

# DEVELOPMENT REVIEW BOARD REPORT



Meeting Date: April 19, 2018 Item No. 7  
General Plan Element: *Public Services and Facilities*  
General Plan Goal: *Encourage provision of power and communication systems that match the character of Scottsdale and provide reliable, efficient, service for Scottsdale citizens, visitors, and businesses.*

## ACTION

### 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 5<sup>th</sup> 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 Statutes, 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

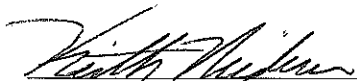
## **STAFF CONTACT**

---

Keith Niederer  
Senior Planner  
480-312-2953  
E-mail: [kniederer@ScottsdaleAZ.gov](mailto:kniederer@ScottsdaleAZ.gov)

**APPROVED BY**

---



Keith Niederer, Report Author

4-10-2018

Date

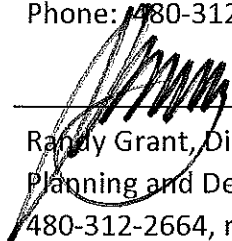


Steve Venker, Development Review Board Coordinator

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: \_\_\_\_\_  
J. Stephen Venker  
Development Review Board Coordinator

By: \_\_\_\_\_  
Virginia Korte, Chair

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Joseph Padilla, Deputy City Attorney



**2018**

**City of Scottsdale**

**Design Guidelines**

**for**

**Small Wireless Facilities in the Right-of-Way**

## Table of Contents

---

Definitions	Page 3-4
Standard Design Requirements for Small Wireless Facility on Existing Streetlights	Page 5-7
Standard Design Requirements for Small Wireless Facility on Existing Traffic Signal Pole	Page 8-10
Standard Design Requirements for Small Wireless Facility on Existing Utility Pole	Page 11-12
Standard Design Requirements for Wireless Facility on New Wireless Support Structure	Page 13-14
Common Standard Design Concepts, Requirements, and Details	Page 15-19
City of Scottsdale Contact Information	Page 20
Exhibit A1 Calculating Height of Existing Streetlight	Page 21
Exhibit A2 Calculating the Height of Existing Streetlight with Integrated Mast Arm	Page 22
Exhibit B Calculating the Height of Existing Traffic Signal Pole	Page 23
Exhibit C "Dog House" and External Cable Chase	Page 24
Exhibit D1 Panel Antenna Shroud – 45 Degrees	Page 25
Exhibit D2 Panel Antenna Shroud – 90 Degrees	Page 26
Exhibit D Example of Electrical Meter Pedestal	Page 27

**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.

“Omni-directional 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.

e) 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) Shrouds 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 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 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, o 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 canister 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.

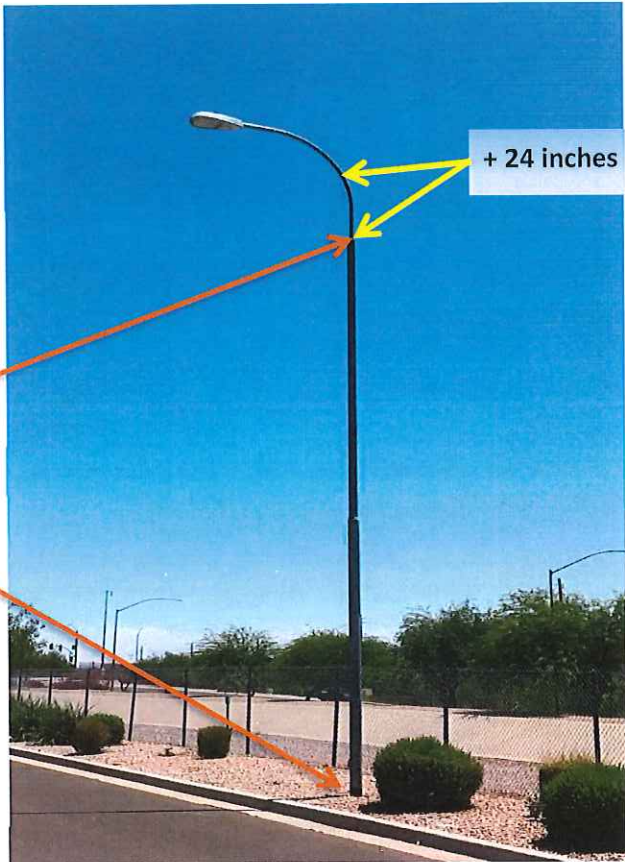


Exhibit A2

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

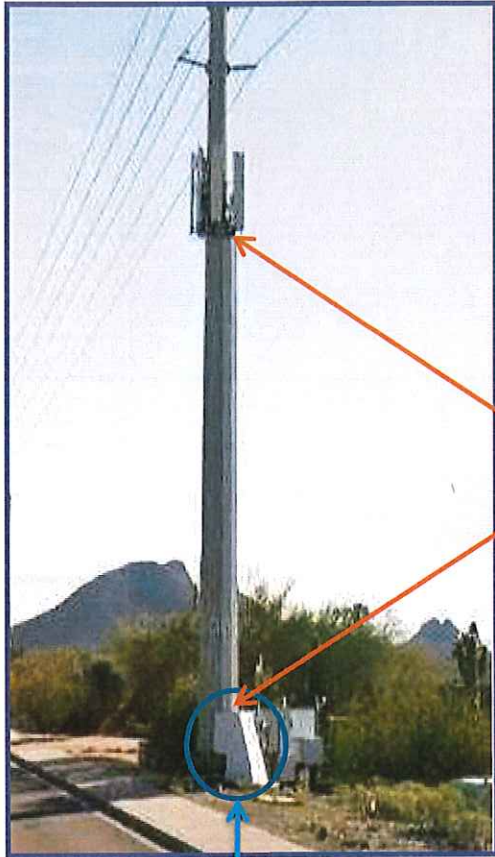
**Exhibit B**  
**Calculation Points for Height of Existing Traffic Signal Pole**



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 D2**  
**Antenna Shrouds – 90 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)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 9, chapter 5, Arizona Revised Statutes, is amended  
3 by adding article 8, to read:

4 ARTICLE 8. USE OF PUBLIC HIGHWAYS BY WIRELESS PROVIDERS

5 9-591. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ANTENNA" MEANS COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR  
8 RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN  
9 PROVIDING WIRELESS SERVICES.

10 2. "APPLICABLE CODES" MEANS UNIFORM BUILDING, FIRE, ELECTRICAL,  
11 PLUMBING OR MECHANICAL CODES THAT ARE ADOPTED BY A RECOGNIZED NATIONAL  
12 CODE ORGANIZATION OR LOCAL AMENDMENTS TO THOSE CODES THAT ARE ENACTED TO  
13 ADDRESS THREATS OF DESTRUCTION OF PROPERTY OR INJURY TO PERSONS AND TO AN  
14 EXTENT THAT IS NOT INCONSISTENT WITH THIS ARTICLE.

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

17 4. "APPLICATION" MEANS A REQUEST THAT IS SUBMITTED BY AN APPLICANT  
18 TO AN AUTHORITY FOR A PERMIT TO COLLOCATE SMALL WIRELESS FACILITIES OR TO  
19 APPROVE THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR  
20 WIRELESS SUPPORT STRUCTURE.

21 5. "AUTHORITY" MEANS ANY CITY, TOWN, SPECIAL DISTRICT OR POLITICAL  
22 SUBDIVISION OF THIS STATE THAT IS AUTHORIZED TO MAKE LEGISLATIVE,  
23 QUASI-JUDICIAL OR ADMINISTRATIVE DECISIONS CONCERNING AN APPLICATION.  
24 AUTHORITY DOES NOT INCLUDE ANY STATE COURT THAT HAS JURISDICTION OVER AN  
25 AUTHORITY AND DOES NOT INCLUDE A COUNTY, SPECIAL TAXING DISTRICT, OR  
26 ELECTRIC COOPERATIVE.

