility (SWF) Design Guidelines
52-DR-2017

Location: City-wide

Request: Request by the City for adoption of City-wide Design Guidelines for Small Wireless Facilities (SWF) within the public rights-of-way.

APPLICANT CONTACT
Keith Niederer
City of Scottsdale
480-312-2953

BACKGROUND
In 1995, the City Council approved an agreement with US WEST New Vector (now Verizon Wireless) which allowed wireless communication facilities (WCF) to be installed and operated on streetlight poles and utility poles within the public rights-of-way. Between 2009 and 2012, NewPath Networks/Crown Castle distributed antenna system (DAS) project added 179 additional wireless communication facilities to the public rights-of-way. Most of these wireless sites went through the Development Review Board approval process, where the public was notified and could comment on a wireless application. Staff and the Development Review Board required that antennas be painted to match the pole on which they were mounted and screen the coaxial cable as much as possible. Faux cacti WCFs were requested to be designed with tapers and colors to make them appear more realistic while also requiring additional landscaping to help the facilities blend in with the environment. Currently, there are approximately 260 WCFs approved and/or operating within the public rights-of-way mainly on streetlight poles, traffic signal poles and utility poles. As wireless devices increase in number and become more entrenched in our daily lives, customers are elevating their expectations on wireless communication companies to provide services with higher bandwidth, resulting in faster download speeds of data and streaming audio and video. It is estimated that by 2021, the wireless communication industry will be transitioning to 5th Generation (5G) services, and to meet this demand, there is a need to build dozens, if not hundreds, more wireless communication facilities for additional system capacity.
Arizona HB 2365
On March 31, 2017, Arizona Governor Doug Ducey signed into law House Bill 2365, which amended Title 9, Chapter 5 of the Arizona Revised Statues, by adding Article 8 regarding use of the public rights-of-way by wireless communication providers, such as Verizon, AT&T, T-Mobile, and Mobility, among others, for the installation of “small cell” wireless sites, also known as small wireless facilities. Small wireless facilities are antennas, less than six cubic feet in size, co-located on streetlight poles, traffic signal poles, utility poles, or stand-alone poles within the public right-of-way (ROW). Some aspects of the bill are as follows:

- Defines a Small Wireless Facility (SWF) as a wireless facility that meets both of the following qualifications:
  - All antennas are 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 the antenna’s exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet in volume.
  - All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume, or fifty (50) cubic feet in volume if the equipment was ground mounted before August 9, 2017.

- Streamlines the permitting process for SWF, making these facilities a permitted use that is exempt from zoning review.

- Allows wireless carriers and wireless infrastructure providers access to the public rights-of-way to co-locate new SWF on City street light poles, utility poles, and other vertical structures.

- Allows wireless carriers and wireless infrastructure providers access to the public rights-of-way to build new poles or support structures within the right-of-way for SWF. New poles can still be subject to a zoning process, but the fees will be dictated by House Bill 2365.

- Sets timeframes for the approval or denial of a SWF – 75 days or the application is automatically approved.

- Requires a local government to grant approval of a SWF unless the application does not meet regulations concerning public safety, design standards, concealment requirements, or spacing requirements for ground-mounted equipment in the right-of-way.

- Prohibits cities from imposing a moratorium on receiving and processing SWF permits.

- Caps application, plan review and permit fees at $750 for SWF on new, replacement, or modified utility poles, or streetlight poles, and $1,000 for SWF on new, replacement or modified monopoles.

- Caps the amount of annual fee (rent) for the use of the right-of-way a City can charge for a SWF within the public right-of-way at $50 per year for use of the right-of-way, or $100 per year if the
facility is co-located on City owned streetlights, utility poles, or other vertical elements.

DEVELOPMENT PROPOSAL

Goal/Purpose of Request
Although HB 2365 removes the local governments ability to process most small wireless facilities through a Zoning or Development Review Board public hearing process, it does allow local governments to develop standards for the design of small wireless facilities. The purpose of this request is to establish design guidelines and policies to achieve consistency in the design of SWF’s within the public rights-of-way. The guidelines are organized as follows:

1.) Design guidelines for SWF on streetlight poles.
2.) Design guidelines for SWF on traffic signal poles.
3.) Design guidelines for SWF on utility poles.
4.) Design guidelines for SWF on new wireless support structures. New facilities not co-located on street light poles, traffic signal poles, or utility poles, may go through the City zoning approval process. These types of facilities may include new monopoles or artificial cacti. If the facility is at or below the maximum allowed height in the zoning district, the application may go to Development Review Board for approval. If the facility is greater than the maximum allowed height in the zoning district, then a Conditional Use Permit is required. An associated zoning ordinance text amendment (Case 4-TA-2017) will be coming forward in 2018 to the Planning Commission and City Council to bring the zoning ordinance into conformance with HB2365.
5.) Additional design concepts, requirements and details.

STAFF RECOMMENDATION

Recommended Approach:
Staff recommends that the Development Review Board adopt Resolution No. 6 for the 2018 Small Wireless Facility Design Guidelines, Case 52-DR-2017.

RESPONSIBLE DEPARTMENT

Planning and Development Services
Current Planning Services

STAFF CONTACT

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APPROVED BY

Keith Niederer, Report Author

4-10-2018

Date

Steve Venker, Development Review Board Coordinator
Phone: 480-312-2831 E-mail: svenker@scottsdaleaz.gov

4/11/18

Date

Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

4/11/18

Date

ATTACHMENTS

A. Resolution No. 6 for adoption of the 2018 Small Wireless Facility (SWF) Design Guidelines
1. Small Wireless Facility Design Guidelines
2. House Bill 2365
RESOLUTION NO. 6

A RESOLUTION OF THE DEVELOPMENT REVIEW BOARD OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD AND ADOPTING, IN ITS ENTIRETY, THE 2018 SMALL WIRELESS FACILITY (SWF) DESIGN GUIDELINES.

WHEREAS, in section 1.902(3) Powers of the Development Review Board of the Scottsdale Zoning Ordinance, the City Council authorizes the Development Review Board to adopt design policies and guidelines that support the character and design goals and policies of the General Plan;

WHEREAS, the Development Review Board, by the authority granted by the City Council, wishes to adopt the 2018 Small Wireless Facility (SWF) Design Guidelines in its entirety.

THEREFORE BE IT RESOLVED by the Development Review Board of the City of Scottsdale as follows:

Section 1. That certain document entitled the "2018 Small Wireless Facility (SWF) Design Guidelines" is adopted to serve as guidelines for small wireless facilities and is hereby declared to be a public record, three electronic and/or print copies of which are on file in the Planning and Development Services Department, and are ordered to remain there for public use and inspection.

Section 2. This Resolution shall be effective May 21, 2018.

PASSED AND ADOPTED by the Development Review Board of the City of Scottsdale this 19th day of April, 2018.

ATTEST: DEVELOPMENT REVIEW BOARD, a board of the City of Scottsdale

By: __________________________ By: __________________________
J. Stephen Venker Virginia Korte, Chair
Development Review Board Coordinator

APPROVED AS TO FORM:

By: __________________________
Joseph Padilla, Deputy City Attorney

Resolution No. 6
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ATTACHMENT A
2018
City of Scottsdale
Design Guidelines
for
Small Wireless Facilities in the Right-of-Way
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City of Scottsdale Contact Information

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Definitions
Standard Design Requirements for Small Wireless Facility

"Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals and that is used in providing wireless services.

"Antenna Mounting Bracket" means the hardware required to secure the antenna to the pole.

"Antenna Mounting Post" means the vertical post or pipe that the antenna mounting bracket is mounted to in order for the antenna to be attached to the pole.

"Antenna Shroud" means the three-sided cover that is mounted at the base of the antenna to conceal the appearance of the cables and wires from the hand-hole port on the pole to the bottom-fed antenna.

"Canister Antenna" means the canister or cylinder style housing used to conceal the antenna(s), amplifier(s), radio(s), cables, and wires at the top of a pole.

"Communications Equipment" means any and all electronic equipment at the Small Wireless Facility location that processes and transports information from the antennas to the Wireless Provider’s network.

"Dog House" means the plastic or metal attachment to the base of a pole that covers the transition point of underground cables and wires to the vertical section of the pole.

"Ground Mounted Equipment" means any communications equipment that is mounted to a separate post or to a foundation on the ground.

"Light Emitting Diode" also referred to as "LED" is a type of lighting fixture installed on city streetlight and traffic signal poles.

"Light Fixture" means the lighting unit or luminaire that provides lighting during the hours between sunset and sunrise, or during the hours of darkness.

"Luminaire Mast Arm" means the horizontal post that attaches the light fixture to the streetlight pole or traffic signal pole.

"Omnidirectional Antenna" also referred to as an "omni antenna" this antenna is round in shape, like a pipe, and may be one (1) inch diameter up to six (6) inches diameter.

"Outside Diameter" also referred to as "OD" means the points of measurement, using the outer edges of a pole, pipe or cylinder.

"Panel Antenna" means the style of antenna that is rectangular in shape and with dimensions that are generally four (4) feet to eight (8) feet in height, by eight (8) inches to twelve (12) inches wide, and four (4) inches to nine (9) inches deep.

"Remote Radio Heads (RRH) / Remote Radio Units (RRU)" means the electronic devices that are used to amplify radio signals so that there is increased performance (farther distance) of the outgoing radio signal from the antenna.

"Right-of-way" as defined for wireless sites in A.R.S. §9-591(18) means the area on, below or above a public roadway, highway, street, sidewalk, alley, or utility easement. Right-of-way does not include a Federal Interstate Highway, a state highway or state route under the jurisdiction of the Department of Transportation, a private easement, property that is owned by a special taxing
district, or a utility easement that does not authorize the deployment sought by the wireless provider.

"Sight Distance Easements" means the area of land adjacent to an intersection, driveway or roadway that has restrictive uses in order to preserve the view of oncoming or crossing vehicular and pedestrian traffic by drivers in vehicles attempting to merge with traffic or enter a roadway.

"Sight Visibility Triangles" means the traffic engineering and safety concept that requires clear view by the driver of a vehicle to crossing traffic at a stop sign, driveway or intersection. In order to achieve clear visibility of the cross traffic, the land areas in the sight visibility triangle has specific maximum heights on landscaping, cabinets, and other potential view obstructions.

"Signal Head" means the "Red, Yellow and Green" light traffic signals at a signal-controlled intersection.

"Signal Head Mast Arm" means the horizontal pole that has the signal heads mounted to it and attaches to the traffic signal pole.

"Small Wireless Facility" as defined in A.R.S. 9-591(19), means a Wireless Facility that meets both of the following qualifications:

(a) All antennas are 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 the antenna's exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet in volume.

(b) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume, or fifty (50) cubic feet in volume if the equipment was ground mounted before the effective date of this section. The following types of associated ancillary equipment are not included in the calculation of equipment volume pursuant to this subdivision:

(i) An electric meter.
(ii) Concealment elements.
(iii) A telecommunications demarcation box.
(iv) Grounding equipment.
(v) A power transfer switch.
(vi) A cutoff switch.
(vii) Vertical cable runs for the connection of power and other services.

"Snug Mounted Antenna" means an antenna mounted no more than eight (8) inches from the edge/face of the pole or structure to which it is mounted.

"Stealth and Concealment Elements" means the use of shrouds, decorative elements, design concepts and faux elements so that a small wireless facility can be designed to blend in with the surrounding streetscape with minimal visual impact.

"Utility Pole" as defined in A.R.S. §9-591(21) means a pole or similar structure that is used in whole or in part for communications services, electric distribution, lighting or traffic signals. Utility pole does not include a monopole.
City of Scottsdale
Design Guidelines for
Small Wireless Facility on Existing Streetlight Poles

The following design standards shall apply, in addition to the Common Standards Design Concepts, Requirements and Details that is included in this document, to a Small Wireless Facility (SWF) proposed for a location with an existing City-owned or third party-owned streetlight in the City of Scottsdale Right-of-way (ROW). These design standards are not exhaustive and the City, as the owner, keeper and manager of the ROW retains the right to modify or adjust the requirements on a case-by-case basis.

A. Pole Criteria:

1. **Purpose of Streetlight Pole**: The primary purpose of the pole shall remain as a pole structure supporting a streetlight luminaire and related streetlight fixtures used to provide lighting to the City ROW. The attachment of wireless equipment to an existing streetlight pole or to a replacement pole that impedes this primary purpose will not be approved.

2. **General Requirement**:
   a) An SWF shall be designed to blend in with the surrounding streetscape to minimize visual impact, as it is technically feasible. Antennas shall be snug mounted to pole when panel antennas are used.
   b) A replacement pole shall match the existing City of Scottsdale streetlight pole, as closely as possible, subject to more specific criteria below.
   c) As specified in Section 6.17 of the City of Scottsdale’s Antenna Site Standard Terms and Conditions, for each individual pole type or style used to support the wireless equipment, one spare replacement pole may be requested to be provided in advance by the wireless provider to City, so the pole can be replaced promptly in case of a knockdown.
   d) All plans shall be signed and sealed by a Professional Engineer.
   e) Any other applicable details in the City of Scottsdale Design Standards and Policies Manual.

3. **Specific Criteria**:
   a) **New or Replacement Pole Height**
      A new or replacement pole may be installed without zoning review if one of the two height requirements is met:
      1) Up to a ten (10) feet increase, not to exceed fifty (50) feet total (whichever is less), per A.R.S. §9-592(I); or
      2) Up to forty (40) feet above ground level, per A.R.S.§9-592(J).
   b) **Overall Height of Replacement Pole**
      1) The "base" height of an existing streetlight pole shall be the height of the vertical pole section from the existing grade. The height of the luminaire mast arm, if higher than the vertical pole section, shall not be used to determine the new overall height of the replacement pole.
      2) If the antennas are the highest vertical element of the site, then the new overall height of the replacement pole is measured from the existing grade to the top of the canister, top of the omni-directional antenna, or the top of the panel antenna.
   c) Increase in the Outside Diameter (OD) of Pole shall be considered by City Staff during the review process considering the aesthetics, safety and operational requirements of the facility. If existing street light pole is tapered, then the replacement pole should also
be tapered. There should not be more than a 100% increase in diameter of the original pole.

d) Luminaire Mast Arms
   1) All luminaire mast arms shall be the same length as the original luminaire arm, unless the City requires the mast arm to be different (longer or shorter) based upon the location of the replacement pole.
   2) Unless otherwise approved, all luminaire mast arms shall match the arc (if applicable) and style of the original luminaire arm.
   3) The replacement luminaire mast arm shall be at the same height above the ground as the existing luminaire.

c) Luminaire Fixtures
   1) All replacement poles shall have the City standard light-emitting diode (LED) light fixture installed, unless staff directs otherwise that the existing luminaire can be reused.
   2) All replacement light fixtures shall have a new City standard photo-cell or sensor provided by the wireless provider.

f) Pole Foundation
   1) All pole foundations shall conform to the City’s adopted standards and specifications on streetlight design and shall be modified for wireless communications equipment and cables.
   2) The City, in its sole discretion, may allow the pole foundation design to be “worst case” for all soil conditions.
   3) A separate, one-inch diameter conduit shall be installed in the pole foundation for the City’s luminaire wire and any additional City wires or cables. The City’s conduit shall be trimmed to three (3) inches above the top of the pole foundation.
   4) The height of the pole foundation shall be two (2) inches above finished grade. If the pole foundation encroaches into any portion of the sidewalk, then the top of the pole foundation shall be flush with the sidewalk.
   5) Shrouds for the streetlight pole mounting bolts may be required for the replacement pole.

g) Painting of Replacement Pole
   1) If the replacement pole is an unpainted galvanized pole, the pole shall not be painted or have a finish unless otherwise specified by City staff.
   2) Replacement streetlight poles shall be painted the same color as the existing street light pole (if painted), or as directed by City Staff.
   3) Street light poles within the Environmentally Sensitive Lands (ESL) zoning overlay shall be painted Sherwin Williams (SW7055) Enduring Bronze (246-C7), or equivalent.
   4) Street light along Frank Lloyd Wright Boulevard shall be painted Dunn Edwards “Maricopa Red”, or equivalent.
   5) In other areas of the City, paint colors shall be determined by City Staff on a case-by-case basis prior to the construction drawing submittal.

h) Painting Antennas and Mounting Equipment
   1) All antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and other equipment mounted on a new or replacement unpainted
galvanized pole shall be painted a 2X Primer Satin Granite color or equivalent, unless specified otherwise by the City.