27 6. "AUTHORITY UTILITY POLE" MEANS A UTILITY POLE THAT IS OWNED OR  
28 OPERATED BY AN AUTHORITY AND THAT IS IN A RIGHT-OF-WAY. AUTHORITY UTILITY  
29 POLE DOES NOT INCLUDE A UTILITY POLE FOR ELECTRIC DISTRIBUTION.

30 7. "CABLE OPERATOR" HAS THE SAME MEANING PRESCRIBED IN SECTION  
31 9-505. CABLE OPERATOR DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.

32 8. "COLLOCATE" OR "COLLOCATION" MEANS TO INSTALL, MOUNT, MAINTAIN,  
33 MODIFY, OPERATE OR REPLACE WIRELESS FACILITIES ON, WITHIN OR ADJACENT TO A  
34 WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.

35 9. "COMMUNICATIONS SERVICE" MEANS CABLE SERVICE AS DEFINED IN  
36 47 UNITED STATES CODE SECTION 522(6), INFORMATION SERVICE AS DEFINED IN  
37 47 UNITED STATES CODE SECTION 153(24), TELECOMMUNICATIONS SERVICE AS  
38 DEFINED IN 47 UNITED STATES CODE SECTION 153(53) OR WIRELESS SERVICE.

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

43 11. "FEE" MEANS A ONE-TIME CHARGE.

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

1           13. "MONOPOLE" MEANS A WIRELESS SUPPORT STRUCTURE THAT IS NOT MORE  
2 THAN FORTY INCHES IN DIAMETER AT THE GROUND LEVEL AND THAT HAS ALL OF THE  
3 WIRELESS FACILITIES MOUNTED ON THE POLE OR CONTAINED INSIDE OF THE POLE.

4           14. "PERMIT" MEANS WRITTEN PERMISSION REQUIRED BY AN AUTHORITY TO  
5 INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE OR REPLACE A UTILITY POLE OR  
6 MONOPOLE, TO COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY POLE OR  
7 WIRELESS SUPPORT STRUCTURE OR TO COLLOCATE WIRELESS FACILITIES ON A  
8 MONOPOLE.

9           15. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY  
10 COMPANY, PARTNERSHIP, ASSOCIATION, TRUST OR OTHER ENTITY OR ORGANIZATION,  
11 INCLUDING AN AUTHORITY.

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

15           17. "RATE" MEANS A RECURRING CHARGE.

16           18. "RIGHT-OF-WAY" MEANS THE AREA ON, BELOW OR ABOVE A PUBLIC  
17 ROADWAY, HIGHWAY, STREET, SIDEWALK, ALLEY OR UTILITY EASEMENT.  
18 RIGHT-OF-WAY DOES NOT INCLUDE A FEDERAL INTERSTATE HIGHWAY, A STATE  
19 HIGHWAY OR STATE ROUTE UNDER THE JURISDICTION OF THE DEPARTMENT OF  
20 TRANSPORTATION, A PRIVATE EASEMENT, PROPERTY THAT IS OWNED BY A SPECIAL  
21 TAXING DISTRICT, OR A UTILITY EASEMENT THAT DOES NOT AUTHORIZE THE  
22 DEPLOYMENT SOUGHT BY THE WIRELESS PROVIDER.

23           19. "SMALL WIRELESS FACILITY" MEANS A WIRELESS FACILITY THAT MEETS  
24 BOTH OF THE FOLLOWING QUALIFICATIONS:

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

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

35           (i) AN ELECTRIC METER.

36           (ii) CONCEALMENT ELEMENTS.

37           (iii) A TELECOMMUNICATIONS DEMARCATION BOX.

38           (iv) GROUNDING EQUIPMENT.

39           (v) A POWER TRANSFER SWITCH.

40           (vi) A CUTOFF SWITCH.

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

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

1           21. "UTILITY POLE" MEANS A POLE OR SIMILAR STRUCTURE THAT IS USED  
2 IN WHOLE OR IN PART FOR COMMUNICATIONS SERVICES, ELECTRIC DISTRIBUTION,  
3 LIGHTING OR TRAFFIC SIGNALS. UTILITY POLE DOES NOT INCLUDE A MONOPOLE.

4           22. "WIRELESS FACILITY":

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

8           (i) EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.

9           (ii) RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES,  
10 REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF  
11 TECHNOLOGICAL CONFIGURATION.

12           (b) INCLUDES SMALL WIRELESS FACILITIES.

13           (c) DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER OR  
14 WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES,  
15 COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES  
16 OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT  
17 IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.

18           (d) DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN SECTION  
19 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN SECTION 9-584,  
20 SUBSECTION E.

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

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

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

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

35           27. "WIRELESS SUPPORT STRUCTURE":

36           (a) MEANS:

37           (i) A FREESTANDING STRUCTURE, SUCH AS A MONOPOLE.

38           (ii) A TOWER, EITHER GUYED OR SELF-SUPPORTING.

39           (iii) A SIGN OR BILLBOARD.

40           (iv) ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT  
41 OR CAPABLE OF SUPPORTING SMALL WIRELESS FACILITIES.

42           (b) DOES NOT INCLUDE A UTILITY POLE.

1           9-592. Applicability; wireless provider; use of right-of-way;  
2                   rates, fees and terms; right to access; damage and  
3                   repair

4           A. THIS SECTION APPLIES TO THE ACTIVITIES OF A WIRELESS PROVIDER  
5 WITHIN A RIGHT-OF-WAY.

6           B. AN AUTHORITY MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH A  
7 WIRELESS PROVIDER FOR USE OF A RIGHT-OF-WAY FOR ANY OF THE FOLLOWING:

8           1. THE CONSTRUCTION, INSTALLATION, MAINTENANCE, MODIFICATION,  
9 OPERATION OR REPLACEMENT OF UTILITY POLES OR MONOPOLES.

10           2. THE COLLOCATION OF SMALL WIRELESS FACILITIES ON UTILITY POLES OR  
11 WIRELESS SUPPORT STRUCTURES.

12           3. THE COLLOCATION OF WIRELESS FACILITIES ON MONOPOLES.

13           C. AN AUTHORITY MAY CHARGE A WIRELESS PROVIDER A RATE OR FEE FOR  
14 THE USE OF A RIGHT-OF-WAY FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE,  
15 MODIFICATION, OPERATION OR REPLACEMENT OF A UTILITY POLE IN THE  
16 RIGHT-OF-WAY OR THE COLLOCATION OF A SMALL WIRELESS FACILITY IN THE  
17 RIGHT-OF-WAY, ONLY IF THE AUTHORITY CHARGES OTHER COMMUNICATIONS SERVICE  
18 PROVIDERS OR PUBLICLY, COOPERATIVELY OR MUNICIPALLY OWNED UTILITIES FOR  
19 THE USE OF THE RIGHT-OF-WAY AND THE AUTHORITY HAS THE LEGAL AUTHORITY TO  
20 DO SO. IF AN AUTHORITY CHARGES A RATE OR FEE PURSUANT TO THIS SECTION, THE  
21 RATE OR FEE FOR A WIRELESS PROVIDER MUST BE:

22           1. LIMITED TO NOT MORE THAN THE DIRECT AND ACTUAL COST OF MANAGING  
23 THE RIGHT-OF-WAY.

24           2. COMPETITIVELY NEUTRAL IN REGARD TO OTHER USERS OF THE  
25 RIGHT-OF-WAY, INCLUDING INVESTOR-OWNED, AUTHORITY-OWNED OR COOPERATIVELY  
26 OWNED ENTITIES, UNLESS OTHER USERS ARE EXEMPT FROM SUCH RATES OR FEES  
27 UNDER APPLICABLE LAW.

28           D. A RATE OR FEE CHARGED PURSUANT TO SUBSECTION C OF THIS SECTION  
29 MAY NOT DO ANY OF THE FOLLOWING:

30           1. RESULT IN A DOUBLE RECOVERY WHERE EXISTING RATES, FEES OR TAXES  
31 ALREADY RECOVER THE DIRECT AND ACTUAL COSTS OF MANAGING A RIGHT-OF-WAY.

32           2. BE IN THE FORM OF A FRANCHISE OR OTHER FEE BASED ON REVENUE OR  
33 CUSTOMER COUNTS.

34           3. BE UNREASONABLE OR DISCRIMINATORY.

35           4. EXCEED AN ANNUAL AMOUNT EQUAL TO FIFTY DOLLARS MULTIPLIED BY THE  
36 NUMBER OF SMALL WIRELESS FACILITIES THAT ARE IN THE AUTHORITY'S GEOGRAPHIC  
37 JURISDICTION AND THAT ARE PLACED BY THE WIRELESS PROVIDER IN THE  
38 RIGHT-OF-WAY.

39           E. AN AUTHORITY SHALL ESTABLISH AND MAKE AVAILABLE RATES, FEES AND  
40 TERMS FOR ALL OF THE FOLLOWING, WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE  
41 OF THIS SECTION OR THREE MONTHS AFTER RECEIVING THE FIRST REQUEST BY A  
42 WIRELESS PROVIDER, WHICHEVER IS LATER:

43           1. THE CONSTRUCTION, INSTALLATION, MOUNTING, MAINTENANCE,  
44 MODIFICATION, OPERATION OR REPLACEMENT OF A UTILITY POLE OR MONOPOLE BY A  
45 WIRELESS PROVIDER IN A RIGHT-OF-WAY.

1           2. THE COLLOCATION OF A SMALL WIRELESS FACILITY BY A WIRELESS  
2 PROVIDER IN A RIGHT-OF-WAY.

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

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

12           1. MAY NOT BE UNREASONABLE OR DISCRIMINATORY.

13           2. MAY INCLUDE REQUIREMENTS APPLICABLE TO OTHER USERS OF THE  
14 RIGHT-OF-WAY.

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

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

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

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

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

36           1. COLLOCATE SMALL WIRELESS FACILITIES.

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

40           3. CONSTRUCT, INSTALL, MODIFY, MOUNT, MAINTAIN, OPERATE AND REPLACE  
41 MONOPOLES THAT ARE ASSOCIATED WITH THE COLLOCATION OF WIRELESS FACILITIES  
42 ALONG, ACROSS, ON AND UNDER THE RIGHT-OF-WAY. THE INSTALLATION,  
43 MODIFICATION AND REPLACEMENT OF MONOPOLES ARE SUBJECT TO REVIEW UNDER  
44 SECTION 9-594 REGARDLESS OF THE HEIGHT OF THE MONOPOLE.

1 I. SUBJECT TO SUBSECTION K, PARAGRAPH 2, SUBDIVISION (c) OF THIS  
2 SECTION, A NEW, REPLACEMENT OR MODIFIED UTILITY POLE THAT IS ASSOCIATED  
3 WITH THE COLLOCATION OF SMALL WIRELESS FACILITIES AND THAT IS INSTALLED IN  
4 THE RIGHT-OF-WAY IS NOT SUBJECT TO ZONING REVIEW AND APPROVAL UNDER  
5 SECTION 9-594 IF THE UTILITY POLE DOES NOT EXCEED THE GREATER OF EITHER:

6 1. TEN FEET IN HEIGHT ABOVE THE TALLEST EXISTING UTILITY POLE,  
7 OTHER THAN A UTILITY POLE SUPPORTING ONLY WIRELESS FACILITIES, THAT IS IN  
8 PLACE ON THE EFFECTIVE DATE OF THIS SECTION, THAT IS LOCATED WITHIN FIVE  
9 HUNDRED FEET OF THE NEW, REPLACEMENT OR MODIFIED UTILITY POLE AND THAT IS  
10 IN THE SAME RIGHT-OF-WAY WITHIN THE JURISDICTIONAL BOUNDARY OF THE  
11 AUTHORITY, BUT NOT MORE THAN FIFTY FEET ABOVE GROUND LEVEL.

12 2. FORTY FEET ABOVE GROUND LEVEL.

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

18 K. AN AUTHORITY MAY REQUIRE AN APPLICATION UNDER THIS SECTION FOR  
19 THE INSTALLATION OF NEW, REPLACEMENT OR MODIFIED UTILITY POLES ASSOCIATED  
20 WITH THE COLLOCATION OF SMALL WIRELESS FACILITIES. AN AUTHORITY SHALL  
21 APPROVE AN APPLICATION UNLESS THE AUTHORITY FINDS THAT THE UTILITY POLE  
22 FAILS TO COMPLY WITH ANY OF THE FOLLOWING:

23 1. APPLICABLE CODES.

24 2. LOCAL CODE PROVISIONS OR REGULATIONS THAT CONCERN ANY OF THE  
25 FOLLOWING:

26 (a) PUBLIC SAFETY.

27 (b) OBJECTIVE DESIGN STANDARDS AND REASONABLE STEALTH AND  
28 CONCEALMENT REQUIREMENTS.

29 (c) UNDERGROUNDING REQUIREMENTS THAT PROHIBIT THE INSTALLATION OF  
30 NEW OR THE MODIFICATION OF EXISTING UTILITY POLES OR MONOPOLES IN A  
31 RIGHT-OF-WAY WITHOUT PRIOR APPROVAL, IF SUCH REQUIREMENTS INCLUDE A  
32 WAIVER, ZONING OR ANOTHER PROCESS THAT ADDRESSES REQUESTS TO INSTALL SUCH  
33 NEW UTILITY POLES OR MONOPOLES OR MODIFY SUCH EXISTING UTILITY POLES OR  
34 MONOPOLES AND DO NOT PROHIBIT THE REPLACEMENT OF UTILITY POLES OR  
35 MONOPOLES.

36 3. REQUIREMENTS THAT ARE IMPOSED BY A CONTRACT BETWEEN AN AUTHORITY  
37 AND A PRIVATE PROPERTY OWNER AND THAT CONCERN DESIGN STANDARDS APPLICABLE  
38 TO UTILITY POLES IN THE RIGHT-OF-WAY.

39 4. THE AUTHORITY'S PUBLIC SAFETY AND REASONABLE SPACING  
40 REQUIREMENTS THAT CONCERN THE LOCATION OF NEW UTILITY POLES IN A  
41 RIGHT-OF-WAY.

42 L. AN AUTHORITY SHALL PROCESS APPLICATIONS UNDER SUBSECTION K OF  
43 THIS SECTION IN COMPLIANCE WITH APPLICABLE LAW. IF AN AUTHORITY FAILS TO  
44 APPROVE OR DENY AN APPLICATION WITHIN THE TIME FRAME SPECIFIED BY  
45 APPLICABLE LAW, THE APPLICATION SHALL BE DEEMED APPROVED. ANY APPLICATION

1 FEE IS SUBJECT TO THE REQUIREMENTS PROVIDED IN SECTION 9-593, SUBSECTION  
2 I. THE TOTAL APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED SEVEN HUNDRED  
3 FIFTY DOLLARS.

4 M. THE CONSTRUCTION, INSTALLATION, MOUNTING, MAINTENANCE,  
5 MODIFICATION, OPERATION OR REPLACEMENT FOR WHICH A PERMIT IS GRANTED SHALL  
6 BE COMPLETED WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE PERMIT ISSUANCE  
7 DATE, UNLESS THE AUTHORITY AND WIRELESS PROVIDER AGREE TO EXTEND THIS  
8 PERIOD OR A DELAY IS CAUSED BY A LACK OF COMMERCIAL POWER AT THE  
9 SITE. APPROVAL OF AN APPLICATION BY AN AUTHORITY AUTHORIZES THE APPLICANT  
10 TO DO BOTH OF THE FOLLOWING:

11 1. UNDERTAKE THE REQUESTED DEPLOYMENT.