2) All antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and all other equipment mounted on a painted, new, or replacement pole shall be painted a color specified by the City.

i) Wireless provider shall install pole numbers on each replacement pole (to match the number on the existing streetlight pole being replaced).
City of Scottsdale
Design Guidelines for
Small Wireless Facility on Traffic Signal Poles

The following design standards shall apply, in addition to the *Common Standards Design Concepts, Requirements and Details* included in this document, to a Small Wireless Facility (SWF) proposed for a location with an existing City-owned traffic signal in the City of Scottsdale Right-of-way (ROW). These design standards are not exhaustive and the City, as the owner and manager of the ROW retains the right to modify or adjust the requirements on a case-by-case basis.

A. Pole Criteria:

1. **Purpose of Traffic Signal Pole:** The primary purpose of the traffic signal pole shall remain as a pole structure supporting a traffic signal and related streetlight fixtures used to provide traffic control and lighting to the City ROW. The attachment of wireless equipment to a new or replacement traffic signal pole that impedes this primary purpose will not be approved.

2. **General Requirement:**
   a) An SWF shall be designed to blend in with the surrounding streetscape with as minimal visual impact as is technically feasible.
   b) A replacement pole shall match the City of Scottsdale standard traffic signal pole, as much as possible, subject to more specific criteria below.
   c) As specified in Section 6.17 of the City of Scottsdale *Antenna Site Standard Terms and Conditions*, for each individual pole type or style used to support the wireless equipment, one spare replacement pole shall be provided in advance by Company to the City so the pole can be replaced promptly in case of a knockdown.
   d) All plans shall be signed and sealed by a Professional Engineer.
   e) All other details in the City of Scottsdale Traffic Signal Design (Section 5-4 of the Design Standards and Policies Manual) shall apply.
   f) During construction, all existing traffic signal equipment, pedestrian detection, vehicle detection, streetlights, and communications to the signal network shall remain operational until the new installation is operational. Reference Section 6-4.106.M of the Design Standards and Policies Manual.

3. **Specific Criteria:**
   a) **New or Replacement Pole Height**
      A new or replacement pole may be installed without zoning review if one of the two height requirements is met:
      1) Up to a ten (10) feet increase, not to exceed fifty (50) feet total (whichever is less), per A.R.S. §9-592(I); or
      2) Up to forty (40) feet above ground level, per A.R.S. §9-592(J).

   b) **Overall Height of Replacement Pole**
      The height of the replacement pole is measured from grade to the top of the antenna canister or the top of the panel antennas if the antennas are the highest elements.

   c) **Increase in Outside Diameter (OD) of Pole** shall be considered by City Staff during the review process considering the aesthetics, safety and operational requirements of the facility.

   d) **Signal Head Mast Arms**
      1) The traffic signal head mast arms shall be the same length as the original signal head mast arm unless the City requires the mast arm to be different (longer or shorter) based upon the location of the replacement pole.
2) All signal head mast arms shall match the arc (if applicable) and style of the original signal head mast arm.

e) Luminaire Mast Arms
1) All luminaire mast arms shall be the same length as the original luminaire arm unless the City requires the mast arm to be different (longer or shorter) based upon the location of the replacement pole.
2) All luminaire mast arms shall match the arc (if applicable) and style of the original luminaire arm.

f) Signal Heads
1) All existing signal heads shall be replaced, at no cost to City, with new light-emitting diode (LED) signal heads, per City of Scottsdale Traffic Signal Design (Section 5-4.103 of the Design Standards and Policies Manual).
2) All signal heads shall be procured from a City approved signal heads supplier or manufacturer.
3) Existing signal heads and other signal equipment shall be returned into the City’s inventory, where they may be utilized at a future traffic signal SWF at the traffic signal supervisors discretion, on a case-by-case basis.

g) Luminaire Fixtures
1) All replacement poles shall have the City standard LED light fixture installed, unless otherwise directed by City Staff.
2) All replacement light fixture shall have a new photo-cell or sensor installed to City standard.

h) Other City Elements on Signal Mast Arm or Pole
1) All existing emergency signal detection units, video detection cameras, video cameras, cross walk service buttons, cross walk signals, and any other pedestrian or traffic devices shall be replaced with new units by wireless provider and installed at no cost to the City. All equipment shall be procured from a list of City approved suppliers.
2) Existing signal inventory shall be returned into the City’s Inventory, where they may be utilized at a future traffic signal WCF at the Traffic Signal Supervisors discretion, on a case-by-case basis.

i) Signs and Other Misc.
All street name plates or signs, directional signs and any other City approved signs shall be replaced with new signs at no cost to the City. All signs and attachments shall be procured from a list of City approved suppliers.

j) Traffic Signal Pole Foundation
1) All pole foundations shall conform to the City’s standards and specifications on traffic signal pole design and shall be modified for wireless communications equipment, hand holes and cables.
2) The wireless provider shall install a three (3) inch diameter (OD) conduit in the pole foundation for the City’s cables and wires for the signal heads, luminaire and devices on the signal mast arm and luminaire mast arm. The City’s conduit shall be trimmed to three (3) inches above the top of the pole foundation.
3) In addition to the conduits for the City’s use inside the pole, the wireless provider shall install one of the two options for its cables and wires:
a) One, six (6) inch diameter (OD) conduit in the pole foundation. The length of the conduit shall extend from the pole foundation to six (6) inches above the signal head mast arm; or

b) Two, four (4) inch diameter (OD) conduits in the pole foundation. The length of the conduit shall extend from the pole foundation to six (6) inches above the signal head mast arm.

4) Pole Foundation – Height Above Ground Level
   a) All signal foundations shall be flat, not dished or blocked out. Foundations shall be no lower than the back of the sidewalk and/or 6.5 inches above the finished edge of the road and shall not be grouted, per Section 5-4.302 Note 18 of the Design Standards and Policies Manual.

   b) If the pole foundation is in a landscaped or unimproved area, the height of the foundation shall be two (2) inches above finished grade. However, if the pole foundation is adjacent a sidewalk or ramp, the height of the pole foundation shall be flush with the surface of the immediate area.

   c) Straps for the traffic signal pole mounting bolts may be required for the replacement pole.

k) Pole Color and Design – Pole colors and structural styles shall be discussed and agreed to between the Wireless Provider and City Staff during the application review.

l) Construction of Traffic Signal
   The installation work of the replacement traffic signal pole, including mast arms, signal heads and devices, must be performed by a Arizona licensed Traffic Signal Contractor with a minimum of five (5) years of experience installing traffic signals. Any traffic signal construction, private or public, shall be supervised on-site by a certified International Municipal Sign Association (IMSA) level II signal technician per Section 5-4.000.A.5 of the Design Standards and Policies Manual.
City of Scottsdale
Design Standards for
Small Wireless Facility on Existing Utility Poles

The following design standards shall apply, in addition to the Common Standards Design Concepts, Requirements and Details that is included in this document, to a Small Wireless Facility (SWF) proposed for a location with an existing third party-owned utility pole in the City of Scottsdale Right-of-way (ROW). These design standards are not exhaustive and the City, as the owner, keeper and manager of the ROW retains the right to modify or adjust the requirements on a case-by-case basis.

A. Pole Criteria:

1. Purpose of Utility Pole: The primary purpose of the pole shall remain as a pole structure supporting a cables and wires used to provide communications services and electric distribution in the City ROW. The attachment of wireless equipment to an existing third party-owned utility pole that impedes this primary purpose will not be approved.

2. General Requirement:
   a) An SWF shall be designed to blend in with the surrounding streetscape with as minimal visual impact as is technically feasible.
   b) A SWF mounted on an existing third party-owned utility pole is subject to more specific criteria below.
   c) All plans shall be signed and sealed by a Professional Engineer.

3. Specific Criteria:
   a) Replacement Pole Height
      A replacement pole may be installed without zoning review if one of the two height requirements is met:
      1) Up to a len (10) feet increase, not to exceed fifty (50) feet total (whichever is less), per A.R.S. §9-592(I); or
      2) Up to forty (40) feet above ground level, per A.R.S.§9-592(J).
   
   b) Overall Height of Replacement Utility Pole
      1) The “base” height of an existing utility pole shall be the height of the vertical pole section from the existing grade.
      2) If the antennas are the highest vertical element of the site, then the new overall height of the replacement pole is measured from the existing grade to the top of the canister or the top of the panel antenna.

   c) Use of Existing Pole – Wood
      1) An existing wood pole used for a SWF shall have the antennas contained within an eighteen (18) inch (OD) canister mounted at the top of the pole.
      2) Unless otherwise approved, the cables and wires from the base of the pole to the antennas shall be installed in a conduit or cable chase outside of the pole, facing away from the street or away from on-coming traffic.
      3) If a “dog house” (see Exhibit C) is required as a transition point connecting the underground cables and wires from the ground mounted equipment to the pole, the City shall provide the maximum size, dimension and shape of the dog house on a case-by-case basis.

   d) Use of Existing Pole – Metal
      1) An existing metal pole used for a SWF may have the antennas contained within an eighteen (18) inch (OD) canister mounted at the top of the pole.
2) Panel antennas attached to a metal pole shall have the same "RAD center" (center of radiation) so the antennas will be at the same height on the pole.

3) The cables and wires from the base of the pole to the antennas shall be installed in a conduit or cable chase on the outside of the pole, facing away from the street or away from on-coming traffic.

4) If a "dog house" (see Exhibit C) is required as a transition point connecting the underground cables and wires from the ground mounted equipment to the pole, the City shall provide the maximum size, dimension and shape of the dog house on a case-by-case basis.

e) Painting of Pole and Dog House
   1) If the replacement pole is an unpainted galvanized pole, the pole shall not be painted or have a finish unless otherwise specified by the City.
   2) If the existing or replacement pole includes a dog house for the transition of the cables and wires to the pole, the dog house shall be painted the same color as the pole or a color specified by the City.

f) Painting Antennas and Mounting Equipment
   1) All antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and other equipment mounted on a new or replacement unpainted galvanized pole shall be painted 2X Primer Satin Granite color or equivalent, unless specified otherwise by the City.
   2) All antenna mounting brackets and hardware, antenna mounting posts, cables, shrouds and all other equipment mounted on a painted, new, or replacement, pole shall be painted a color specified by the City.
   3) If the antenna is mounted on a wood pole, the color of the antenna, antenna canister, mounting brackets and posts, shrouds and cable chases shall be painted a color specified by the City that will closely match the color of the wood.

g) Ground Mounted Equipment
   The City may require the ground-mounted wireless equipment to be screened or concealed to reduce the visual impact to the surrounding area. The screening or concealment shall take into account the location of the site, the use of the immediate area, and the existing aesthetic elements surrounding the site.
City of Scottsdale
Design Standards for
Small Wireless Facility on New Monopoles in ROW

The following design standards, in addition to the Common Standards Design Concepts, Requirements and Details that are included in this document, shall apply to a Small Wireless Facility (SWF) that a wireless provider may install in the ROW that is not either: 1) a replacement pole for an existing streetlight, or 2) a replacement pole for an existing traffic signal.

A new wireless support structure, including a monopole that is up to forty (40) inches in outside diameter (OD), shall incorporate stealth and concealment of the antennas and wireless equipment in order to minimize the visual impact of the site to the public.

A. Pole Criteria:
1. Purpose of Wireless Support Structure: The sole purpose of a new vertical element or wireless support structure is to attach antennas for the provision of wireless services by a wireless provider in the City's ROW.

2. General Requirement:
   a) A new wireless support structure, such as a monopole or stealth facility, such as a faux cactus located within the right-of-way, is subject to a zoning approval process.
   b) A new wireless support structure shall be designed to minimize the visual and aesthetic impact of the new vertical element and associated equipment upon the look, sense of place, theme, and use of the surrounding area.
   c) An SWF shall be designed to blend in with the surrounding streetscape with as minimal visual impact as is technically feasible.
   d) The new wireless support structure shall be architecturally integrated and compatible with the use of the surrounding area.
   e) All plans shall be signed and sealed by a Professional Engineer.

3. Specific Criteria:
   a) New Wireless Support Structure (Monopole/Faux Cactus, etc.) Height
      1) Development Review Board approval is required for new wireless support structures (monopole, faux cactus, etc.) that comply with the maximum height of the underlying zoning district.
      
      2) Approval of a Conditional Use Permit by the City Council is required for new wireless support structures (monopole, faux cactus, etc.) that exceed the maximum height of the underlying zoning district.
   b) Overall Height of New Pole
      The height of the new wireless support structure is measured from grade to top of the antenna canister, or the top of the panel antenna if the antennas are the highest elements of the site. Otherwise, the measured height shall be from existing grade to the highest point of the wireless support structure.
   c) Outside Diameter of Monopole
      The maximum outside diameter of a monopole, as defined in A.R.S. §9-591(13), shall not exceed forty (40) inches.
   d) Stealth and Concealment Elements
      As part of the stealth and concealment elements of the wireless support structure, the City may require the wireless provider to install street name plates, directional signs, and other decorative signs or artistic elements on the structure.
1) The wireless provider is solely responsible for the cost of all stealth and concealment elements and the installation of other elements required by the City.

2) The wireless provider is responsible for the performance of and any costs incurred for regular upkeep, maintenance and replacement (if necessary) of these stealth and concealment elements.

e) Architectural Integration with Surrounding Area
   1) The new wireless support structure shall be designed in consultation with various internal City stakeholders and may include external stakeholders.
   2) No new wireless support structure shall be constructed without the consent and simple majority approval of the key stakeholders.
   3) The City may require the new wireless support structure to be constructed of a specific material that will enhance the stealth and concealment of the site.

f) Pole Foundation
   1) The pole foundation for the wireless support structure, if required, shall conform to civil and structural engineering standards acceptable to the City, with design modifications for wireless communications equipment and cables.
   2) The height of the pole foundation shall be two (2) inches above finished grade. However, if the pole foundation is adjacent to or within a sidewalk or ramp, the top of the pole foundation shall be flush with the surface of the immediate area.
   3) Shrouds for the pole mounting bolts may be required.

g) Painting of Wireless Support Structure, Antennas and Mounting Equipment
   1) The City shall identify the paint colors, location of paint and any decorative work that may be painted onto the new wireless support structure.
   2) The City shall identify the paint colors for the antennas, antenna mounting brackets and posts, antenna shrouds, and cables.
   3) The City may require the new wireless support structure to be painted using a powder-coat process.

h) Ground Mounted Equipment
   The City may require the ground-mounted wireless equipment to be screened or concealed to reduce the visual impact to the surrounding area. The screening or concealment shall take into account the location of the site, the use of the immediate area, and the existing aesthetic elements surrounding the site.
City of Scottsdale
Small Wireless in the ROW
Common Standard Design Concepts, Requirements and Details

The following standard design requirements shall be applied to all new small wireless facilities in the City’s ROW, whether for a small wireless facility to be installed on an existing or replacement streetlight pole, an existing or replacement traffic signal pole, an existing or replacement utility pole, or on an existing or new wireless support structure.

A. Pole Design & Installation

1. Replacement Pole Clearances – Underground Utilities
   All ground-mounted electrical equipment shall maintain minimum horizontal clearance from underground utilities.
   - Clearance from water lines shall be at least six (6) feet, measured from edge of pipe.
   - Clearance from sewer lines shall be at least six (6) feet, measured from edge of pipe.
   - Clearance from telecommunications lines shall be at least one (1) foot.
   - Clearance from cable television lines shall be at least one (1) foot.
   - Clearance from all other underground infrastructure shall be at least six (6) feet.

   a) The City, in its sole discretion, may grant a variance, upon approval by the City Engineer, from these horizontal separation distances on a case-by-case basis. The approval of a variance is dependent factors specific to the site.

   b) In the case where there is an issue with horizontal separation from other underground utilities, the wireless provider may elect to work with the impacted utility to have lines, pipes or property moved so that minimum clearance is achieved. All relocation of City-owned or a privately-owned utility shall be at the sole expense of the wireless provider.

2. Calculating the Base Height of an Existing Pole
   The base height, from which the calculation of the "increase in pole height" is referenced for determining the overall pole height, shall be calculated as follows:

   a) Streetlight Pole (Reference Exhibit A1 and A2)
      1) A streetlight with a separate luminaire mast arm mounted to the vertical pole shall use the top of the vertical pole as the base height.
      2) A streetlight, with the luminaire mast arm integrated (e.g. telescopic style pole) into the top vertical section of the pole, shall use the point on the pole where the mast arm is connected plus twenty-four (24) inches as the base height.

   b) Traffic Signal Pole (see Exhibit B)
      A traffic signal pole with a luminaire mast arm that is mounted above the signal head mast arm to the pole shall use the top of the vertical portion of the pole as the base height.

3. Replacement Pole Clearance From Original Streetlight Pole or Traffic Signal Pole
   The minimum distance of the replacement pole from the original pole location shall be sixty (60) inches or more so that construction can occur safely. The City may change this minimum distance on a case-by-case basis.

4. Replacement Pole Clearances – Sidewalks
   The new or replacement pole shall maintain a twelve (12) inch minimum clearance distance from sidewalks, and thirty (30) inch minimum clearance from back of curb. The City, in its sole discretion, may increase that minimum clearance on a case-by-case basis to ensure the safe use of the sidewalk and adjacent area.

5. Sight Distance Easements (SDE) and Sight Visibility Triangles (SVT)
All new and replacement poles, and associated equipment shall be installed in a location that does not impair or interfere with SDE or SVT safety requirements, as required in Figures 5.3.-27 and Figure 5.3.28 of the Design Standards and Policies Manual.

6. Cables, Wires and Jumpers
   a) All cables for the wireless equipment and antennas – except where such cables or wires attach to the ports in the antenna – shall be located inside a conduit, which is inside the caisson and pole. There shall not be any “dog house” or externally visible conduit or entry point of the cables unless specified by the City.
   b) All electrical wires for the streetlight luminaire, traffic signal heads, and any City device on the pole shall be new and connected to the existing power source.

7. Hand-holes
   a) All hand-hole locations shall be called out on the plans.
   b) All hand-holes near antennas shall have the top of the hand-hole no lower than the bottom height of the antennas.
   c) The bottom of the hand-hole should not exceed six (6) inches below the bottom of the antenna.

8. Wireless Facility Identification Information
   a) A four (4) inch by six (6) inch Radio Frequency Safety notice may be mounted no less than twenty-four (24) inches from the bottom of the antenna, facing away from traffic.
   b) The wireless provider shall place a discreet site identification or number and emergency contact number on the pole. The size, color and location of this identifier shall be determined by the City.
   c) No wireless provider signs may be placed on a streetlight, traffic signal pole, wireless support structure, or a new or replacement pole except to the extent required by local, state or federal law or regulations.

9. Interference with City Wireless Network
   The City has certain wireless devices in a network that connects traffic signals, community centers, water sites, and other locations for the City’s proprietary use. The selection of a location for a wireless site shall consider the potential interference of the City’s wireless network with RF from a wireless provider’s proposed site.

10. Cable Chase and Dog Houses
    The City, in its sole discretion, shall determine if an exterior cable chase and dog house are aesthetically compatible with the pole and immediate area. The materials and paint color of the cable chase and dog house shall be determined on a case-by-case basis.

B. Removal of Original Pole, Equipment and Pole Foundation

1. Removal of Original Signal Pole, Mast Arm, Signal Heads and Luminaire
   a) The City shall determine what original components, (e.g., original pole, mast arm, signal heads and luminaire, etc.) shall be delivered at no cost to the City, to the City’s Street Transportation Operations Yard by the wireless provider.
   b) If the City accepts some of the original components, then only those components shall be delivered by the wireless provider to the City' Street Transportation Operations Yard and the remaining components shall be discarded by the wireless provider.

1. Removal of Original Streetlight or Traffic Signal Pole Foundation
   The concrete pole foundation for the original streetlight or traffic signal pole shall be removed by the wireless provider as instructed by the City:
a) **Partial Removal**
   The original pole foundation shall be taken back to a level that is twelve (12) inches below existing grade and covered with four (4) inches of one-half (1/2") inch to three (3/4") quarter inch rock materials. The remaining eight (8) inches shall be native soil.

b) **Complete Removal**
   If the entire original pole foundation must be removed, then all materials (concrete, rebar, metals, bolts, etc.) shall be removed. The City's Inspector shall determine, on a case-by-case basis, the type of backfill material and compaction required – ranging from native soil that is compacted to a half (1/2) sack slurry for the entire depth, or a combination of native soil and slurry.

c) **Existing signal pole foundations shall be removed to at least 36 inches below grade, as directed by the traffic signal supervisor, per Section 5-4.106.M of the Design Standards and Policies Manual.**

C. **Antennas, RRH/RRU, Cables and Mounting on Pole:**

1. **General Requirement:** All antennas shall be installed in a manner that minimizes the visual impact to the general public. All work shall be performed in a professional manner that is consistent with the highest standards of workmanship.

2. **Specific Criteria:**
   a) **Antenna Mounting Posts and Brackets**
      1) All panel antennas shall be snug mounted directly to the pole or onto a mounting pole so that the distance from the "face" of the streetlight pole to the back of the antenna does not exceed eight (8) inches.
      2) All mounting posts shall be trimmed so that the poles do not extend higher than the top of the antenna or protrude lower than the antenna unless necessary to install the shroud.
      3) All pole attached wireless equipment must be a minimum ten (10) feet above the sidewalk elevation to the bottom of the equipment.

   b) **Panel Antennas**
      1) All panel antennas for a small cell site shall fit within an imaginary enclosure of not more than six (6) cubic feet in volume in accordance with A.R.S. §9-591(19)(a).
      (NOTE: This volume does not include antenna cable shrouds when required.)
      2) All panel antennas with exposed cables from the bottom of the antenna shall have a shroud installed on the antenna or antenna mounting posts to conceal the cables. *(Reference Exhibits D1 and D2)*
         a. The type of shroud may be a forty-five (45) degree angle (away from the bottom of the antenna; toward the pole) or a ninety (90) degree angle (parallel to the bottom of the antenna) depending on the location of the site.
         b. The shroud shall extend from the bottom of the antenna to two (2) inches below the bottom of the nearest hand-hole.

   c) **Canister Antennas**
      1) All canister antennas shall fit within an imaginary enclosure of not more than six (6) cubic feet in volume. (Note: This volume does not include the canister as it is a stealth device and not the antenna.)
      2) The carister shall be no larger than six (6) cubic feet.
      3) All canister antennas shall be placed within a canister that is mounted to a base plate at the top of the vertical section of the replacement pole.
4) All cables protruding from the canister shall be concealed within the canister or by a shroud at the point where the canister is mounted to the base plate.

d) Remote Radio Heads (RRH) / Remote Radio Units (RRU)
Under State Law §9-591(19)(a), the RRH/RRU is not considered part of the antenna. If allowed, the RRH/RRU shall be calculated as part of "All other wireless equipment associated with this facility..." in A.R.S. §9-591(19)(b) that is subject to the twenty-eight (28) cubic feet maximum size for small cell sites.

1) On a case-by-case basis, the City in its sole discretion and – upon reviewing the landscape in the immediate surrounding area, the location of the pole, and stealth options, may allow a site to have an RRH/RRU installed on the pole.

D. Ground-mounted Equipment:

1. General requirement: All ground-mounted equipment shall be installed in a manner that minimizes the visual and ingress/egress impact to the general public. All work shall be performed in a professional manner that is consistent with the highest standards of workmanship.

2. Specific criteria:

a) Sight Distance Easements (SDE) and Sight Visibility Triangles (SVT)
All ground-based wireless equipment shall be installed in a location that does not impair or interfere with SDE or SVT safety requirements. Reference Figures 5.3-27 and 5.3.28 of the Design Standards and Policies Manual.

b) Ground Equipment Location – Generally
All ground-based wireless equipment, including but not limited to equipment cabinets or power pedestals, shall be placed as far as practical to the back of the ROW while maintaining at least three (3) feet of ingress/egress in the ROW or public utility easement (PUE) around the equipment.

c) Ground Equipment Clearances—Underground Utilities
1) All ground-mounted electrical equipment shall maintain minimum horizontal clearance from below-ground utilities:
   • Clearance from water lines shall be at least six (6) feet, measured from edge of pipe,
   • Clearance from sewer lines shall be at least six (6) feet, measured from edge of pipe,
   • Clearance from telecommunications lines shall be at least one (1) foot.
   • Clearance from cable television lines shall be at least one (1) foot.
   • Clearance from all other underground infrastructure shall be at least six (6) feet.

2) The City, in its sole discretion, may grant a variance upon approval from the City Engineer, from these horizontal separation distances on a case-by-case basis. The approval of a variance is dependent on factors specific to the site.

3) In the case where there is an issue with horizontal separation from other underground utilities, the wireless provider may elect to work with the impacted utility to have its lines, pipes or property moved so that minimum clearance is achieved. All relocation work of City-owned or a privately-owned utility shall be at the sole expense of the wireless provider.
d) Ground Equipment Clearance – Sidewalks
The ground equipment shall maintain a minimum twelve (12) inch clearance distance from sidewalks. The City, in its sole discretion, may increase the minimum clearance on a case-by-case basis to ensure the safe use of the sidewalk and adjacent area.

e) Screening of Ground Equipment
The City, in its sole discretion, may require the ground-mounted equipment to be screened; the type of screening method will be addressed on a case-by-case basis.
1) In cases when screening is not required, the City may specify the paint color of the ground-mounted equipment.

f) Decals and Labels
1) All equipment manufacturers' decals, logos and other identification information shall be removed unless required for warranty purposes.
2) The wireless provider of the site may place an "Emergency Contact" decal or emblem to the ground equipment.
3) The ground-mounted equipment shall not have any flashing lights, sirens, or regular noise other than a cooling fan that may run intermittently.

i) Electric Company Meter
1) All electric company meters shall be installed in the ROW or PUE. The location of the meter equipment shall have minimum ingress and egress clearance from private property lines and driveways.
2) All electric company meters shall maintain minimum clearance from above-ground utility cabinets and below-ground utilities.
3) All electric company meters shall be installed in a location that does not impair or interfere with the SDE or SVT safety requirements of the City.
4) The electric company meters shall be screened or contained within a “Myers-type” or “Milbank-type” pedestal cabinet that is painted to match the ground equipment or as specified by the City. (Reference Exhibit E)
5) In the case where screening is not required, the City may specify the paint color of the electric company meter cabinet on a case-by-case basis.
City of Scottsdale Contacts

Questions? Please contact the following staff members:

Telecom Policy Coordinator
(480) 312-2953

Inspection Services Field Engineering Supervisor
(480) 312-8122

Streetlight and Traffic Signal Supervisor
(480) 312-5637
Exhibit A1
Calculation Points for Height of an Existing Streetlight with Separate Luminaire Mast Arm

The purple line next to the streetlight depicts the section of the existing streetlight pole that shall be used to calculate the height of the existing pole. The lines are not to scale and are solely used for illustrative purposes.
Exhibit A2
Calculation Points for Height of an Existing Streetlight with Integrated Luminaire Mast Arm

The "Connection Point" on an Existing Telescopic Style Streetlight Pole with an Integrated Luminaire Mast Arm

The Top and Bottom Points on a Telescopic Streetlight Pole to Calculate the Vertical Height of the Existing Streetlight Pole

PLUS
Twenty-four (24) inches

+ 24 inches
Exhibit B
Calculation Points for Height of Existing Traffic Signal Pole

The Top and Bottom Points on a Traffic Signal Pole to Calculate the Base Vertical Height of the Existing Pole
Exhibit C
Dog House – Cable Transition from Underground to Electric Utility Pole

External cable chase – the cables and wires are mounted underneath the chase.

"Dog House" with external cable chase installed at the base of a pole to cover the cables and wires when they cannot be installed inside the utility pole.
Exhibit D1
Antenna Shrouds – 45 Degrees
Exhibit E
Examples of Electrical Meter Pedestals — "Myers" or "Milbank" Style
STATE OF ARIZONA
HOUSE OF REPRESENTATIVES
FIFTY-THIRD LEGISLATURE
FIRST REGULAR SESSION
2017

CHAPTER 124

HOUSE BILL 2365

AN ACT

AMENDING TITLE 9, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 8; AMENDING TITLE 11, ARIZONA REVISED STATUTES, BY ADDING CHAPTER
13; RELATING TO WIRELESS SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:
Section 1. Title 9, chapter 5, Arizona Revised Statutes, is amended
by adding article 8, to read:

ARTICLE 8. USE OF PUBLIC HIGHWAYS BY WIRELESS PROVIDERS

9-591. Definitions
IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:
1. "ANTENNA" MEANS COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR
RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN
PROVIDING WIRELESS SERVICES.
2. "APPLICABLE CODES" MEANS UNIFORM BUILDING, FIRE, ELECTRICAL,
PLUMBING OR MECHANICAL CODES THAT ARE ADOPTED BY A RECOGNIZED NATIONAL
CODE ORGANIZATION OR LOCAL AMENDMENTS TO THOSE CODES THAT ARE ENACTED TO
ADDRESS THREATS OF DESTRUCTION OF PROPERTY OR INJURY TO PERSONS AND TO AN
EXTENT THAT IS NOT INCONSISTENT WITH THIS ARTICLE.
3. "APPLICANT" MEANS ANY PERSON THAT SUBMITS AN APPLICATION AND
THAT IS A WIRELESS PROVIDER.
4. "APPLICATION" MEANS A REQUEST THAT IS SUBMITTED BY AN APPLICANT
TO AN AUTHORITY FOR A PERMIT TO COLLOCATE SMALL WIRELESS FACILITIES OR TO
APPROVE THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR
WIRELESS SUPPORT STRUCTURE.
5. "AUTHORITY" MEANS ANY CITY, TOWN, SPECIAL DISTRICT OR POLITICAL
SUBDIVISION OF THIS STATE THAT IS AUTHORIZED TO MAKE LEGISLATIVE,
QUASI-JUDICIAL OR ADMINISTRATIVE DECISIONS CONCERNING AN APPLICATION.
AUTHORITY DOES NOT INCLUDE ANY STATE COURT THAT HAS JURISDICTION OVER AN
AUTHORITY AND DOES NOT INCLUDE A COUNTY, SPECIAL TAXING DISTRICT, OR
ELECTRIC COOPERATIVE.
6. "AUTHORITY UTILITY POLE" MEANS A UTILITY POLE THAT IS OWNED OR
OPERATED BY AN AUTHORITY AND THAT IS IN A RIGHT-OF-WAY. AUTHORITY UTILITY
POLE DOES NOT INCLUDE A UTILITY POLE FOR ELECTRIC DISTRIBUTION.
7. "CABLE OPERATOR" HAS THE SAME MEANING PRESCRIBED IN SECTION
9-505. CABLE OPERATOR DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.
8. "COLLOCATE" OR "COLLOCATION" MEANS TO INSTALL, MOUNT, MAINTAIN,
MODIFY, OPERATE OR REPLACE WIRELESS FACILITIES ON, WITHIN OR ADJACENT TO A
WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.
9. "COMMUNICATIONS SERVICE" MEANS CABLE SERVICE AS DEFINED IN
47 UNITED STATES CODE SECTION 522(6), INFORMATION SERVICE AS DEFINED IN
47 UNITED STATES CODE SECTION 153(24), TELECOMMUNICATIONS SERVICE AS
DEFINED IN 47 UNITED STATES CODE SECTION 153(53) OR WIRELESS SERVICE.
10. "COMMUNICATIONS SERVICE PROVIDER" MEANS A CABLE OPERATOR, A
PROVIDER OF INFORMATION SERVICE AS DEFINED IN 47 UNITED STATES CODE
SECTION 153(24), A TELECOMMUNICATIONS CARRIER AS DEFINED IN 47 UNITED
STATES CODE SECTION 153(51) OR A WIRELESS SERVICES PROVIDER.
11. "FEE" MEANS A ONE-TIME CHARGE.
12. "LAW" MEANS ANY FEDERAL, STATE OR LOCAL LAW, STATUTE, COMMON
LAW, CODE, RLLE, REGULATION, ORDER OR ORDINANCE.
13. "MONOPOLE" MEANS A WIRELESS SUPPORT STRUCTURE THAT IS NOT MORE
14. THAN FORTY INCHES IN DIAMETER AT THE GROUND LEVEL AND THAT HAS ALL OF THE
15. WIRELESS FACILITIES MOUNTED ON THE POLE OR CONTAINED INSIDE OF THE POLE.
16. "PERMIT" MEANS WRITTEN PERMISSION REQUIRED BY AN AUTHORITY TO
17. INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE A UTILITY POLE OR
18. MONOPOLE, TO COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY POLE OR
19. WIRELESS SUPPORT STRUCTURE OR TO COLLOCATE WIRELESS FACILITIES ON A
20. MONOPOLE.
21. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
22. COMPANY, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY OR ORGANIZATION,
23. INCLUDING AN AUTHORITY.
24. "PRIVATE EASEMENT" MEANS AN EASEMENT OR OTHER REAL PROPERTY
25. RIGHT THAT IS ONLY FOR THE BENEFIT OF THE GRANTOR AND GRANTEE AND THE
26. GRANTOR'S OR GRANTEE'S SUCCESSORS AND ASSIGNS.
27. "RATE" MEANS A RECURRING CHARGE.
28. "RIGHT-OF-WAY" MEANS THE AREA ON, BELOW OR ABOVE A PUBLIC
29. ROADWAY, HIGHWAY, STREET, SIDEWALK, ALLEY OR UTILITY EASEMENT.
30. RIGHT-OF-WAY DOES NOT INCLUDE A FEDERAL INTERSTATE HIGHWAY, A STATE
31. HIGHWAY OR STATE ROUTE UNDER THE JURISDICTION OF THE DEPARTMENT OF
32. TRANSPORTATION, A PRIVATE EASEMENT, PROPERTY THAT IS OWNED BY A SPECIAL
33. TAXING DISTRICT, OR A UTILITY EASEMENT THAT DOES NOT AUTHORIZE THE
34. DEPLOYMENT SOUGHT BY THE WIRELESS PROVIDER.
35. "SMALL WIRELESS FACILITY" MEANS A WIRELESS FACILITY THAT MEETS
36. BOTH OF THE FOLLOWING QUALIFICATIONS:
37. (a) ALL ANTENNAS ARE LOCATED INSIDE AN ENCLOSURE OF NOT MORE THAN
38. SIX CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED
39. ELEMENTS, THE ANTENNA AND ALL OF THE ANTENNA'S EXPOSED ELEMENTS COULD FIT
40. WITHIN AN IMAGINARY ENCLOSURE OF NOT MORE THAN SIX CUBIC FEET IN VOLUME.
41. (b) ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS
42. CUMULATIVELY NOT MORE THAN TWENTY-EIGHT CUBIC FEET IN VOLUME, OR FIFTY
43. CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE THE
44. EFFECTIVE DATE OF THIS SECTION. THE FOLLOWING TYPES OF ASSOCIATED
45. ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT
46. VOLUME PURSUANT TO THIS SUBDIVISION:
47. (i) AN ELECTRIC METER.
48. (ii) CONCEALMENT ELEMENTS.
49. (iii) A TFI COMMUNICATIONS DEMARCATION BOX.
50. (iv) GROUNDING EQUIPMENT.
51. (v) A POWER TRANSFER SWITCH.
52. (vi) A CUTOFF SWITCH.
53. (vii) VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER
54. SERVICES.
55. "SPECIAL TAXING DISTRICT" MEANS A SPECIAL DISTRICT FORMED
56. PURSUANT TO TITLE 48, CHAPTER 11, 12, 17, 18, 19, 20 OR 22.
21. "UTILITY POLE" MEANS A POLE OR SIMILAR STRUCTURE THAT IS USED IN WHOLE OR IN PART FOR COMMUNICATIONS SERVICES, ELECTRIC DISTRIBUTION, LIGHTING OR TRAFFIC SIGNALS. UTILITY POLE DOES NOT INCLUDE A MONOPOLE.