12 2. SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS, THE AUTHORITY'S  
13 TERMS AS DESCRIBED IN THIS SECTION AND THE WIRELESS PROVIDER'S RIGHT TO  
14 TERMINATE AT ANY TIME, OPERATE AND MAINTAIN THE WIRELESS PROVIDER'S NEW,  
15 MODIFIED OR REPLACEMENT UTILITY POLE FOR A PERIOD OF NOT LESS THAN TEN  
16 YEARS, WHICH MUST BE RENEWED FOR EQUIVALENT DURATIONS UNLESS THE AUTHORITY  
17 MAKES A FINDING THAT THE NEW OR MODIFIED UTILITY POLE DOES NOT COMPLY WITH  
18 THE REQUIREMENTS DESCRIBED IN SUBSECTION K OF THIS SECTION.

19 N. AN AUTHORITY MAY REQUIRE A WIRELESS PROVIDER TO REPAIR ALL  
20 DAMAGE TO THE AUTHORITY'S PROPERTY AND THE RIGHT-OF-WAY THAT IS CAUSED BY  
21 THE ACTIVITIES OF THE WIRELESS PROVIDER OR THE WIRELESS PROVIDER'S  
22 CONTRACTOR WHILE OCCUPYING, INSTALLING, REPAIRING OR MAINTAINING SMALL  
23 WIRELESS FACILITIES, WIRELESS SUPPORT STRUCTURES OR UTILITY POLES IN THE  
24 RIGHT-OF-WAY AND TO RETURN THE DAMAGED PROPERTY TO THE SAME CONDITION AS  
25 BEFORE THE DAMAGE PURSUANT TO THE COMPETITIVELY NEUTRAL, REASONABLE  
26 REQUIREMENTS AND SPECIFICATIONS OF THE AUTHORITY. IF THE WIRELESS  
27 PROVIDER FAILS TO MAKE THE REPAIRS REQUIRED BY THE AUTHORITY WITHIN A  
28 REASONABLE TIME AFTER THE AUTHORITY PROVIDES WRITTEN NOTICE TO THE  
29 WIRELESS PROVIDER, THE AUTHORITY MAY MAKE THE REPAIRS AND CHARGE THE  
30 APPLICABLE PARTY THE REASONABLE, DOCUMENTED COST OF THE REPAIRS.

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

36 9-593. Applicability: collocation of small wireless  
37 facilities; permits; application; fee

38 A. THIS SECTION APPLIES TO THE ACTIVITIES OF A WIRELESS PROVIDER  
39 WITHIN A RIGHT-OF-WAY.

40 B. EXCEPT AS PROVIDED IN THIS SECTION AND SECTIONS 9-592, 9-594,  
41 9-595, 9-597, 9-598 AND 9-599, AS APPLICABLE, AN AUTHORITY MAY NOT  
42 PROHIBIT, REGULATE OR CHARGE FOR THE COLLOCATION OF SMALL WIRELESS  
43 FACILITIES.

44 C. SUBJECT TO THIS SECTION AND SECTION 9-592, SUBSECTION J, A SMALL  
45 WIRELESS FACILITY IS CLASSIFIED AS A PERMITTED USE AND IS NOT SUBJECT TO



1 ZONING REVIEW OR APPROVAL IF THE SMALL WIRELESS FACILITY IS COLLOCATED IN  
2 A RIGHT-OF-WAY IN ANY ZONE.

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

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

19 F. AN AUTHORITY:

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

22 2. WITHIN TWENTY DAYS AFTER RECEIVING AN APPLICATION, SHALL  
23 DETERMINE AND NOTIFY THE APPLICANT WHETHER THE APPLICATION IS COMPLETE.  
24 IF AN APPLICANT IS NOT NOTIFIED WITHIN THE TWENTY-DAY PERIOD, THE  
25 APPLICATION IS DEEMED COMPLETE. IF AN APPLICATION IS INCOMPLETE, THE  
26 AUTHORITY MUST SPECIFICALLY IDENTIFY THE INFORMATION MISSING FROM THE  
27 APPLICATION.

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

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

44 5. IF AN APPLICATION IS DENIED, SHALL DOCUMENT THE BASIS FOR THE  
45 DENIAL, INCLUDING THE SPECIFIC CODE PROVISIONS, REGULATIONS OR

1 REQUIREMENTS ON WHICH THE DENIAL WAS BASED, AND SEND THE DOCUMENTATION TO  
2 THE APPLICANT ON OR BEFORE THE DATE THAT THE APPLICATION IS DENIED. THE  
3 APPLICANT MAY CURE THE DEFICIENCIES IDENTIFIED BY THE AUTHORITY AND  
4 RESUBMIT THE APPLICATION WITHIN THIRTY DAYS AFTER THE DENIAL WITHOUT  
5 PAYING AN ADDITIONAL APPLICATION FEE. THE AUTHORITY SHALL APPROVE OR DENY  
6 THE REVISED APPLICATION WITHIN THIRTY DAYS AFTER RECEIVING THE REVISED  
7 APPLICATION. ANY SUBSEQUENT REVIEW IS LIMITED TO THE DEFICIENCIES CITED  
8 IN THE DENIAL.

9 6. IF AN APPLICATION INCLUDES MULTIPLE SMALL WIRELESS FACILITIES,  
10 MAY REMOVE SMALL WIRELESS FACILITY COLLOCATIONS FROM THE APPLICATION AND  
11 TREAT SEPARATELY SMALL WIRELESS FACILITY COLLOCATIONS FOR WHICH INCOMPLETE  
12 INFORMATION HAS BEEN PROVIDED OR THAT DO NOT QUALIFY FOR CONSOLIDATED  
13 TREATMENT OR THAT ARE DENIED. THE AUTHORITY MAY ISSUE SEPARATE PERMITS  
14 FOR EACH COLLOCATION THAT IS APPROVED IN A CONSOLIDATED APPLICATION.

15 G. AN AUTHORITY MAY NOT:

16 1. DIRECTLY OR INDIRECTLY REQUIRE AN APPLICANT TO PERFORM SERVICES  
17 THAT ARE UNRELATED TO THE COLLOCATION FOR WHICH APPROVAL IS SOUGHT, SUCH  
18 AS IN-KIND CONTRIBUTIONS TO THE AUTHORITY, INCLUDING RESERVING FIBER,  
19 CONDUIT OR POLE SPACE ON THE WIRELESS PROVIDER'S MONOPOLE OR UTILITY POLE  
20 FOR THE AUTHORITY.

21 2. REQUIRE AN APPLICANT TO PROVIDE MORE INFORMATION TO OBTAIN A  
22 PERMIT THAN THE AUTHORITY REQUIRES OF A COMMUNICATIONS SERVICE PROVIDER  
23 THAT IS NOT A WIRELESS PROVIDER AND THAT REQUESTS TO ATTACH FACILITIES TO  
24 A STRUCTURE. AN AUTHORITY MAY REQUIRE THE APPLICANT TO CERTIFY THAT THE  
25 SMALL WIRELESS FACILITIES TO BE COLLOCATED COMPLY WITH THE FEDERAL  
26 COMMUNICATIONS COMMISSION'S REGULATIONS CONCERNING RADIO FREQUENCY  
27 EMISSIONS REFERENCED IN 47 UNITED STATES CODE SECTION 332(c)(7)(B)(iv).

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

31 4. REQUIRE AN APPLICATION FOR ROUTINE MAINTENANCE OR THE  
32 REPLACEMENT OF SMALL WIRELESS FACILITIES WITH SMALL WIRELESS FACILITIES  
33 THAT ARE SUBSTANTIALLY SIMILAR OR THE SAME SIZE OR SMALLER. AN AUTHORITY  
34 MAY REQUIRE A PERMIT TO WORK WITHIN A RIGHT-OF-WAY FOR SUCH ACTIVITIES, IF  
35 APPLICABLE. A PERMIT ISSUED PURSUANT TO THIS PARAGRAPH IS SUBJECT TO THE  
36 REQUIREMENTS OF THIS SECTION.