22. "WIRELESS FACILITY":
(a) MEANS EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK, INCLUDING BOTH OF THE FOLLOWING:
   (i) EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.
   (ii) RADIO TRANSEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES, REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION.
   (b) INCLUDES SMALL WIRELESS FACILITIES.
   (c) DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER OR WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIREDONN BACKHAUL FACILITIES, COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.
   (d) DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN SECTION 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN SECTION 9-584, SUBSECTION E.

23. "WIRELESS INFRASTRUCTURE PROVIDER" MEANS ANY PERSON THAT IS AUTHORIZED TO PROVIDE TELECOMMUNICATIONS SERVICE IN THIS STATE AND THAT BUILDS OR Installs WIRELESS COMMUNICATIONS TRANSMISSION EQUIPMENT, WIRELESS FACILITIES, UTILITY POLES OR MONOPOLES BUT THAT IS NOT A WIRELESS SERVICES PROVIDER. WIRELESS INFRASTRUCTURE PROVIDER DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.

24. "WIRELESS PROVIDER" MEANS A CABLE OPERATOR, WIRELESS INFRASTRUCTURE PROVIDER OR WIRELESS SERVICES PROVIDER.

25. "WIRELESS SERVICES" MEANS ANY SERVICES THAT ARE PROVIDED TO THE PUBLIC AND THAT USE LICENSED OR UNLICENSED SPECTRUM, WHETHER AT A FIXED LOCATION OR MOBILE, USING WIRELESS FACILITIES.

26. "WIRELESS SERVICES PROVIDER" MEANS A PERSON THAT PROVIDES WIRELESS SERVICES. WIRELESS SERVICES PROVIDER DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.

27. "WIRELESS SUPPORT STRUCTURE":
(a) MEANS:
   (i) A FREESTANDING STRUCTURE, SUCH AS A MONOPOLE.
   (ii) A TOWER, EITHER GUINED OR SELF-SUPPORTING.
   (iii) A SIGN OR BILLBOARD.
   (iv) ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT OR CAPABLE OF SUPPORTING SMALL WIRELESS FACILITIES.
   (b) DOES NOT INCLUDE A UTILITY POLE.
Applicability: wireless provider; use of right-of-way; rates, fees and terms; right to access; damage and repair

A. This section applies to the activities of a wireless provider within a right-of-way.

B. An authority may not enter into an exclusive arrangement with a wireless provider for use of a right-of-way for any of the following:
   1. The construction, installation, maintenance, modification, operation or replacement of utility poles or monopoles.
   2. The collocation of small wireless facilities on utility poles or wireless support structures.

C. An authority may charge a wireless provider a rate or fee for the use of a right-of-way for the construction, installation, maintenance, modification, operation or replacement of a utility pole in the right-of-way or the collocation of a small wireless facility in the right-of-way, only if the authority charges other communications service providers or publicly, cooperatively or municipally owned utilities for the use of the right-of-way and the authority has the legal authority to do so. If an authority charges a rate or fee pursuant to this section, the rate or fee for a wireless provider must be:
   1. Limited to not more than the direct and actual cost of managing the right-of-way.
   2. Competitively neutral in regard to other users of the right-of-way, including investor-owned, authority-owned or cooperatively owned entities, unless other users are exempt from such rates or fees under applicable law.

D. A rate or fee charged pursuant to subsection C of this section may not do any of the following:
   1. Result in a double recovery where existing rates, fees or taxes already recover the direct and actual costs of managing a right-of-way.
   2. Be in the form of a franchise or other fee based on revenue or customer counts.
   3. Be unreasonable or discriminatory.
   4. Exceed an annual amount equal to fifty dollars multiplied by the number of small wireless facilities that are in the authority’s geographic jurisdiction and that are placed by the wireless provider in the right-of-way.

E. An authority shall establish and make available rates, fees and terms for all of the following, within six months after the effective date of this section or three months after receiving the first request by a wireless provider, whichever is later:
   1. The construction, installation, mounting, maintenance, modification, operation or replacement of a utility pole or monopole by a wireless provider in a right-of-way.
2. THE COLLOCATION OF A SMALL WIRELESS FACILITY BY A WIRELESS PROVIDER IN A RIGHT-OF-WAY.

3. THE COLLOCATION OF A WIRELESS FACILITY ON OR WITHIN A MONOPOLE BY A WIRELESS PROVIDER IN A RIGHT-OF-WAY.

F. THE RATES, FEES AND TERMS ESTABLISHED PURSUANT TO SUBSECTION E OF THIS SECTION MUST BE MADE AVAILABLE FOR ACCEPTANCE BY A WIRELESS PROVIDER. AT THE WIRELESS PROVIDER’S OPTION, A WIRELESS PROVIDER MAY REQUEST DIFFERENT OR ADDITIONAL TERMS THAT THE PARTIES SHALL NEGOTIATE IN GOOD FAITH. DOCUMENTS THAT REFLECT RATES, FEES AND TERMS WITH EACH WIRELESS PROVIDER ARE PUBLIC RECORDS. RATES, FEES AND TERMS MUST COMPLY WITH THIS ARTICLE, AND THE TERMS:

1. MAY NOT BE UNREASONABLE OR DISCRIMINATORY.
2. MAY INCLUDE REQUIREMENTS APPLICABLE TO OTHER USERS OF THE RIGHT-OF-WAY.

3. MAY REQUIRE THAT THE WIRELESS PROVIDER’S OPERATION OF THE SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY DOES NOT INTERFERE WITH THE AUTHORITY’S PUBLIC SAFETY COMMUNICATIONS.

4. SUBSECTION K OF THIS SECTION AND SECTION 9-593. SUBSECTION F, MAY NOT REQUIRE THE PLACEMENT OF SMALL WIRELESS FACILITIES ON ANY SPECIFIC UTILITY POLE OR CATEGORY OF POLES OR REQUIRE MULTIPLE ANTENNA SYSTEMS ON A SINGLE UTILITY POLE.

5. SUBJECT TO SUBSECTION K OF THIS SECTION AND SECTION 9-593, SUBSECTION F, MAY NOT LIMIT THE PLACEMENT OF SMALL WIRELESS FACILITIES BY MINIMUM SEPARATION DISTANCES.

6. AGREEMENTS BETWEEN AUTHORITIES AND WIRELESS PROVIDERS THAT ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION AND THAT RELATE TO THE COLLOCATION OF SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY, INCLUDING THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY UTILITY POLES, REMAIN IN EFFECT, SUBJECT TO APPLICABLE TERMINATION PROVISIONS. THE WIRELESS PROVIDER MAY ACCEPT THE RATES, FEES AND TERMS ESTABLISHED UNDER SUBSECTIONS E AND F OF THIS SECTION FOR SMALL WIRELESS FACILITIES AND UTILITY POLES THAT ARE THE SUBJECT OF AN APPLICATION SUBMITTED AFTER THE RATES, FEES AND TERMS BECOME EFFECTIVE.

H. SUBJECT TO THIS SECTION AND THE APPROVAL OF AN APPLICATION, IF REQUIRED, A WIRELESS PROVIDER MAY DO ANY OF THE FOLLOWING:

1. COLLOCATE SMALL WIRELESS FACILITIES.

2. CONSTRUCT, INSTALL, MODIFY, MOUNT, MAINTAIN, OPERATE AND REPLACE UTILITY POLES THAT ARE ASSOCIATED WITH THE COLLOCATION OF SMALL WIRELESS FACILITIES ALONG, ACROSS, ON AND UNDER THE RIGHT-OF-WAY.

3. CONSTRUCT, INSTALL, MODIFY, MOUNT, MAINTAIN, OPERATE AND REPLACE MONOPOLES THAT ARE ASSOCIATED WITH THE COLLOCATION OF WIRELESS FACILITIES ALONG, ACROSS, ON AND UNDER THE RIGHT-OF-WAY. THE INSTALLATION, MODIFICATION AND REPLACEMENT OF MONOPOLES ARE SUBJECT TO REVIEW UNDER SECTION 9-594 REGARDLESS OF THE HEIGHT OF THE MONOPOLE.
I. SUBJECT TO SUBSECTION K, PARAGRAPH 2, SUBDIVISION (C) OF THIS
SECTION, A NEW, REPLACEMENT OR MODIFIED UTILITY POLE THAT IS ASSOCIATED
WITH THE COLLOCATION OF SMALL WIRELESS FACILITIES AND THAT IS INSTALLED IN
THE RIGHT-OF-WAY IS NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER
SECTION 9-694 IF THE UTILITY POLE DOES NOT EXCEED THE GREATER OF EITHER:
1. TEN FEET IN HEIGHT ABOVE THE TALLEST EXISTING UTILITY POLE,
OTHER THAN A UTILITY POLE SUPPORTING ONLY WIRELESS FACILITIES, THAT IS IN
PLACE ON THE EFFECTIVE DATE OF THIS SECTION, THAT IS LOCATED WITHIN FIVE
HUNDRED FEET OF THE NEW, REPLACEMENT OR MODIFIED UTILITY POLE AND THAT IS
IN THE SAME RIGHT-OF-WAY WITHIN THE JURISDICTIONAL BOUNDARY OF THE
AUTHORITY, BUT NOT MORE THAN FIFTY FEET ABOVE GROUND LEVEL.
2. FORTY FEET ABOVE GROUND LEVEL.

J. NEW SMALL WIRELESS FACILITIES COLLOCATED ON A UTILITY POLE OR
WIRELESS SUPPORT STRUCTURE IN THE RIGHT-OF-WAY ARE NOT SUBJECT TO ZONING
REVIEW AND APPROVAL IF THEY DO NOT EXTEND MORE THAN TEN FEET ABOVE THE
UTILITY POLE OR WIRELESS SUPPORT STRUCTURE AND DO NOT EXCEED FIFTY FEET
ABOVE GROUND LEVEL.

K. AN AUTHORITY MAY REQUIRE AN APPLICATION UNDER THIS SECTION FOR
THE INSTALLATION OF NEW, REPLACEMENT OR MODIFIED UTILITY POLES ASSOCIATED
WITH THE COLLOCATION OF SMALL WIRELESS FACILITIES. AN AUTHORITY SHALL
APPROVE AN APPLICATION UNLESS THE AUTHORITY FINDS THAT THE UTILITY POLE
FAILS TO COMPLY WITH ANY OF THE FOLLOWING:
1. APPLICABLE CODES.
2. LOCAL CODE PROVISIONS OR REGULATIONS THAT CONCERN ANY OF THE
FOLLOWING:
   (a) PUBLIC SAFETY.
   (b) OBJECTIVE DESIGN STANDARDS AND REASONABLE STEALTH AND
CONCEALMENT REQUIREMENTS.
   (c) UNDERGROUNDING REQUIREMENTS THAT PROHIBIT THE INSTALLATION OF
NEW OR THE MODIFICATION OF EXISTING UTILITY POLES OR MONOPOLES IN A
RIGHT-OF-WAY WITHOUT PRIOR APPROVAL, IF SUCH REQUIREMENTS INCLUDE A
WAIVER, ZONING OR ANOTHER PROCESS THAT ADDRESSES REQUESTS TO INSTALL SUCH
NEW UTILITY POLES OR MONOPOLES OR MODIFY SUCH EXISTING UTILITY POLES OR
MONOPOLES AND DO NOT PROHIBIT THE REPLACEMENT OF UTILITY POLES OR
MONOPOLES.
3. REQUIREMENTS THAT ARE IMPOSED BY A CONTRACT BETWEEN AN AUTHORITY
AND A PRIVATE PROPERTY OWNER AND THAT CONCERN DESIGN STANDARDS APPLICABLE
TO UTILITY POLES IN THE RIGHT-OF-WAY.
4. THE AUTHORITY'S PUBLIC SAFETY AND REASONABLE SPACING
REQUIREMENTS THAT CONCERN THE LOCATION OF NEW UTILITY POLES IN A
RIGHT-OF-WAY.
L. AN AUTHORITY SHALL PROCESS APPLICATIONS UNDER SUBSECTION K OF
THIS SECTION IN COMPLIANCE WITH APPLICABLE LAW. IF AN AUTHORITY FAILS TO
APPROVE OR DENY AN APPLICATION WITHIN THE TIME FRAME SPECIFIED BY
APPLICABLE LAW, THE APPLICATION SHALL BE DEEMED APPROVED. ANY APPLICATION
FEE IS SUBJECT TO THE REQUIREMENTS PROVIDED IN SECTION 9-593, SUBSECTION I. THE TOTAL APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED SEVEN HUNDRED FIFTY DOLLARS.
M. THE CONSTRUCTION, INSTALLATION, MOUNTING, MAINTENANCE, MODIFICATION, OPERATION OR REPLACEMENT FOR WHICH A PERMIT IS GRANTED SHALL BE COMPLETED WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE PERMIT ISSUANCE DATE. UNLESS THE AUTHORITY AND WIRELESS PROVIDER AGREE TO EXTEND THIS PERIOD OR A DELAY IS CAUSED BY A LACK OF COMMERCIAL POWER AT THE SITE. APPROVAL OF AN APPLICATION BY AN AUTHORITY Authorizes THE APPLICANT TO DO BOTH OF THE FOLLOWING:
1. UNDERTAKE THE REQUESTED DEPLOYMENT.
2. SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS, THE AUTHORITY'S TERMS AS DESCRIBED IN THIS SECTION AND THE WIRELESS PROVIDER'S RIGHT TO TERMINATE AT ANY TIME, OPERATE AND MAINTAIN THE WIRELESS PROVIDER'S NEW, MODIFIED OR REPLACEMENT UTILITY POLE FOR A PERIOD OF NOT LESS THAN TEN YEARS, WHICH MUST BE RENEWED FOR EQUIVALENT DURATIONS UNLESS THE AUTHORITY MAKES A FINDING THAT THE NEW OR MODIFIED UTILITY POLE DOES NOT COMPLY WITH THE REQUIREMENTS DESCRIBED IN SUBSECTION K OF THIS SECTION.
O. THIS ARTICLE DOES NOT RELIEVE A WIRELESS PROVIDER FROM ANY APPLICABLE REQUIREMENT TO OBTAIN A FRANCHISE, LICENSE OR OTHER PERMISSION TO PROVIDE COMMUNICATIONS SERVICE OR TO INSTALL, PLACE, MAINTAIN OR OPERATE FACILITIES OR STRUCTURES THAT ARE NOT AUTHORIZED BY THIS ARTICLE IN THE RIGHT-OF-WAY TO PROVIDE A COMMUNICATIONS SERVICE.
9-593. Applicability: collocation of small wireless facilities; permits; application; fee
A. THIS SECTION APPLIES TO THE ACTIVITIES OF A WIRELESS PROVIDER WITHIN A RIGHT-OF-WAY.
B. EXCEPT AS PROVIDED IN THIS SECTION AND SECTIONS 9-592, 9-594, 9-595, 9-597, 9-598 AND 9-599, AS APPLICABLE, AN AUTHORITY MAY NOT PROHIBIT, REGULATE OR CHARGE FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES.
C. SUBJECT TO THIS SECTION AND SECTION 9-592, SUBSECTION J, A SMALL WIRELESS FACILITY IS CLASSIFIED AS A PERMITTED USE AND IS NOT SUBJECT TO
ZONING REVIEW OR APPROVAL IF THE SMALL WIRELESS FACILITY IS COLLOCATED IN
A RIGHT-OF-WAY IN ANY ZONE.

D. AN AUTHORITY MAY REQUIRE AN APPLICANT TO OBTAIN ONE OR MORE
PERMITS TO COLLOCATE A SMALL WIRELESS FACILITY IF THE PERMIT REQUIREMENT
IS OF GENERAL APPLICABILITY AND DOES NOT APPLY EXCLUSIVELY TO WIRELESS
FACILITIES. AN APPLICANT SEEKING TO COLLOCATE MULTIPLE SMALL WIRELESS
FACILITIES WITHIN THE JURISDICTION OF A SINGLE AUTHORITY MAY FILE A
CONSOLIDATED APPLICATION FOR THE COLLOCATION OF UP TO TWENTY-FIVE SMALL
WIRELESS FACILITIES IF THE COLLOCATIONS EACH INVOLVE SUBSTANTIALLY THE
SAME TYPE OF SMALL WIRELESS FACILITIES AND SUBSTANTIALLY THE SAME TYPE OF
STRUCTURE.

E. AN APPLICATION MUST INCLUDE AN ATTESTATION THAT THE SMALL
WIRELESS FACILITIES WILL BE COLLOCATED ON THE UTILITY POLE OR WIRELESS
SUPPORT STRUCTURE AND THAT THE SMALL WIRELESS FACILITIES WILL BE
OPERATIONAL FOR USE BY A WIRELESS SERVICES PROVIDER TO PROVIDE SERVICE
WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE PERMIT ISSUANCE DATE, UNLESS THE
AUTHORITY AND THE WIRELESS PROVIDER AGREE TO EXTEND THIS PERIOD OR A DELAY
IS CAUSED BY A LACK OF COMMERCIAL POWER AT THE SITE.

F. AN AUTHORITY:

1. SHALL ACCEPT APPLICATIONS FOR, PROCESS AND ISSUE PERMITS TO
COLLOCATE SMALL WIRELESS FACILITIES.

2. SHALL DETERMINE AND NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE.
IF AN APPLICANT IS NOTIFIED WITHIN THE TWENTY-DAY PERIOD, THE
APPLICATION IS DEEMED COMPLETE. IF AN APPLICATION IS INCOMPLETE, THE
AUTHORITY MUST SPECIFICALLY IDENTIFY THE INFORMATION MISSING FROM THE
APPLICATION.

3. SHALL PROCESS EACH APPLICATION ON A NONDISCRIMINATORY BASIS. A
COMPLETE APPLICATION IS DEEMED APPROVED IF THE AUTHORITY FAILS TO APPROVE
OR DENY THE APPLICATION WITHIN SEVENTY-FIVE DAYS AFTER RECEIVING A
COMPLETE APPLICATION.

4. SHALL APPROVE AN APPLICATION UNLESS THE APPLICATION DOES NOT
MEET THE APPLICABLE CODES, LOCAL CODE PROVISIONS OR REGULATIONS THAT
CONCERN PUBLIC SAFETY, OBJECTIVE DESIGN STANDARDS FOR DECORATIVE UTILITY
POLES OR REASONABLE STEALTH AND CONCEALMENT REQUIREMENTS OR PUBLIC SAFETY
AND REASONABLE SPACING REQUIREMENTS CONCERNING THE LOCATION OF
GROUND-MOUNTED EQUIPMENT IN A RIGHT-OF-WAY. IF AN AUTHORITY DETERMINES
THAT APPLICABLE CODES OR LOCAL CODE PROVISIONS OR REGULATIONS REQUIRE THAT
THE UTILITY POLE OR WIRELESS SUPPORT STRUCTURE BE REPLACED BEFORE THE
REQUESTED COLLOCATION, APPROVAL MAY BE CONDITIONED ON SUCH REPLACEMENT OF
THE UTILITY POLE OR WIRELESS SUPPORT STRUCTURE. THE WIRELESS PROVIDER'S
REQUEST FOR A REPLACEMENT UTILITY POLE OR WIRELESS SUPPORT STRUCTURE WILL
BE PROCESSED PURSUANT TO SECTION 9-592.

5. IF AN APPLICATION IS DENIED, SHALL DOCUMENT THE BASIS FOR THE
DENIAL, INCLUDING THE SPECIFIC CODE PROVISIONS, REGULATIONS OR
requirements on which the denial was based, and send the documentation to the applicant on or before the date that the application is denied. The applicant may cure the deficiencies identified by the authority and resubmit the application within thirty days after the denial without paying an additional application fee. The authority shall approve or deny the revised application within thirty days after receiving the revised application. Any subsequent review is limited to the deficiencies cited in the denial.

6. If an application includes multiple small wireless facilities, may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The authority may issue separate permits for each collocation that is approved in a consolidated application.

G. An authority may not:

1. Directly or indirectly require an applicant to perform services that are unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit or pole space on the wireless provider's monopole or utility pole for the authority.

2. Require an applicant to provide more information to obtain a permit than the authority requires of a communications service provider that is not a wireless provider and that requests to attach facilities to a structure. An authority may require the applicant to certify that the small wireless facilities to be collocated comply with the Federal Communications Commission's regulations concerning radio frequency emissions referenced in 47 United States Code section 332(c)(7)(B)(iv).

3. Institute, either expressly or de facto, a moratorium on filing, receiving or processing applications or issuing permits or other approvals, if any, for the collocation of a small wireless facility.

4. Require an application for routine maintenance or the replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller. An authority may require a permit to work within a right-of-way for such activities, if applicable. A permit issued pursuant to this paragraph is subject to the requirements of this section.

H. Collocation for which a permit is granted shall be completed within one hundred eighty days after the permit issuance date, unless the authority and the wireless provider agree to extend this period or a delay is caused by the lack of commercial power at the site. Approval of an application by an authority allows the applicant to do both of the following:

1. Collocate the small wireless facilities.

2. Subject to applicable relocation requirements, the wireless provider's right to terminate at any time and the authority's terms
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1. An authority may charge an application fee that is limited to the actual, direct and reasonable costs that are incurred by the authority and that relate to the granting or processing of an application. An application fee shall be reasonably related in time to the incurring of such costs. If such costs are already recovered by existing fees, rates or taxes that are paid by a wireless provider, an authority may not charge an application fee to recover such costs. An application fee may not include:

1. Third-party travel expenses that are incurred to review an application.
2. The direct payment or reimbursement of third-party rates or fees that are charged on a contingency basis or pursuant to a result-based arrangement.

J. The total application fee, if allowed, may not exceed one hundred dollars each for up to five small wireless facilities addressed in an application and fifty dollars for each additional small wireless facility addressed in the application.

K. This article does not allow a person to collocate small wireless facilities on a privately owned utility pole, a privately owned wireless support structure or private property without the consent of the property owner.

9-594. Structures subject to zoning; time frames; application; fees

A. The following activities that take place inside of a right-of-way are subject to this section and all of the authority's codes and regulations, including the authority's zoning codes and other regulatory processes governing use of the rights-of-way, unless the activities are exempt from zoning review and approval under Section 9-592. Subsection I or J or Section 9-593, Subsection C:

1. The installation of new monopoles, utility poles or wireless facilities.
2. The collocation of wireless facilities.

B. Notwithstanding any provision in this article to the contrary, the construction, installation, maintenance, modification, operation or replacement of a monopole or associated wireless facility in a right-of-way is subject to all of the authority's codes and regulations, including the authority's zoning codes and other regulatory processes governing use of the rights-of-way.

C. An authority shall:
1. ACCEPT AND PROCESS APPLICATIONS FOR THE MODIFICATION OF EXISTING
   OR THE INSTALLATION OF NEW MONOPOLES, UTILITY POLES OR WIRELESS FACILITIES
   AND THE COLLOCATION OF WIRELESS FACILITIES.

2. WITHIN THIRTY DAYS AFTER RECEIVING AN APPLICATION, NOTIFY THE
   APPLICANT WHETHER THE APPLICATION IS COMPLETE. IF AN APPLICATION IS
   INCOMPLETE, THE AUTHORITY MUST SPECIFICALLY IDENTIFY THE INFORMATION
   MISSING FROM THE APPLICATION.

3. PROCESS EACH COMPLETE APPLICATION ON A NONDISCRIMINATORY BASIS.
   A COMPLETE APPLICATION IS DEEMED APPROVED IF THE AUTHORITY FAILS TO
   APPROVE OR DENY THE APPLICATION WITHIN ONE HUNDRED FIFTY DAYS AFTER
   RECEIPT OF AN APPLICATION FOR THE MODIFICATION OF EXISTING OR THE
   INSTALLATION OF NEW MONOPOLES, UTILITY POLES OR WIRELESS FACILITIES OR
   WITHIN NINETY DAYS AFTER RECEIPT OF A COMPLETE APPLICATION FOR THE
   COLLOCATION OF WIRELESS FACILITIES. THE TIME PERIOD FOR APPROVAL MAY BE
   TOLLED TO ACCOMMODATE TIMELY REQUESTS FOR INFORMATION REQUIRED TO COMPLETE
   THE APPLICATION OR MAY BE EXTENDED BY MUTUAL AGREEMENT BETWEEN THE
   APPLICANT AND AUTHORITY.

4. IF A COMPLETE APPLICATION IS DENIED, NOTIFY THE APPLICANT IN
   WRITING AND PROVIDE SUBSTANTIAL SUPPORTING EVIDENCE OF THE REASON FOR
   DENIAL IN THE WRITTEN RECORD. THE WRITTEN NOTIFICATION OF THE DENIAL AND
   THE SUPPORTING EVIDENCE SHALL BE PUBLICLY RELEASED
   CONTEMPORANEOUSLY. THERE MUST BE A REASONABLE BASIS FOR THE DENIAL OF AN
   APPLICATION. AN AUTHORITY MAY NOT DENY AN APPLICATION IF THE DENIAL IS
   DISCRIMINATORY AGAINST THE APPLICANT WITH RESPECT TO THE PLACEMENT OF THE
   FACILITIES OF OTHER WIRELESS PROVIDERS.

D. AN AUTHORITY MAY NOT:
   1. REQUIRE AN APPLICANT TO SUBMIT INFORMATION ABOUT THE APPLICANT'S
      BUSINESS DECISIONS REGARDING THE NEED FOR THE MONOPOLE, UTILITY POLE OR
      WIRELESS FACILITIES.
   2. REQUIRE AN APPLICANT TO SUBMIT INFORMATION ABOUT, OR EVALUATE AN
      APPLICANT'S BUSINESS DECISIONS REGARDING, THE APPLICANT'S SERVICE,
      CUSTOMER DEMAND FOR SERVICE OR QUALITY OF SERVICE.
   3. INSTITUTE, EITHER EXPRESSLY OR DE FACTO, A MORATORIUM ON FILING,
      RECEIVING OR PROCESSING APPLICATIONS OR ISSUING DECISIONS FOR
      MODIFICATIONS OR INSTALLATIONS THAT ARE NOT A PERMITTED USE.
   E. AN AUTHORITY, IN ADDITION TO OTHER RIGHTS THE AUTHORITY HAS
      UNDER FEDERAL, STATE OR LOCAL LAW, MAY:
      1. ADOPT REASONABLE REQUIREMENTS REGARDING THE APPEARANCE AND
         CONCEALMENT OF FACILITIES, INCLUDING THOSE RELATING TO MATERIALS USED FOR
         ARRANGING, SCREENING OR LANDSCAPING.
      2. ADOPT SETBACK OR FALL ZONE REQUIREMENTS THAT ARE SUBSTANTIALLY
         SIMILAR TO SETBACK OR FALL ZONE REQUIREMENTS THAT ARE IMPOSED ON OTHER
         TYPES OF COMMERCIAL STRUCTURES OF A SIMILAR HEIGHT.
      3. CHARGE AN APPLICATION FEE. ANY APPLICATION FEE IS SUBJECT TO
         THE REQUIREMENTS PROVIDED IN SECTION 9-593, SUBSECTION 1. THE TOTAL
APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED ONE THOUSAND DOLLARS FOR THE 
MODIFICATION OF EXISTING OR THE INSTALLATION OF NEW MONOPOLES OR UTILITY 
POLES OR FOR THE COLLOCATION OF WIRELESS FACILITIES.

4. CHARGE A RATE OR FEE FOR THE USE OF THE RIGHT-OF-WAY FOR THE 
INSTALLATION OF A MONOPOLE AND ASSOCIATED WIRELESS FACILITY THAT IS 
LIMITED TO NOT MORE THAN THE DIRECT AND ACTUAL COSTS OF MANAGING THE 
RIGHT-OF-WAY AND THAT IS NOT IN THE FORM OF A FRANCHISE OR OTHER FEE BASED 
on revenue or customer counts.

F. AN APPLICANT'S BUSINESS DECISIONS REGARDING THE TYPE AND 
LOCATION OF WIRELESS FACILITIES, MONOPOLES OR UTILITY POLES OR THE 
technology to be used are presumed to be reasonable. This presumption 
does not apply to the height or appearance of wireless facilities, 
monopoles or utility poles. An authority may consider the height of such 
structures in the zoning or other regulatory review, provided that the 
authority does not unreasonably discriminate between the applicant and 
other communications service providers that install wireless facilities.

G. SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS, THE AUTHORITY'S 
terms described in section 9-592 and the wireless provider's right to 
terminate at any time, the approval term of an application shall be for a 
period of not less than ten years, which must be renewed for equivalent 
durations unless the authority makes a finding that the structure or 
facilities do not comply with the applicable codes or terms of the zoning 
or other regulatory process approval. Construction of the approved 
structure or facilities shall be completed within one hundred eighty days 
after the permit issuance date, unless the authority and the wireless 
provider agree to extend this period or a delay is caused by the lack of 
commercial power at the site.