37 H. COLLOCATION FOR WHICH A PERMIT IS GRANTED SHALL BE COMPLETED  
38 WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE PERMIT ISSUANCE DATE, UNLESS THE  
39 AUTHORITY AND THE WIRELESS PROVIDER AGREE TO EXTEND THIS PERIOD OR A DELAY  
40 IS CAUSED BY THE LACK OF COMMERCIAL POWER AT THE SITE. APPROVAL OF AN  
41 APPLICATION BY AN AUTHORITY ALLOWS THE APPLICANT TO DO BOTH OF THE  
42 FOLLOWING:

43 1. COLLOCATE THE SMALL WIRELESS FACILITIES.

44 2. SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS, THE WIRELESS  
45 PROVIDER'S RIGHT TO TERMINATE AT ANY TIME AND THE AUTHORITY'S TERMS

1 DESCRIBED IN SECTION 9-592, OPERATE AND MAINTAIN THE SMALL WIRELESS  
2 FACILITIES FOR A PERIOD OF NOT LESS THAN TEN YEARS, WHICH MUST BE RENEWED  
3 FOR EQUIVALENT DURATIONS UNLESS THE AUTHORITY MAKES A FINDING THAT THE  
4 SMALL WIRELESS FACILITIES DO NOT COMPLY WITH THE APPLICABLE CODES OR LOCAL  
5 CODE PROVISIONS OR REGULATIONS DESCRIBED IN SUBSECTION F, PARAGRAPH 4 OF  
6 THIS SECTION.

7 I. AN AUTHORITY MAY CHARGE AN APPLICATION FEE THAT IS LIMITED TO  
8 THE ACTUAL, DIRECT AND REASONABLE COSTS THAT ARE INCURRED BY THE AUTHORITY  
9 AND THAT RELATE TO THE GRANTING OR PROCESSING OF AN APPLICATION. AN  
10 APPLICATION FEE SHALL BE REASONABLY RELATED IN TIME TO THE INCURRING OF  
11 SUCH COSTS. IF SUCH COSTS ARE ALREADY RECOVERED BY EXISTING FEES, RATES  
12 OR TAXES THAT ARE PAID BY A WIRELESS PROVIDER, AN AUTHORITY MAY NOT CHARGE  
13 AN APPLICATION FEE TO RECOVER SUCH COSTS. AN APPLICATION FEE MAY NOT  
14 INCLUDE:

15 1. THIRD-PARTY TRAVEL EXPENSES THAT ARE INCURRED TO REVIEW AN  
16 APPLICATION.

17 2. THE DIRECT PAYMENT OR REIMBURSEMENT OF THIRD-PARTY RATES OR FEES  
18 THAT ARE CHARGED ON A CONTINGENCY BASIS OR PURSUANT TO A RESULT-BASED  
19 ARRANGEMENT.

20 J. THE TOTAL APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED ONE  
21 HUNDRED DOLLARS EACH FOR UP TO FIVE SMALL WIRELESS FACILITIES ADDRESSED IN  
22 AN APPLICATION AND FIFTY DOLLARS FOR EACH ADDITIONAL SMALL WIRELESS  
23 FACILITY ADDRESSED IN THE APPLICATION.

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

28 9-594. Structures subject to zoning; time frames;  
29 application; fees

30 A. THE FOLLOWING ACTIVITIES THAT TAKE PLACE INSIDE OF A  
31 RIGHT-OF-WAY ARE SUBJECT TO THIS SECTION AND ALL OF THE AUTHORITY'S CODES  
32 AND REGULATIONS, INCLUDING THE AUTHORITY'S ZONING CODES AND OTHER  
33 REGULATORY PROCESSES GOVERNING USE OF THE RIGHTS-OF-WAY, UNLESS THE  
34 ACTIVITIES ARE EXEMPT FROM ZONING REVIEW AND APPROVAL UNDER SECTION 9-592,  
35 SUBSECTION I OR J OR SECTION 9-593, SUBSECTION C:

36 1. THE INSTALLATION OF NEW MONOPOLES, UTILITY POLES OR WIRELESS  
37 FACILITIES.

38 2. THE COLLOCATION OF WIRELESS FACILITIES.

39 B. NOTWITHSTANDING ANY PROVISION IN THIS ARTICLE TO THE CONTRARY,  
40 THE CONSTRUCTION, INSTALLATION, MAINTENANCE, MODIFICATION, OPERATION OR  
41 REPLACEMENT OF A MONOPOLE OR ASSOCIATED WIRELESS FACILITY IN A RIGHT-  
42 OF-WAY IS SUBJECT TO ALL OF THE AUTHORITY'S CODES AND REGULATIONS,  
43 INCLUDING THE AUTHORITY'S ZONING CODES AND OTHER REGULATORY PROCESSES  
44 GOVERNING USE OF THE RIGHTS-OF-WAY.

45 C. AN AUTHORITY SHALL:

1           1. ACCEPT AND PROCESS APPLICATIONS FOR THE MODIFICATION OF EXISTING  
2 OR THE INSTALLATION OF NEW MONOPOLES, UTILITY POLES OR WIRELESS FACILITIES  
3 AND THE COLLOCATION OF WIRELESS FACILITIES.

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

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

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

26           D. AN AUTHORITY MAY NOT:

27           1. REQUIRE AN APPLICANT TO SUBMIT INFORMATION ABOUT THE APPLICANT'S  
28 BUSINESS DECISIONS REGARDING THE NEED FOR THE MONOPOLE, UTILITY POLE OR  
29 WIRELESS FACILITIES.

30           2. REQUIRE AN APPLICANT TO SUBMIT INFORMATION ABOUT, OR EVALUATE AN  
31 APPLICANT'S BUSINESS DECISIONS REGARDING, THE APPLICANT'S SERVICE,  
32 CUSTOMER DEMAND FOR SERVICE OR QUALITY OF SERVICE.

33           3. INSTITUTE, EITHER EXPRESSLY OR DE FACTO, A MORATORIUM ON FILING,  
34 RECEIVING OR PROCESSING APPLICATIONS OR ISSUING DECISIONS FOR  
35 MODIFICATIONS OR INSTALLATIONS THAT ARE NOT A PERMITTED USE.

36           E. AN AUTHORITY, IN ADDITION TO OTHER RIGHTS THE AUTHORITY HAS  
37 UNDER FEDERAL, STATE OR LOCAL LAW, MAY:

38           1. ADOPT REASONABLE REQUIREMENTS REGARDING THE APPEARANCE AND  
39 CONCEALMENT OF FACILITIES, INCLUDING THOSE RELATING TO MATERIALS USED FOR  
40 ARRANGING, SCREENING OR LANDSCAPING.

41           2. ADOPT SETBACK OR FALL ZONE REQUIREMENTS THAT ARE SUBSTANTIALLY  
42 SIMILAR TO SETBACK OR FALL ZONE REQUIREMENTS THAT ARE IMPOSED ON OTHER  
43 TYPES OF COMMERCIAL STRUCTURES OF A SIMILAR HEIGHT.

44           3. CHARGE AN APPLICATION FEE. ANY APPLICATION FEE IS SUBJECT TO  
45 THE REQUIREMENTS PROVIDED IN SECTION 9-593, SUBSECTION I. THE TOTAL

1 APPLICATION FEE, IF ALLOWED, MAY NOT EXCEED ONE THOUSAND DOLLARS FOR THE  
2 MODIFICATION OF EXISTING OR THE INSTALLATION OF NEW MONOPOLES OR UTILITY  
3 POLES OR FOR THE COLLOCATION OF WIRELESS FACILITIES.

4 4. CHARGE A RATE OR FEE FOR THE USE OF THE RIGHT-OF-WAY FOR THE  
5 INSTALLATION OF A MONOPOLE AND ASSOCIATED WIRELESS FACILITY THAT IS  
6 LIMITED TO NOT MORE THAN THE DIRECT AND ACTUAL COSTS OF MANAGING THE  
7 RIGHT-OF-WAY AND THAT IS NOT IN THE FORM OF A FRANCHISE OR OTHER FEE BASED  
8 ON REVENUE OR CUSTOMER COUNTS.

9 F. AN APPLICANT'S BUSINESS DECISIONS REGARDING THE TYPE AND  
10 LOCATION OF WIRELESS FACILITIES, MONOPOLES OR UTILITY POLES OR THE  
11 TECHNOLOGY TO BE USED ARE PRESUMED TO BE REASONABLE. THIS PRESUMPTION  
12 DOES NOT APPLY TO THE HEIGHT OR APPEARANCE OF WIRELESS FACILITIES,  
13 MONOPOLES OR UTILITY POLES. AN AUTHORITY MAY CONSIDER THE HEIGHT OF SUCH  
14 STRUCTURES IN THE ZONING OR OTHER REGULATORY REVIEW, PROVIDED THAT THE  
15 AUTHORITY DOES NOT UNREASONABLY DISCRIMINATE BETWEEN THE APPLICANT AND  
16 OTHER COMMUNICATIONS SERVICE PROVIDERS THAT INSTALL WIRELESS FACILITIES.

17 G. SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS, THE AUTHORITY'S  
18 TERMS DESCRIBED IN SECTION 9-592 AND THE WIRELESS PROVIDER'S RIGHT TO  
19 TERMINATE AT ANY TIME, THE APPROVAL TERM OF AN APPLICATION SHALL BE FOR A  
20 PERIOD OF NOT LESS THAN TEN YEARS, WHICH MUST BE RENEWED FOR EQUIVALENT  
21 DURATIONS UNLESS THE AUTHORITY MAKES A FINDING THAT THE STRUCTURE OR  
22 FACILITIES DO NOT COMPLY WITH THE APPLICABLE CODES OR TERMS OF THE ZONING  
23 OR OTHER REGULATORY PROCESS APPROVAL. CONSTRUCTION OF THE APPROVED  
24 STRUCTURE OR FACILITIES SHALL BE COMPLETED WITHIN ONE HUNDRED EIGHTY DAYS  
25 AFTER THE PERMIT ISSUANCE DATE, UNLESS THE AUTHORITY AND THE WIRELESS  
26 PROVIDER AGREE TO EXTEND THIS PERIOD OR A DELAY IS CAUSED BY THE LACK OF  
27 COMMERCIAL POWER AT THE SITE.

28 9-595. Access to authority utility poles; rates and fees;  
29 collocations for other commercial projects or uses

30 A. AN AUTHORITY MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH  
31 ANY PERSON FOR THE RIGHT TO ATTACH TO AUTHORITY UTILITY POLES.

32 B. THE RATES AND FEES FOR THE COLLOCATION OF SMALL WIRELESS  
33 FACILITIES ON AUTHORITY UTILITY POLES SHALL BE NONDISCRIMINATORY  
34 REGARDLESS OF THE SERVICES PROVIDED BY THE COLLOCATING PERSON.

35 C. THE RATE TO COLLOCATE SMALL WIRELESS FACILITIES ON AUTHORITY  
36 UTILITY POLES MAY NOT EXCEED FIFTY DOLLARS PER AUTHORITY UTILITY POLE, PER  
37 YEAR.

38 D. AN AUTHORITY SHALL ESTABLISH AND MAKE AVAILABLE RATES, FEES AND  
39 TERMS FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AUTHORITY  
40 UTILITY POLES WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION  
41 OR THREE MONTHS AFTER RECEIVING A REQUEST TO COLLOCATE THE FIRST SMALL  
42 WIRELESS FACILITY ON SUCH POLES, WHICHEVER IS LATER. THE RATES, FEES AND  
43 TERMS SHALL BE MADE AVAILABLE FOR ACCEPTANCE BY A WIRELESS PROVIDER. AT  
44 THE WIRELESS PROVIDER'S OPTION, A WIRELESS PROVIDER MAY REQUEST DIFFERENT  
45 OR ADDITIONAL TERMS THAT THE PARTIES SHALL NEGOTIATE IN GOOD

1 FAITH. DOCUMENTS REFLECTING RATES, FEES AND TERMS WITH EACH WIRELESS  
2 PROVIDER SHALL BE MADE PUBLICLY AVAILABLE. THE RATES, FEES AND TERMS  
3 SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

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

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

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

20 9-596. Scope of local authority

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

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

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

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

39 9-597. Dispute resolution

40 A COURT OF COMPETENT JURISDICTION IN THIS STATE SHALL DETERMINE ALL  
41 DISPUTES ARISING UNDER THIS ARTICLE.

42 9-598. General requirements for use of the right-of-way

43 STRUCTURES AND FACILITIES DEPLOYED BY WIRELESS PROVIDERS PURSUANT TO  
44 THIS ARTICLE SHALL BE CONSTRUCTED, MAINTAINED AND LOCATED AS TO NOT  
45 OBSTRUCT, ENDANGER OR HINDER THE USUAL TRAVEL OR PUBLIC SAFETY ON THE

1 RIGHT-OF-WAY, DAMAGE OR INTERFERE WITH ANY OTHER UTILITY FACILITIES IN THE  
2 RIGHT-OF-WAY OR INTERFERE WITH A UTILITY'S USE OF THE UTILITY'S FACILITIES  
3 IN THE RIGHT-OF-WAY. CONSTRUCTION AND MAINTENANCE BY THE WIRELESS  
4 PROVIDER SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AND ALL  
5 APPLICABLE LAWS AND REGULATIONS FOR THE PROTECTION OF UNDERGROUND AND  
6 OVERHEAD UTILITY FACILITIES. AN AUTHORITY SHALL TREAT A WIRELESS  
7 PROVIDER'S FACILITIES LOCATED WITHIN A RIGHT-OF-WAY ON AN EQUAL BASIS WITH  
8 OTHER UTILITY FACILITIES, EXCEPT THAT AN AUTHORITY MAY ADOPT REASONABLE  
9 REGULATIONS TO ADDRESS THE SEPARATION OF THE WIRELESS PROVIDER'S  
10 FACILITIES FROM THE OTHER UTILITY FACILITIES WITHIN THE RIGHT-OF-WAY TO  
11 PREVENT ANY DAMAGE TO OR INTERFERENCE WITH SUCH OTHER UTILITY FACILITIES  
12 OR INTERFERENCE WITH A UTILITY'S USE OF THE UTILITY'S FACILITIES LOCATED  
13 OR TO BE LOCATED WITHIN THE RIGHT-OF-WAY.

14 9-599. Applicability

15 THIS ARTICLE DOES NOT:

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

22 2. CONFER ON ANY AUTHORITY ANY ZONING, LAND USE, PLANNING,  
23 PERMITTING OR OTHER REGULATORY AUTHORITY OVER THE UTILITY POLES, WIRELESS  
24 SUPPORT STRUCTURES OR SMALL WIRELESS FACILITIES OWNED, CONTROLLED OR  
25 OPERATED BY A SPECIAL TAXING DISTRICT, INVESTOR-OWNED ELECTRIC UTILITY OR  
26 ELECTRIC COOPERATIVE OR THE INSTALLATION OF SUCH UTILITY POLES, WIRELESS  
27 SUPPORT STRUCTURES OR SMALL WIRELESS FACILITIES BY A SPECIAL TAXING  
28 DISTRICT, INVESTOR-OWNED ELECTRIC UTILITY OR ELECTRIC COOPERATIVE.