9-596. Access to authority utility poles; rates and fees; 
collocations for other commercial projects or uses

A. An authority may not enter into an exclusive arrangement with 
any person for the right to attach to authority utility poles.

B. The rates and fees for the collocation of small wireless 
facilities on authority utility poles shall be nondiscriminatory 
regardless of the services provided by the collocating person.

C. The rate to collocate small wireless facilities on authority 
utility poles may not exceed fifty dollars per authority utility pole, per 
year.

D. An authority shall establish and make available rates, fees and 
terms for the collocation of small wireless facilities on authority 
utility poles within six months after the effective date of this section 
or three months after receiving a request to collocate the first small 
wireless facility on such poles, whichever is later. The rates, fees and 
terms shall be made available for acceptance by a wireless provider. At 
the wireless provider's option, a wireless provider may request different 
or additional terms that the parties shall negotiate in good
FAITH. DOCUMENTS REFLECTING RATES, FEES AND TERMS WITH EACH WIRELESS PROVIDER SHALL BE MADE PUBLICLY AVAILABLE. THE RATES, FEES AND TERMS SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. THE RATES, FEES AND TERMS MUST BE NONDISCRIMINATORY, COMPETITIVELY NEUTRAL AND COMMERCIAL REASONABLE AND COMPLY WITH THIS SECTION AND SECTION 9-592, SUBSECTION E AND F. REQUESTS FOR COLLOCATING A SMALL WIRELESS FACILITY ON AN AUTHORITY UTILITY POLE WILL BE PROCESSED PURSUANT TO SECTION 9-593. THE AUTHORITY MAY REQUIRE A WIRELESS PROVIDER TO REPLACE THE AUTHORITY UTILITY POLE IF THE AUTHORITY DETERMINES THAT APPLICABLE CODES OR LOCAL CODE OR REGULATORY PROVISIONS THAT CONCERN PUBLIC SAFETY REQUIRE REplacement OF THE AUTHORITY UTILITY POLE. THE WIRELESS PROVIDER'S REQUEST TO INSTALL A REPLACEMENT UTILITY POLE WILL BE PROCESSED PURSUANT TO SECTION 9-592. THE AUTHORITY SHALL RETAIN OWNERSHIP OF THE UTILITY POLE.

2. TERMS MUST REASONABLY ACCOMMODATE POWER SUPPLY AND ELECTRIC METERING FOR THE SMALL WIRELESS FACILITY.

E. AN AUTHORITY MAY PROHIBIT, REGULATE AND CHARGE FOR THE COLOCATION OF A WIRELESS FACILITY ON A WIRELESS SUPPORT STRUCTURE OWNED BY THE AUTHORITY.

9-596. Scope of local authority
A. SUBJECT TO THIS ARTICLE AND APPLICABLE FEDERAL LAW, AN AUTHORITY MAY EXERCISE ZONING, LAND USE, PLANNING AND PERMITTING AUTHORITY AND THE AUTHORITY'S POLICE POWER WITHIN THE AUTHORITY'S TERRITORIAL BOUNDARIES, INCLUDING FOR THE INSTALLATION, MODIFICATION AND REPLACEMENT OF WIRELESS SUPPORT STRUCTURES AND UTILITY POLES.

B. AN AUTHORITY DOES NOT HAVE ANY JURISDICTION OR AUTHORITY OVER THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION OR OPERATION OF ANY SMALL WIRELESS FACILITY LOCATED IN AN INTERIOR STRUCTURE OR ON THE SITE OF ANY CAMPUS, STADIUM OR ATHLETIC FACILITY THAT IS NOT OWNED OR CONTROLLED BY THE AUTHORITY, OTHER THAN TO REQUIRE COMPLIANCE WITH APPLICABLE CODES.

C. THIS ARTICLE DOES NOT AUTHORIZE THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, INCLUDING AN AUTHORITY, TO REQUIRE SMALL WIRELESS FACILITY DEPLOYMENT OR TO REGULATE WIRELESS SERVICES.

D. IF AN AUTHORITY DETERMINES THAT A UTILITY POLE, MONOPOLE OR WIRELESS SUPPORT STRUCTURE OF A WIRELESS PROVIDER WILL BE RELOCATED TO ACCOMMODATE A PUBLIC PROJECT, ALL WIRELESS FACILITIES DEPLOYED ON SUCH UTILITY POLE, MONOPOLE OR WIRELESS SUPPORT STRUCTURE SHALL BE RELOCATED AT NO COST TO THE AUTHORITY.

9-597. Dispute resolution
A COURT OF COMPETENT JURISDICTION IN THIS STATE SHALL DETERMINE ALL DISPUTES ARISING UNDER THIS ARTICLE.

9-598. General requirements for use of the right-of-way
STRUCTURES AND FACILITIES DEPLOYED BY WIRELESS PROVIDERS PURSUANT TO THIS ARTICLE SHALL BE CONSTRUCTED, MAINTAINED AND LOCATED AS TO NOT OBSTRUCT, ENDANGER OR HINDER THE USUAL TRAVEL OR PUBLIC SAFETY ON THE
RIGHT-OF-WAY, DAMAGE OR INTERFERE WITH ANY OTHER UTILITY FACILITIES IN THE
RIGHT-OF-WAY OR INTERFERE WITH A UTILITY'S USE OF THE UTILITY'S FACILITIES
IN THE RIGHT-OF-WAY, CONSTRUCTION AND MAINTENANCE BY THE WIRELESS
PROVIDER SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AND ALL
APPLICABLE LAWS AND REGULATIONS FOR THE PROTECTION OF UNDERGROUND AND
OVERHEAD UTILITY FACILITIES. AN AUTHORITY SHALL TREAT A WIRELESS
PROVIDER'S FACILITIES LOCATED WITHIN A RIGHT-OF-WAY ON AN EQUAL BASIS WITH
OTHER UTILITY FACILITIES, EXCEPT THAT AN AUTHORITY MAY ADOPT REASONABLE
REGULATIONS TO ADDRESS THE SEPARATION OF THE WIRELESS PROVIDER'S
FACILITIES FROM THE OTHER UTILITY FACILITIES WITHIN THE RIGHT-OF-WAY TO
PREVENT ANY DAMAGE TO OR INTERFERENCE WITH SUCH OTHER UTILITY FACILITIES
OR INTERFERENCE WITH A UTILITY'S USE OF THE UTILITY'S FACILITIES LOCATED
OR TO BE LOCATED WITHIN THE RIGHT-OF-WAY.

9-599. Applicability
THIS ARTICLE DOES NOT:
1. AFFECT THE AUTHORITY OF A SPECIAL TAXING DISTRICT,
INVESTOR-OWNED ELECTRIC UTILITY OR ELECTRIC COOPERATIVE THAT OWNS,
CONTROLS OR OPERATES UTILITY POLES OR WIRELESS SUPPORT STRUCTURES TO DENY,
LIMIT, RESTRICT OR DETERMINE THE RATES, FEES, TERMS AND CONDITIONS FOR THE
USE OF OR ATTACHMENT TO ITS UTILITY POLES OR WIRELESS SUPPORT STRUCTURES
BY A WIRELESS PROVIDER.
2. CONFER ON ANY AUTHORITY ANY ZONING, LAND USE, PLANNING,
PERMITTING OR OTHER REGULATORY AUTHORITY OVER THE UTILITY POLES, WIRELESS
SUPPORT STRUCTURES OR SMALL WIRELESS FACILITIES OWNED, CONTROLLED OR
OPERATED BY A SPECIAL TAXING DISTRICT, INVESTOR-OWNED ELECTRIC UTILITY OR
ELECTRIC COOPERATIVE OR THE INSTALLATION OF SUCH UTILITY POLES, WIRELESS
SUPPORT STRUCTURES OR SMALL WIRELESS FACILITIES BY A SPECIAL TAXING
DISTRICT, INVESTOR-OWNED ELECTRIC UTILITY OR ELECTRIC COOPERATIVE.
3. AMEND, MODIFY OR OTHERWISE AFFECT ANY PRIVATE EASEMENT. ANY AND
ALL RIGHTS FOR THE USE OF A RIGHT-OF-WAY ARE SUBJECT TO THE RIGHTS GRANTED
PURSUANT TO ANY PRIVATE EASEMENT.
4. APPLY TO ANY AUTHORITY WITHIN TEN MILES OF THE BORDER OF MEXICO
 THAT IS NEGOTIATING A CONTRACT OR HAS A CONTRACT IN PLACE ON OR BEFORE
 JULY 1, 2018 AND THAT CONTRACT ASSISTS AND SUPPORTS NATIONAL SECURITY
 OBJECTIVES ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

Sec. 2. Title 11, Arizona Revised Statutes, is amended by adding
chapter 13, to read:

CHAPTER 13
WIRELESS STRUCTURES AND FACILITIES
ARTICLE 1. GENERAL PROVISIONS

11-1801. Definitions
IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:
1. "ANTENNA" MEANS COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR
RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN
PROVIDING WIRELESS SERVICES.
2. "APPLICABLE CODES" MEANS UNIFORM BUILDING, FIRE, ELECTRICAL, PLUMBING OR MECHANICAL CODES THAT ARE ADOPTED BY A RECOGNIZED NATIONAL CODE ORGANIZATION OR LOCAL AMENDMENTS TO THOSE CODES THAT ARE ENACTED TO ADDRESS THREATS OF DESTRUCTION OF PROPERTY OR INJURY TO PERSONS AND TO AN EXTENT THAT IS NOT INCONSISTENT WITH THIS ARTICLE.

3. "APPLICANT" MEANS ANY PERSON THAT SUBMITS AN APPLICATION AND THAT IS A WIRELESS PROVIDER.

4. "APPLICATION" MEANS A REQUEST THAT IS SUBMITTED BY AN APPLICANT TO A COUNTY ON A FORM PROVIDED BY THE COUNTY FOR A PERMIT TO COLLOCATE SMALL WIRELESS FACILITIES OR TO APPROVE THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE.

5. "CABLE OPERATOR" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-505. CABLE OPERATOR DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.

6. "CO.LOCATE" OR "COLLOCATION" MEANS TO INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE WIRELESS FACILITIES ON, WITHIN OR ADJACENT TO A WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.

7. "COMMUNICATIONS SERVICE" MEANS CABLE SERVICE AS DEFINED IN 47 UNITED STATES CODE SECTION 522(6), INFORMATION SERVICE AS DEFINED IN 47 UNITED STATES CODE SECTION 153(24), TELECOMMUNICATIONS SERVICE AS DEFINED IN 47 UNITED STATES CODE SECTION 153(53) OR WIRELESS SERVICE.

8. "COMMUNICATIONS SERVICE PROVIDER" MEANS A CABLE OPERATOR, A PROVIDER OF INFORMATION SERVICE AS DEFINED IN 47 UNITED STATES CODE SECTION 153(24), A TELECOMMUNICATIONS CARRIER AS DEFINED IN 47 UNITED STATES CODE SECTION 153(51) OR A WIRELESS SERVICES PROVIDER.

9. "COUNTY UTILITY POLE" MEANS A UTILITY POLE THAT IS OWNED OR OPERATED BY A COUNTY AND THAT IS IN A RIGHT-OF-WAY.

10. "FEE" MEANS A ONE-TIME CHARGE TO PROCESS AN APPLICATION AND INSPECT ANY WORK PERFORMED BY AN APPLICANT PURSUANT TO A PERMIT ISSUED BY THE COUNTY.

11. "LAW" MEANS ANY FEDERAL, STATE OR LOCAL LAW, STATUTE, COMMON LAW, CODE, RULE, REGULATION, ORDER OR ORDINANCE.

12. "PERMIT" MEANS WRITTEN PERMISSION ISSUED BY A COUNTY TO INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE A UTILITY POLE OR TO COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY POLE OR WIRELESS SUPPORT STRUCTURE.

13. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY OR ORGANIZATION, INCLUDING A COUNTY.

14. "PRIVATE EASEMENT" MEANS AN EASEMENT OR OTHER REAL PROPERTY RIGHT THAT IS ONLY FOR THE BENEFIT OF THE GRANTOR AND GRANTEE AND THE GRANTOR'S OR GRANTEE'S SUCCESSORS AND ASSIGNS.

15. "FEE" MEANS A ONE-TIME CHARGE FOR THE GRANTING OF A RIGHT TO USE A PORTION OF A RIGHT-OF-WAY AS SPECIFIED IN A PERMIT OR TO COLLOCATE A SMALL WIRELESS FACILITY ON OR ADJACENT TO A UTILITY POLE OR TO INSTALL, MODIFY OR REPLACE A UTILITY POLE AS SPECIFIED IN A PERMIT.
16. "RIGHT-OF-WAY" MEANS THE AREA ON, BELOW OR ABOVE A COUNTY ROADWAY, HIGHWAY, STREET, SIDEWALK, ALLEY OR UTILITY EASEMENT. RIGHT-OF-WAY DOES NOT INCLUDE A FEDERAL INTERSTATE HIGHWAY, A STATE HIGHWAY OR STATE ROUTE UNDER THE JURISDICTION OF THE DEPARTMENT OF TRANSPORTATION, A PRIVATE EASEMENT, PROPERTY THAT IS OWNED BY A SPECIAL TAXING DISTRICT, OR A UTILITY EASEMENT THAT DOES NOT AUTHORIZE THE DEPLOYMENT SOUGHT BY THE WIRELESS PROVIDER.

17. "SMALL WIRELESS FACILITY" MEANS A WIRELESS FACILITY THAT MEETS BOTH OF THE FOLLOWING QUALIFICATIONS:

(a) ALL ANTENNAS ARE LOCATED INSIDE AN ENCLOSURE OF NOT MORE THAN SIX CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED ELEMENTS, THE ANTENNA AND ALL OF THE ANTENNA'S EXPOSED ELEMENTS COULD FIT WITHIN AN IMAGINARY ENCLOSURE OF NOT MORE THAN SIX CUBIC FEET IN VOLUME.

(b) ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS CUMULATIVELY NOT MORE THAN TWENTY-EIGHT CUBIC FEET IN VOLUME, OR FIFTY CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE THE EFFECTIVE DATE OF THIS SECTION. THE FOLLOWING TYPES OF ASSOCIATED ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME PURSUANT TO THIS SUBDIVISION:

(1) AN ELECTRIC METER.

(ii) CONCEALMENT ELEMENTS.

(iii) A TELECOMMUNICATIONS DEMARCATION BOX.

(iv) GROUNDING EQUIPMENT.

(v) A POWER TRANSFER SWITCH.

(vi) A CUTOFF SWITCH.

(vii) VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER SERVICES.

18. "SPECIAL TAXING DISTRICT" MEANS A SPECIAL DISTRICT FORMED PURSUANT TO TITLE 48, CHAPTER 11, 12, 17, 18, 19, 20 OR 22.

19. "UTILITY POLE" MEANS A POLE OR SIMILAR STRUCTURE THAT IS USED IN WHOLE OR IN PART FOR COMMUNICATIONS SERVICES, ELECTRIC DISTRIBUTION, LIGHTING OR TRAFFIC SIGNALS OR A SIMILAR FUNCTION.

20. "WIRELESS FACILITY":

(a) MEANS EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK, INCLUDING BOTH OF THE FOLLOWING:

(i) EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.

(ii) RADIO TRANSCIEVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES, REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNICAL CONFIGURATION.

(b) INCLUDES SMALL WIRELESS FACILITIES.

(c) DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER OR WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES, COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES.
OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT
IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.
(d) DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN SECTION
9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN SECTION 9-504,
SUBSECTION E.
21. "WIRELESS INFRASTRUCTURE PROVIDER" MEANS ANY PERSON THAT IS
AUTHORIZED TO PROVIDE TELECOMMUNICATIONS SERVICE IN THIS STATE AND THAT
BUILDS OR INSTALLED WIRELESS COMMUNICATIONS TRANSMISSION EQUIPMENT,
WIRELESS FACILITIES OR UTILITY POLES BUT THAT IS NOT A WIRELESS SERVICES
PROVIDER. WIRELESS INFRASTRUCTURE PROVIDER DOES NOT INCLUDE A SPECIAL
TAXING DISTRICT.
22. "WIRELESS PROVIDER" MEANS A CABLE OPERATOR, WIRELESS
INFRASTRUCTURE PROVIDER OR WIRELESS SERVICES PROVIDER.
23. "WIRELESS SERVICES" MEANS ANY SERVICES THAT ARE PROVIDED TO THE
PUBLIC AND THAT USE LICENSED OR UNLICENSED SPECTRUM, WHETHER AT A FIXED
LOCATION OR MOBILE, USING WIRELESS FACILITIES.
24. "WIRELESS SERVICES PROVIDER" MEANS A PERSON THAT PROVIDES
WIRELESS SERVICES. WIRELESS SERVICES PROVIDER DOES NOT INCLUDE A SPECIAL
TAXING DISTRICT.
25. "WIRELESS SUPPORT STRUCTURE":
(a) MEANS:
(i) A "FREESTANDING STRUCTURE.
(ii) A TOWER, EITHER GUED OR SELF-SUPPORTING.
(iii) ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT
OR CAPABLE OF SUPPORTING SMALL WIRELESS FACILITIES.
(b) DOES NOT INCLUDE A UTILITY POLE.
11-1802. Exclusive arrangements prohibited; permit; rates,
fees and terms; access and use of county
structures
A. A COUNTY MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH ANY
WIRELESS PROVIDER FOR USE OF A RIGHT-OF-WAY FOR THE CONSTRUCTION,
OPERATION OR MAINTENANCE OF UTILITY POLES OR THE COLLOCATION OF SMALL
WIRELESS FACILITIES ON UTILITY POLES OR WIRELESS SUPPORT STRUCTURES.
B. SUBJECT TO SUBSECTION C OF THIS SECTION, A COUNTY MAY REQUIRE A
PERMIT AND CHARGE A FEE FOR PROCESSING AN APPLICATION BY A WIRELESS
PROVIDER AND CONDUCTING ASSOCIATED INSPECTIONS FOR THE INSTALLATION,
MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR THE COLLOCATION OF A
SMALL WIRELESS FACILITY ON A UTILITY POLE OR A WIRELESS SUPPORT STRUCTURE
IN A RIGHT-OF-WAY. ANY FEE CHARGED PURSUANT TO THIS SECTION MUST BE
REASONABLE AND CONFORM TO AUTHORIZED AND PUBLISHED FEES FOR SIMILAR
PERMITS ISSUED BY THE COUNTY AND MAY NOT EXCEED ONE HUNDRED DOLLARS PER
COLLOCATION OR INSTALLATION.
C. FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY,
POLE OR WIRELESS SUPPORT STRUCTURE IN THE RIGHT-OF-WAY THAT IS NOT OWNED
BY THE COUNTY AND THAT DOES NOT INCLUDE GROUND-MOUNTED EQUIPMENT, THE

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COUNTY MAY NOT CHARGE A WIRELESS PROVIDER A RATE OR FEE AND MAY NOT REQUIRE A PERMIT.

D. A COUNTY MAY CHARGE A WIRELESS PROVIDER A RATE FOR THE WIRELESS PROVIDER’S USE OF A RIGHT-OF-WAY IN ACCORDANCE WITH THIS SECTION. THE COUNTY MAY:

1. FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY POLE OR WIRELESS SUPPORT STRUCTURE THAT IS NOT OWNED BY THE COUNTY THAT INCLUDES GROUND-MOUNTED EQUIPMENT, CHARGE A RATE FOR THE GROUND-MOUNTED EQUIPMENT USING THE METHODOLOGY DESCRIBED IN PARAGRAPH 5 OF THIS SUBSECTION, REQUIRE AN APPLICATION AND CHARGE A FEE. THE RATE FOR GROUND-MOUNTED EQUIPMENT MAY NOT EXCEED ONE HUNDRED SEVENTY-FIVE DOLLARS.

2. FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A COUNTY UTILITY POLE THAT DOES NOT INCLUDE GROUND-MOUNTED EQUIPMENT, CHARGE A RATE USING THE METHODOLOGY DESCRIBED IN PARAGRAPH 5 OF THIS SUBSECTION THAT DOES NOT EXCEED TWENTY DOLLARS. IF THE COLLOCATION INCLUDES GROUND-MOUNTED EQUIPMENT, THE COUNTY MAY CHARGE AN ADDITIONAL RATE USING THE METHODOLOGY DESCRIBED IN PARAGRAPH 5 OF THIS SUBSECTION. THE RATE FOR GROUND-MOUNTED EQUIPMENT MAY NOT EXCEED ONE HUNDRED SEVENTY-FIVE DOLLARS.

3. FOR THE INSTALLATION OF A UTILITY POLE, TOGETHER WITH THE COLLOCATION OF SMALL WIRELESS FACILITIES, THAT WILL NOT BE OWNED BY THE COUNTY, CHARGE A WIRELESS PROVIDER A RATE USING THE METHODOLOGY DESCRIBED IN PARAGRAPH 5 OF THIS SUBSECTION. THE RATE MAY NOT EXCEED ONE HUNDRED SEVENTY-FIVE DOLLARS. AN ADDITIONAL RATE MAY NOT BE CHARGED FOR COLLOCATED SMALL WIRELESS FACILITIES, INCLUDING GROUND-MOUNTED EQUIPMENT THAT IS REQUESTED IN THE APPLICATION.

4. FOR THE REPLACEMENT OF A UTILITY POLE OWNED BY THE COUNTY, REQUIRE THE APPLICANT TO COMPLY WITH THE COUNTY’S PROCESSES AND REQUIREMENTS FOR INSTALLING SUCH STRUCTURES. THE COUNTY MAY NOT CHARGE A RATE FOR THE REPLACED UTILITY POLE.

5. CHARGE A RATE THAT HAS BEEN LAWFULLY ADOPTED AND PUBLISHED. THE RATE SHALL BE BASED ON THE AVERAGE FAIR MARKET VALUE OF THE COUNTY RIGHT-OF-WAY THAT IS SUITABLE FOR THE DEPLOYMENT OF WIRELESS FACILITIES AND UTILITY POLES. ALL MATERIALS USED TO DERIVE THESE VALUES SHALL BE READILY AVAILABLE TO THE PUBLIC AT LEAST NINETY DAYS BEFORE THE ADOPTION OF THE RATE. THE RATE ADOPTED SHALL BE BASED ON NINETY PERCENT OF THE AVERAGE FAIR MARKET VALUES THAT HAVE BEEN DETERMINED AND ARE SUBJECT TO THE APPLICABLE RATE CAPS IN PARAGRAPHS 1, 2 AND 3 OF THIS SUBSECTION.

E. A COUNTY SHALL:

1. ADOPT AN ORDINANCE ESTABLISHING RATES, FEES AND TERMS FOR THE FOLLOWING:

   (a) THE INSTALLATION, MODIFICATION OR REPLACEMENT BY A WIRELESS PROVIDER OF A UTILITY POLE LOCATED IN A RIGHT-OF-WAY.

   (b) THE COLLOCATION BY A WIRELESS PROVIDER OF A SMALL WIRELESS FACILITY IN A RIGHT-OF-WAY.
(c) THE COLLOCATION BY A WIRELESS PROVIDER OF A SMALL WIRELESS
FACILITY ON A COUNTY UTILITY POLE.

2. ADOPT THE ORDINANCE DESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION
WITHIN THE TIME PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION AND
ENDING AFTER THE TIME ALLOWED UNDER THE COUNTY’S PROCEDURES ADOPTED UNDER
SECTION 11-1605 FOR THE ADOPTION OF AN ORDINANCE, OR NINETY DAYS AFTER
RECEIVING THE FIRST REQUEST BY A WIRELESS PROVIDER, WHICHEVER IS LATER.

3. ESTABLISH RATES, FEES AND TERMS THAT COMPLY WITH THIS SECTION.
THE TERMS:

(a) MAY NOT BE UNREASONABLE OR DISCRIMINATORY.
(b) MAY INCLUDE REQUIREMENTS APPLICABLE TO OTHER USERS OF THE
RIGHT-OF-WAY.
(c) MAY REQUIRE THAT THE WIRELESS PROVIDER’S OPERATION OF THE SMALL
WIRELESS FACILITIES AND WIRELESS FACILITIES IN THE RIGHT-OF-WAY DOES NOT
INTERFERE WITH THE COUNTY’S PUBLIC SAFETY COMMUNICATIONS.
(d) MAY NOT REQUIRE THE PLACEMENT OF SMALL WIRELESS FACILITIES ON
ANY SPECIFIC UTILITY POLE OR CATEGORY OF UTILITY POLES OR REQUIRE MULTIPLE
ANTENNA SYSTEMS ON A SINGLE UTILITY POLE.
(e) MAY NOT LIMIT THE PLACEMENT OF POLE-MOUNTED SMALL WIRELESS
FACILITIES BY MINIMUM SEPARATION DISTANCES BUT MAY REQUIRE REASONABLE
SPACING REQUIREMENTS THAT CONCERN THE LOCATION OF GROUND-MOUNTED
EQUIPMENT.

F. AGREEMENTS THAT ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS
SECTION BETWEEN COUNTIES AND WIRELESS PROVIDERS AND THAT RELATE TO THE
COLLOCATION OF SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY, INCLUDING
THE COLLOCATION OF SMALL WIRELESS FACILITIES ON COUNTY UTILITY POLES,
REMAIN IN EFFECT, SUBJECT TO APPLICABLE TERMINATION PROVISIONS. THE
WIRELESS PROVIDER MAY ELECT TO PAY THE RATES AND FEES PROVIDED UNDER
SUBSECTION D OF THIS SECTION FOR SMALL WIRELESS FACILITIES AND UTILITY
POLES THAT ARE THE SUBJECT OF AN APPLICATION SUBMITTED AFTER THE RATES,
FEES AND TERMS BECOME EFFECTIVE, IF THE WIRELESS PROVIDER NOTIFIES THE
COUNTY OF THE WIRELESS PROVIDER’S ELECTION AND AGREEMENT TO COMPLY WITH
THE TERMS ADOPTED BY THE COUNTY UNDER SUBSECTION E OF THIS SECTION.

G. THIS CHAPTER DOES NOT RELIEVE A WIRELESS PROVIDER FROM ANY
APPLICABLE REQUIREMENT TO OBTAIN A FRANCHISE, LICENSE OR OTHER PERMISSION
TO PROVIDE COMMUNICATIONS SERVICE OR TO INSTALL, PLACE, MAINTAIN OR
OPERATE FACILITIES OR STRUCTURES THAT ARE NOT AUTHORIZED BY THIS CHAPTER
IN THE RIGHT-OF-WAY TO PROVIDE A COMMUNICATIONS SERVICE.

11-1803. Access to right-of-way by wireless providers

A. SUBJECT TO THIS SECTION AND SECTIONS 11-1802, 11-1804, 11-1806,
11-1807, 11-1809 AND 11-1810, A WIRELESS PROVIDER MAY CONSTRUCT, INSTALL,
MODIFY, MOUNT, MAINTAIN, OPERATE AND REPLACE UTILITY POLES ALONG, ACROSS,
ON AND UNDER THE RIGHT-OF-WAY AND COLLOCATE SMALL WIRELESS FACILITIES ON
UTILITY POLES AND WIRELESS SUPPORT STRUCTURES.
B. THE FOLLOWING REQUIREMENTS APPLY TO THE CONSTRUCTION, INSTALLATION, MOUNTING, MAINTENANCE, MODIFICATION, OPERATION OR REPLACEMENT OF UTILITY POLES BY A WIRELESS PROVIDER IN THE RIGHT-OF-WAY AND THE COLLOCATION OF SMALL WIRELESS FACILITIES ON UTILITY POLES OR WIRELESS SUPPORT STRUCTURES BY WIRELESS PROVIDERS IN THE RIGHT-OF-WAY:

1. A COUNTY SHALL ISSUE A PERMIT FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES ON OR ADJACENT TO A COUNTY UTILITY POLE OR THE COLLOCATION OF SMALL WIRELESS FACILITIES WITH GROUND-MOUNTED EQUIPMENT ADJACENT TO ANY OTHER PARTY'S UTILITY POLE OR WIRELESS SUPPORT STRUCTURE IF BOTH OF THE FOLLOWING APPLY:

(a) THE APPLICANT PROVIDES THE SEALED STATEMENT OF A REGISTERED ENGINEER DEMONSTRATING THAT THE UTILITY POLE OR WIRELESS SUPPORT STRUCTURE IS STRUCTURALLY SOUND AND ABLE TO SUPPORT THE PROPOSED SMALL WIRELESS FACILITY.

(b) THE COLLOCATION COMPLIES WITH APPLICABLE CODES AND THE TERMS FOR COLLOCATION ADOPTED UNDER SECTION 11-1002, SUBSECTION E.

2. THE COLLOCATION OF SMALL WIRELESS FACILITIES PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION IS A PERMITTED USE IN ALL ZONING DISTRICTS AND ZONING REVIEW AND APPROVAL IS NOT REQUIRED. IF THE APPLICANT FAILS TO DEMONSTRATE THAT A COUNTY UTILITY POLE IS STRUCTURALLY SOUND AND ABLE TO SUPPORT THE PROPOSED SMALL WIRELESS FACILITY, THE COUNTY MAY CONDITION A PERMIT ON REPLACEMENT OF THE COUNTY UTILITY POLE AT THE APPLICANT'S EXPENSE. THE WIRELESS PROVIDER'S REQUEST TO INSTALL A REPLACEMENT UTILITY POLE WILL BE PROCESSED UNDER SECTION 11-1002, SUBSECTION D, PARAGRAPH 4. THE COUNTY SHALL OWN THE REPLACEMENT UTILITY POLE.

3. A COUNTY SHALL ISSUE A PERMIT FOR THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE IF ALL OF THE FOLLOWING APPLY:

(a) THE APPLICANT PROVIDES THE SEALED STATEMENT OF A REGISTERED ENGINEER DEMONSTRATING THAT THE UTILITY POLE IS STRUCTURALLY SOUND AND ABLE TO SUPPORT THE PROPOSED SMALL WIRELESS FACILITY.

(b) THE PROPOSED LOCATION OF THE UTILITY POLE COMPLIES WITH REASONABLE RESTRICTIONS ADOPTED BY THE COUNTY THAT REQUIRE DISTANCES OF SEPARATION BETWEEN UTILITY POLES, GROUND-MOUNTED EQUIPMENT AND WIRELESS SUPPORT STRUCTURES.

(c) THE INSTALLATION, MODIFICATION OR REPLACEMENT COMPLIES WITH THE APPLICABLE CODES AND TERMS FOR INSTALLATION, MODIFICATION OR REPLACEMENT ADOPTED UNOFFICIAL SECTION 11-1002, SUBSECTION E.

4. THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE APPROVED PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION IS A PERMITTED USE IN ALL ZONING DISTRICTS AND SUBJECT TO ONLY ADMINISTRATIVE ZONING REVIEW AND APPROVAL UNLESS THE INSTALLATION, MODIFICATION OR REPLACEMENT WOULD NOT COMPLY WITH THE HEIGHT REQUIREMENTS OF PARAGRAPH 5 OF THIS SUBSECTION, AN UNDERGROUNDING REQUIREMENT DESCRIBED IN PARAGRAPH 6 OF THIS SUBSECTION OR A POLE SPACING REQUIREMENT DESCRIBED IN PARAGRAPH 7 OF THIS SUBSECTION.
5. A PROPOSED OR MODIFIED UTILITY POLE INSTALLED IN A COUNTY
RIGHT-OF-WAY MAY NOT EXCEED THE GREATER OF TEN FEET IN HEIGHT ABOVE THE
TALLEST UTILITY POLE, OTHER THAN A UTILITY POLE SUPPORTING ONLY WIRELESS
FACILITIES, THAT IS IN PLACE ON THE EFFECTIVE DATE OF THIS SECTION AND
THAT IS LOCATED WITHIN FIVE HUNDRED FEET OF THE PROPOSED UTILITY POLE IN
THE SAME RIGHT-OF-WAY OR FIFTY FEET ABOVE GROUND LEVEL. AN APPLICANT MAY
APPLY FOR AN ADMINISTRATIVE WAIVER TO EXCEED THESE HEIGHT LIMITATIONS.