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

32 4. APPLY TO ANY AUTHORITY WITHIN TEN MILES OF THE BORDER OF MEXICO  
33 THAT IS NEGOTIATING A CONTRACT OR HAS A CONTRACT IN PLACE ON OR BEFORE  
34 JULY 1, 2018 AND THAT CONTRACT ASSISTS AND SUPPORTS NATIONAL SECURITY  
35 OBJECTIVES ALONG THE BORDER OF THE UNITED STATES AND MEXICO.

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

38 CHAPTER 13

39 WIRELESS STRUCTURES AND FACILITIES

40 ARTICLE 1. GENERAL PROVISIONS

41 11-1801. Definitions

42 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

43 1. "ANTENNA" MEANS COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR  
44 RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN  
45 PROVIDING WIRELESS SERVICES.

1           2. "APPLICABLE CODES" MEANS UNIFORM BUILDING, FIRE, ELECTRICAL,  
2 PLUMBING OR MECHANICAL CODES THAT ARE ADOPTED BY A RECOGNIZED NATIONAL  
3 CODE ORGANIZATION OR LOCAL AMENDMENTS TO THOSE CODES THAT ARE ENACTED TO  
4 ADDRESS THREATS OF DESTRUCTION OF PROPERTY OR INJURY TO PERSONS AND TO AN  
5 EXTENT THAT IS NOT INCONSISTENT WITH THIS ARTICLE.

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

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

12           5. "CABLE OPERATOR" HAS THE SAME MEANING PRESCRIBED IN SECTION  
13 9-505. CABLE OPERATOR DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.

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

17           7. "COMMUNICATIONS SERVICE" MEANS CABLE SERVICE AS DEFINED IN  
18 47 UNITED STATES CODE SECTION 522(6), INFORMATION SERVICE AS DEFINED IN  
19 47 UNITED STATES CODE SECTION 153(24), TELECOMMUNICATIONS SERVICE AS  
20 DEFINED IN 47 UNITED STATES CODE SECTION 153(53) OR WIRELESS SERVICE.

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

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

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

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

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

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

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

42           15. "RATE" MEANS A ONE-TIME CHARGE FOR THE GRANTING OF A RIGHT TO  
43 USE A PORTION OF A RIGHT-OF-WAY AS SPECIFIED IN A PERMIT OR TO COLLOCATE A  
44 SMALL WIRELESS FACILITY ON OR ADJACENT TO A UTILITY POLE OR TO INSTALL,  
45 MODIFY OR REPLACE A UTILITY POLE AS SPECIFIED IN A PERMIT.



1           16. "RIGHT-OF-WAY" MEANS THE AREA ON, BELOW OR ABOVE A COUNTY  
2 ROADWAY, HIGHWAY, STREET, SIDEWALK, ALLEY OR UTILITY EASEMENT.  
3 RIGHT-OF-WAY DOES NOT INCLUDE A FEDERAL INTERSTATE HIGHWAY, A STATE  
4 HIGHWAY OR STATE ROUTE UNDER THE JURISDICTION OF THE DEPARTMENT OF  
5 TRANSPORTATION, A PRIVATE EASEMENT, PROPERTY THAT IS OWNED BY A SPECIAL  
6 TAXING DISTRICT, OR A UTILITY EASEMENT THAT DOES NOT AUTHORIZE THE  
7 DEPLOYMENT SOUGHT BY THE WIRELESS PROVIDER.

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

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

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

- 20           (i) AN ELECTRIC METER.  
21           (ii) CONCEALMENT ELEMENTS.  
22           (iii) A TELECOMMUNICATIONS DEMARCATION BOX.  
23           (iv) GROUNDING EQUIPMENT.  
24           (v) A POWER TRANSFER SWITCH.  
25           (vi) A CUTOFF SWITCH.  
26           (vii) VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER  
27 SERVICES.

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

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

33           20. "WIRELESS FACILITY":

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

- 37           (i) EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.  
38           (ii) RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES,  
39 REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF  
40 TECHNOLOGICAL CONFIGURATION.

41           (b) INCLUDES SMALL WIRELESS FACILITIES.

42           (c) DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER OR  
43 WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES,  
44 COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES

1 OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT  
2 IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.

3 (d) DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN SECTION  
4 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN SECTION 9-584,  
5 SUBSECTION E.

6 21. "WIRELESS INFRASTRUCTURE PROVIDER" MEANS ANY PERSON THAT IS  
7 AUTHORIZED TO PROVIDE TELECOMMUNICATIONS SERVICE IN THIS STATE AND THAT  
8 BUILDS OR INSTALLS WIRELESS COMMUNICATIONS TRANSMISSION EQUIPMENT,  
9 WIRELESS FACILITIES OR UTILITY POLES BUT THAT IS NOT A WIRELESS SERVICES  
10 PROVIDER. WIRELESS INFRASTRUCTURE PROVIDER DOES NOT INCLUDE A SPECIAL  
11 TAXING DISTRICT.

12 22. "WIRELESS PROVIDER" MEANS A CABLE OPERATOR, WIRELESS  
13 INFRASTRUCTURE PROVIDER OR WIRELESS SERVICES PROVIDER.

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

17 24. "WIRELESS SERVICES PROVIDER" MEANS A PERSON THAT PROVIDES  
18 WIRELESS SERVICES. WIRELESS SERVICES PROVIDER DOES NOT INCLUDE A SPECIAL  
19 TAXING DISTRICT.

20 25. "WIRELESS SUPPORT STRUCTURE":

21 (a) MEANS:

22 (i) A FREESTANDING STRUCTURE.

23 (ii) A TOWER, EITHER GUYED OR SELF-SUPPORTING.

24 (iii) ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT  
25 OR CAPABLE OF SUPPORTING SMALL WIRELESS FACILITIES.

26 (b) DOES NOT INCLUDE A UTILITY POLE.

27 11-1802. Exclusive arrangements prohibited; permit; rates,  
28 fees and terms; access and use of county  
29 structures

30 A. A COUNTY MAY NOT ENTER INTO AN EXCLUSIVE ARRANGEMENT WITH ANY  
31 WIRELESS PROVIDER FOR USE OF A RIGHT-OF-WAY FOR THE CONSTRUCTION,  
32 OPERATION OR MAINTENANCE OF UTILITY POLES OR THE COLLOCATION OF SMALL  
33 WIRELESS FACILITIES ON UTILITY POLES OR WIRELESS SUPPORT STRUCTURES.

34 B. SUBJECT TO SUBSECTION C OF THIS SECTION, A COUNTY MAY REQUIRE A  
35 PERMIT AND CHARGE A FEE FOR PROCESSING AN APPLICATION BY A WIRELESS  
36 PROVIDER AND CONDUCTING ASSOCIATED INSPECTIONS FOR THE INSTALLATION,  
37 MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR THE COLLOCATION OF A  
38 SMALL WIRELESS FACILITY ON A UTILITY POLE OR A WIRELESS SUPPORT STRUCTURE  
39 IN A RIGHT-OF-WAY. ANY FEE CHARGED PURSUANT TO THIS SECTION MUST BE  
40 REASONABLE AND CONFORM TO AUTHORIZED AND PUBLISHED FEES FOR SIMILAR  
41 PERMITS ISSUED BY THE COUNTY AND MAY NOT EXCEED ONE HUNDRED DOLLARS PER  
42 COLLOCATION OR INSTALLATION.

43 C. FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY  
44 POLE OR WIRELESS SUPPORT STRUCTURE IN THE RIGHT-OF-WAY THAT IS NOT OWNED  
45 BY THE COUNTY AND THAT DOES NOT INCLUDE GROUND-MOUNTED EQUIPMENT, THE

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

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

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

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

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

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

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

38 E. A COUNTY SHALL:

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

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

43 (b) THE COLLOCATION BY A WIRELESS PROVIDER OF A SMALL WIRELESS  
44 FACILITY IN A RIGHT-OF-WAY.