6. WIRELESS PROVIDERS MUST COMPLY WITH UNDERGROUNDING REQUIREMENTS
THAT PROHIBIT THE INSTALLATION OF NEW STRUCTURES IN A RIGHT-OF-WAY WITHOUT
PRIOR APPROVAL IF SUCH REQUIREMENTS DO NOT PROHIBIT THE REPLACEMENT OF
EXISTING STRUCTURES AND FACILITIES. AN APPLICANT MAY APPLY FOR AN
ADMINISTRATIVE WAIVER TO INSTALL A UTILITY POLE IN A RIGHT-OF-WAY WHERE
SUCH UNDERGROUNDING REQUIREMENTS APPLY.

7. WIRELESS PROVIDERS SHALL COMPLY WITH REASONABLE REQUIREMENTS
CONCERNING SPACING BETWEEN UTILITY POLES AND GROUND-MOUNTED EQUIPMENT IN
THE RIGHT-OF-WAY. AN APPLICANT MAY APPLY FOR AN ADMINISTRATIVE WAIVER TO
INSTALL A UTILITY POLE IN CLOSER PROXIMITY TO ANOTHER POLE OR
GROUND-MOUNTED EQUIPMENT THAN THESE SPACING REQUIREMENTS WOULD PERMIT.

C. A COUNTY SHALL ADOPT AN ADMINISTRATIVE WAIVER PROCESS FOR
SUBSECTION B, PARAGRAPHS 5, 6 AND 7 OF THIS SECTION THAT COMPLIES WITH
SECTION 11-1635. THE APPLICATION PROCESS AND TIME FRAMES SHALL BE ADOPTED
WITHIN THE TIME PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION AND
ENDING AFTER THE TIME ALLOWED UNDER THE COUNTY'S PROCEDURES ADOPTED
PURSUANT TO SECTION 11-1605 FOR THE ADOPTION OF AN ORDINANCE, OR NINETY
DAYS AFTER RECEIVING A REQUEST BY A WIRELESS PROVIDER, WHICHEVER IS LATER.
AN APPLICANT IS ENTITLED TO ALL OF THE RIGHTS GRANTED IN CHAPTER 11,
ARTICLE 1 OF THIS TITLE.

11-1804. Collocation of small wireless facilities: permits
A. EXCEPT AS PROVIDED IN THIS SECTION AND SECTIONS 11-1802,
11-1803, 11-1306, 11-1807, 11-1809 AND 11-1810, A COUNTY MAY NOT PROHIBIT,
REGULATE OR CHARGE FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES INSIDE
A RIGHT-OF-WAY.

B. FOR COLLOCATIONS FOR WHICH AN APPLICATION IS REQUIRED, AN
APPLICANT SEEKING TO COLLOCATE MULTIPLE SMALL WIRELESS FACILITIES WITHIN
THE JURISDICTION OF A SINGLE COUNTY MAY FILE A CONSOLIDATED APPLICATION
FOR THE COLLOCATION OF UP TO THIRTY-FIVE SMALL WIRELESS FACILITIES WITHIN
A RIGHT-OF-WAY IF THE COLLOCATIONS EACH INVOLVE SUBSTANTIALLY THE SAME
TYPE OF SMALL WIRELESS FACILITIES AND SUBSTANTIALLY THE SAME TYPE OF
UTILITY POLE OR WIRELESS SUPPORT STRUCTURE. THE COUNTY MAY REMOVE FROM THE
CONSOLIDATED APPLICATION AND TREAT SEPARATELY SMALL WIRELESS FACILITY
COLLOCATIONS FOR WHICH INCOMPLETE INFORMATION HAS BEEN PROVIDED, THAT DO
NOT QUALIFY FOR CONSOLIDATED TREATMENT OR THAT ARE DENIED. THE COUNTY MAY
ISSUE SEPARATE PERMITS FOR EACH COLLOCATION THAT IS APPROVED IN A
CONSOLIDATED APPLICATION. APPLICATION FEES, IF REQUIRED, SHALL BE CAPPED
AT ONE HUNDRED DOLLARS FOR EACH SMALL WIRELESS FACILITY FOR UP TO FIVE
SMALL WIRELESS FACILITIES Addressed in a Single Application and Sixty-Five Dollars for Each Additional Small Wireless Facility Addressed in the Application.

C. An Application Shall Include an Attestation That the Small Wireless Facilities Will Be Collocated on the Utility Pole or Wireless Support Structure and That the Small Wireless Facilities Will Be Operational for Use by a Wireless Services Provider to Provide Service Within One Year After the Date on Which the Permit Is Issued.

11-1805. Applicability: Location Outside of a County-Owned Right-of-Way

A. This Section Applies to the Installation, Modification or Replacement by a Wireless Provider of a Utility Pole or the Collocation by a Wireless Provider of a Small Wireless Facility on a Utility Pole or a Wireless Support Structure Outside of the Right-of-Way.

B. The Installation, Modification or Replacement of a Utility Pole or the Collocation of a Small Wireless Facility on a Utility Pole or a Wireless Support Structure Is a Permitted Use in Every Zoning District in the County Except for Single-Family Residential Zoning Districts.

C. The Installation, Modification or Replacement of a Utility Pole or the Collocation of a Small Wireless Facility on a Utility Pole or a Wireless Support Structure Is Not a Prohibited Use in Any Zoning District in the County.

D. In Any Zoning District in Which the Installation, Modification or Replacement of a Utility Pole or the Collocation of a Small Wireless Facility on a Utility Pole or a Wireless Support Structure Is Not a Permitted Use, the County Shall Establish a Procedure by Which an Applicant May Seek to Install, Modify or Replace a Utility Pole or Collocate a Small Wireless Facility on a Utility Pole or a Wireless Support Structure.

E. Except as Provided in This Section, All Zoning Requirements of the Zoning District in Which the Applicant Seeks to Install, Modify or Replace a Utility Pole or Collocate a Small Wireless Facility on a Utility Pole or a Wireless Support Structure Outside the Right-of-Way That Are Generally Applicable to All Applicants Within That Zoning District Apply to the Applicant.

F. The County May Adopt Reasonable Zoning Requirements That Are Applicable Only to the Installation, Modification or Replacement of a Utility Pole or the Collocation of a Small Wireless Facility on a Utility Pole or a Wireless Support Structure and That Reflect Sound Zoning and Planning.

G. A Fee for a Zoning Application and Approval Required Under This Section Shall Conform to the Fees Applicable to Similar Applications Within the County.

H. For Zoning Applications Required Under This Section, a County Shall Either:
1. INCORPORATE THE APPLICATION PROCESS AND TIME FRAMES FOR THE
INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR WIRELESS
SUPPORT STRUCTURES, OR FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES,
INTO PROCESSES AND TIME FRAMES PREVIOUSLY ADOPTED BY THE COUNTY PURSUANT
TO SECTION 11-1605.

2. ADOPT AN APPLICATION PROCESS AND TIME FRAMES FOR THE
INSTALLATION, MODIFICATION OR REPLACEMENT OF UTILITY POLES OR WIRELESS
SUPPORT STRUCTURES, OR FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES,
THAT COMPLY WITH SECTION 11-1605. THE APPLICATION PROCESS AND TIME FRAMES
SHALL BE ADOPTED WITHIN THE PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS
SECTION AND ENDING AFTER THE TIME ALLOWED UNDER THE COUNTY’S PROCEDURES
ADOPTED UNDER SECTION 11-1605 FOR THE ADOPTION OF AN ORDINANCE, OR NINETY
DAYS AFTER RECEIVING A REQUEST BY A WIRELESS PROVIDER, WHICHEVER IS LATER.

11-1806. Application processing

A. A COUNTY SHALL ADOPT AN APPLICATION PROCESS AND TIME FRAMES FOR
THE INSTALLATION, MODIFICATION OR REPLACEMENT OF UTILITY POLES OR WIRELESS
SUPPORT STRUCTURES INSIDE OF THE RIGHT-OF-WAY OR FOR THE COLLOCATION OF
SMALL WIRELESS FACILITIES INSIDE OF THE RIGHT-OF-WAY THAT COMPLY WITH
SECTION 11-1605. THE APPLICATION PROCESS AND TIME FRAMES SHALL BE ADOPTED
WITHIN THE TIME PERIOD BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION AND
ENDING AFTER THE TIME ALLOWED UNDER THE COUNTY’S PROCEDURES ADOPTED
PURSUANT TO SECTION 11-1605 FOR THE ADOPTION OF AN ORDINANCE, OR NINETY
DAYS AFTER RECEIVING THE FIRST REQUEST BY A WIRELESS PROVIDER, WHICHEVER
IS LATER.

B. AN APPLICANT IS ENTITLED TO ALL OF THE RIGHTS GRANTED IN CHAPTER
11, ARTICLE 1 OF THIS TITLE.

C. A COUNTY MAY NOT:

1. DIRECTLY OR INDIRECTLY REQUIRE AN APPLICANT TO PERFORM SERVICES
THAT ARE UNRELATED TO THE APPLICATION, SUCH AS IN-KIND CONTRIBUTIONS TO
THE COUNTY, INCLUDING RESERVING FIBER, CONDUIT OR POLE SPACE ON THE
WIRELESS PROVIDER’S POLE FOR THE COUNTY.

2. REQUIRE AN APPLICANT TO PROVIDE MORE INFORMATION TO OBTAIN A
PERMIT THAN THE COUNTY REQUIRES OF A COMMUNICATIONS SERVICE PROVIDER THAT
IS NOT A WIRELESS PROVIDER AND THAT REQUESTS TO ATTACH FACILITIES TO A
STRUCTURE.

3. INSTITUTE, EITHER EXPRESSLY OR DE FACTO, A MORATORIUM ON FILING,
RECEIVING OR PROCESSING APPLICATIONS OR ISSUING PERMITS OR OTHER
APPROVALS, IF ANY, FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY.

4. REQUIRE AN APPLICATION FOR ROUTINE MAINTENANCE OR THE
REPLACEMENT OF SMALL WIRELESS FACILITIES WITH SMALL WIRELESS FACILITIES
THAT ARE SUBSTANTIALLY SIMILAR OR THE SAME SIZE OR SMALLER. A COUNTY MAY
REQUIRE A PERMIT TO WORK WITHIN A RIGHT-OF-WAY FOR SUCH ACTIVITIES, IF
APPLICABLE. A PERMIT ISSUED PURSUANT TO THIS PARAGRAPH IS SUBJECT TO THE
REQUIREMENTS OF THIS SECTION.
D. ISSUANCE OF A PERMIT BY A COUNTY SHALL ALLOW THE APPLICANT TO DO BOTH OF THE FOLLOWING:

1. COLLOCATE THE SMALL WIRELESS FACILITIES OR CONSTRUCT, INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE THE UTILITY POLE OR WIRELESS SUPPORT STRUCTURE, AS SPECIFIED IN THE PERMIT.

2. ON FINAL INSPECTION OF ALL WORK COMPLETED PURSUANT TO THE PERMIT, SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS AND THE WIRELESS PROVIDER’S RIGHT TO TERMINATE AT ANY TIME, OPERATE AND MAINTAIN THE SMALL WIRELESS FACILITIES. A PERMIT MAY NOT STATE A DURATION PERIOD FOR OPERATION AND MAINTENANCE.

E. THIS ARTICLE DOES NOT ALLOW A PERSON TO COLLOCATE SMALL WIRELESS FACILITIES ON A PRIVATELY OWNED UTILITY POLE, A PRIVATELY OWNED WIRELESS SUPPORT STRUCTURE OR PRIVATE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY OWNER.

11-1807. General requirements concerning use of the right-of-way by wireless providers

UTILITY POLES, WIRELESS SUPPORT STRUCTURES AND WIRELESS FACILITIES DEPLOYED BY WIRELESS PROVIDERS PURSUANT TO THIS ARTICLE SHALL BE CONSTRUCTED AND MAINTAINED AS TO NOT OBSTRUCT, ENDANGER OR HINDER THE USUAL TRAVEL OR PUBLIC SAFETY ON THE RIGHT-OF-WAY, DAMAGE OR INTERFERE WITH ANY OTHER UTILITY FACILITIES IN THE RIGHT-OF-WAY OR INTERFERE WITH A UTILITY’S USE OF THE UTILITY’S FACILITIES IN THE RIGHT-OF-WAY. CONSTRUCTION AND MAINTENANCE BY THE WIRELESS PROVIDER SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AND ALL APPLICABLE LAWS AND REGULATIONS FOR THE PROTECTION OF UNDERGROUND AND OVERHEAD UTILITY FACILITIES. A COUNTY SHALL TREAT A WIRELESS PROVIDER’S UTILITY FACILITIES LOCATED WITHIN A RIGHT-OF-WAY ON AN EQUAL BASIS WITH OTHER UTILITY FACILITIES, EXCEPT THAT A COUNTY MAY ADOPT REASONABLE REGULATIONS TO ADDRESS THE SEPARATION OF THE WIRELESS PROVIDER’S UTILITY FACILITIES FROM THE OTHER UTILITY FACILITIES WITHIN THE RIGHT-OF-WAY TO PREVENT ANY DAMAGE TO OR INTERFERENCE WITH OTHER UTILITY FACILITIES OR INTERFERENCE WITH A UTILITY’S USE OF THE UTILITY’S FACILITIES LOCATED OR TO BE LOCATED WITHIN THE RIGHT-OF-WAY.

11-1808. Scope of local authority

A. SUBJECT TO THIS ARTICLE AND APPLICABLE FEDERAL LAW, A COUNTY MAY EXERCISE ZONING, LAND USE, PLANNING AND PERMITTING AUTHORITY AND THE COUNTY’S POLICE POWER WITHIN THE COUNTY’S TERRITORIAL BOUNDARIES. INCLUDING FOR THE INSTALLATION, MODIFICATION AND REPLACEMENT OF WIRELESS SUPPORT STRUCTURES AND UTILITY POLES.

B. A COUNTY DOES NOT HAVE ANY JURISDICTION OR AUTHORITY OVER THE DESIGN, ENGINEERING, CONSTRUCTION, INSTALLATION OR OPERATION OF ANY SMALL WIRELESS FACILITY LOCATED IN AN INTERIOR STRUCTURE OR ON THE SITE OF ANY CAMPUS, STADIUM OR ATHLETIC FACILITY THAT IS NOT OWNED OR CONTROLLED BY THE COUNTY OTHER THAN TO COMPLY WITH APPLICABLE CODES.
C. THIS ARTICLE DOES NOT AUTHORIZE THIS STATE OR ANY POLITICAL
SUBDIVISION OF THIS STATE, INCLUDING A COUNTY, TO REQUIRE SMALL WIRELESS
FACILITY DEPLOYMENT OR TO REGULATE WIRELESS SERVICES.

11-1809. Dispute resolution
A COURT OF COMPETENT JURISDICTION IN THIS STATE SHALL DETERMINE ALL
DISPUTES ARISING UNDER THIS ARTICLE.

11-1810. Applicability
THIS ARTICLE DOES NOT:

1. AFFECT THE AUTHORITY OF A SPECIAL TAXING DISTRICT,
INVESTOR-OWNED ELECTRIC UTILITY OR ELECTRIC COOPERATIVE THAT OWNS,
CONTROLS OR OPERATES UTILITY POLES OR WIRELESS SUPPORT STRUCTURES TO DENY,
LIMIT, RESTRICT OR DETERMINE THE RATES, FEES, TERMS AND CONDITIONS FOR THE
USE OF OR ATTACHMENT TO ITS UTILITY POLES OR WIRELESS SUPPORT STRUCTURES
BY A WIRELESS PROVIDER.

2. CONFER ON ANY COUNTY ANY ZONING, LAND USE, PLANNING, PERMITTING
OR OTHER REGULATORY AUTHORITY OVER THE UTILITY POLES, WIRELESS SUPPORT
STRUCTURES OR SMALL WIRELESS FACILITIES OWNED, CONTROLLED OR OPERATED BY A
SPECIAL TAXING DISTRICT OR THE INSTALLATION OF SUCH UTILITY POLES,
WIRELESS SUPPORT STRUCTURES OR SMALL WIRELESS FACILITIES BY A SPECIAL
TAXING DISTRICT.

3. AMEND, MODIFY OR OTHERWISE AFFECT ANY PRIVATE EASEMENT. ANY AND
ALL RIGHTS FOR THE USE OF A RIGHT-OF-WAY ARE SUBJECT TO THE RIGHTS GRANTED
PURSUANT TO ANY PRIVATE EASEMENT.

APPROVED BY THE GOVERNOR MARCH 31, 2017.