1 (c) THE COLLOCATION BY A WIRELESS PROVIDER OF A SMALL WIRELESS  
2 FACILITY ON A COUNTY UTILITY POLE.

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

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

10 (a) MAY NOT BE UNREASONABLE OR DISCRIMINATORY.

11 (b) MAY INCLUDE REQUIREMENTS APPLICABLE TO OTHER USERS OF THE  
12 RIGHT-OF-WAY.

13 (c) MAY REQUIRE THAT THE WIRELESS PROVIDER'S OPERATION OF THE SMALL  
14 WIRELESS FACILITIES AND WIRELESS FACILITIES IN THE RIGHT-OF-WAY DOES NOT  
15 INTERFERE WITH THE COUNTY'S PUBLIC SAFETY COMMUNICATIONS.

16 (d) MAY NOT REQUIRE THE PLACEMENT OF SMALL WIRELESS FACILITIES ON  
17 ANY SPECIFIC UTILITY POLE OR CATEGORY OF UTILITY POLES OR REQUIRE MULTIPLE  
18 ANTENNA SYSTEMS ON A SINGLE UTILITY POLE.

19 (e) MAY NOT LIMIT THE PLACEMENT OF POLE-MOUNTED SMALL WIRELESS  
20 FACILITIES BY MINIMUM SEPARATION DISTANCES BUT MAY REQUIRE REASONABLE  
21 SPACING REQUIREMENTS THAT CONCERN THE LOCATION OF GROUND-MOUNTED  
22 EQUIPMENT.

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

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

39 11-1803. Access to right-of-way by wireless providers

40 A. SUBJECT TO THIS SECTION AND SECTIONS 11-1802, 11-1804, 11-1806,  
41 11-1807, 11-1809 AND 11-1810, A WIRELESS PROVIDER MAY CONSTRUCT, INSTALL,  
42 MODIFY, MOUNT, MAINTAIN, OPERATE AND REPLACE UTILITY POLES ALONG, ACROSS,  
43 ON AND UNDER THE RIGHT-OF-WAY AND COLLOCATE SMALL WIRELESS FACILITIES ON  
44 UTILITY POLES AND WIRELESS SUPPORT STRUCTURES.

1           B. THE FOLLOWING REQUIREMENTS APPLY TO THE CONSTRUCTION,  
2 INSTALLATION, MOUNTING, MAINTENANCE, MODIFICATION, OPERATION OR  
3 REPLACEMENT OF UTILITY POLES BY A WIRELESS PROVIDER IN THE RIGHT-OF-WAY  
4 AND THE COLLOCATION OF SMALL WIRELESS FACILITIES ON UTILITY POLES OR  
5 WIRELESS SUPPORT STRUCTURES BY WIRELESS PROVIDERS IN THE RIGHT-OF-WAY:

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

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

15           (b) THE COLLOCATION COMPLIES WITH APPLICABLE CODES AND THE TERMS  
16 FOR COLLOCATION ADOPTED UNDER SECTION 11-1802, SUBSECTION E.

17           2. THE COLLOCATION OF SMALL WIRELESS FACILITIES PURSUANT TO  
18 PARAGRAPH 1 OF THIS SUBSECTION IS A PERMITTED USE IN ALL ZONING DISTRICTS  
19 AND ZONING REVIEW AND APPROVAL IS NOT REQUIRED. IF THE APPLICANT FAILS TO  
20 DEMONSTRATE THAT A COUNTY UTILITY POLE IS STRUCTURALLY SOUND AND ABLE TO  
21 SUPPORT THE PROPOSED SMALL WIRELESS FACILITY, THE COUNTY MAY CONDITION A  
22 PERMIT ON REPLACEMENT OF THE COUNTY UTILITY POLE AT THE APPLICANT'S  
23 EXPENSE. THE WIRELESS PROVIDER'S REQUEST TO INSTALL A REPLACEMENT UTILITY  
24 POLE WILL BE PROCESSED UNDER SECTION 11-1802, SUBSECTION D, PARAGRAPH  
25 4. THE COUNTY SHALL OWN THE REPLACEMENT UTILITY POLE.

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

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

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

35           (c) THE INSTALLATION, MODIFICATION OR REPLACEMENT COMPLIES WITH THE  
36 APPLICABLE CODES AND TERMS FOR INSTALLATION, MODIFICATION OR REPLACEMENT  
37 ADOPTED UNDER SECTION 11-1802, SUBSECTION E.

38           4. THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE  
39 APPROVED PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION IS A PERMITTED USE IN  
40 ALL ZONING DISTRICTS AND SUBJECT TO ONLY ADMINISTRATIVE ZONING REVIEW AND  
41 APPROVAL UNLESS THE INSTALLATION, MODIFICATION OR REPLACEMENT WOULD NOT  
42 COMPLY WITH THE HEIGHT REQUIREMENTS OF PARAGRAPH 5 OF THIS SUBSECTION, AN  
43 UNDERGROUNDING REQUIREMENT DESCRIBED IN PARAGRAPH 6 OF THIS SUBSECTION OR  
44 A POLE SPACING REQUIREMENT DESCRIBED IN PARAGRAPH 7 OF THIS SUBSECTION.

1           5. A PROPOSED OR MODIFIED UTILITY POLE INSTALLED IN A COUNTY  
2 RIGHT-OF-WAY MAY NOT EXCEED THE GREATER OF TEN FEET IN HEIGHT ABOVE THE  
3 TALLEST UTILITY POLE, OTHER THAN A UTILITY POLE SUPPORTING ONLY WIRELESS  
4 FACILITIES, THAT IS IN PLACE ON THE EFFECTIVE DATE OF THIS SECTION AND  
5 THAT IS LOCATED WITHIN FIVE HUNDRED FEET OF THE PROPOSED UTILITY POLE IN  
6 THE SAME RIGHT-OF-WAY OR FIFTY FEET ABOVE GROUND LEVEL. AN APPLICANT MAY  
7 APPLY FOR AN ADMINISTRATIVE WAIVER TO EXCEED THESE HEIGHT LIMITATIONS.

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

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

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

28           11-1804. Collocation of small wireless facilities: permits

29           A. EXCEPT AS PROVIDED IN THIS SECTION AND SECTIONS 11-1802,  
30 11-1803, 11-1806, 11-1807, 11-1809 AND 11-1810, A COUNTY MAY NOT PROHIBIT,  
31 REGULATE OR CHARGE FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES INSIDE  
32 A RIGHT-OF-WAY.

33           B. FOR COLLOCATIONS FOR WHICH AN APPLICATION IS REQUIRED, AN  
34 APPLICANT SEEKING TO COLLOCATE MULTIPLE SMALL WIRELESS FACILITIES WITHIN  
35 THE JURISDICTION OF A SINGLE COUNTY MAY FILE A CONSOLIDATED APPLICATION  
36 FOR THE COLLOCATION OF UP TO THIRTY-FIVE SMALL WIRELESS FACILITIES WITHIN  
37 A RIGHT-OF-WAY IF THE COLLOCATIONS EACH INVOLVE SUBSTANTIALLY THE SAME  
38 TYPE OF SMALL WIRELESS FACILITIES AND SUBSTANTIALLY THE SAME TYPE OF  
39 UTILITY POLE OR WIRELESS SUPPORT STRUCTURE. THE COUNTY MAY REMOVE FROM THE  
40 CONSOLIDATED APPLICATION AND TREAT SEPARATELY SMALL WIRELESS FACILITY  
41 COLLOCATIONS FOR WHICH INCOMPLETE INFORMATION HAS BEEN PROVIDED, THAT DO  
42 NOT QUALIFY FOR CONSOLIDATED TREATMENT OR THAT ARE DENIED. THE COUNTY MAY  
43 ISSUE SEPARATE PERMITS FOR EACH COLLOCATION THAT IS APPROVED IN A  
44 CONSOLIDATED APPLICATION. APPLICATION FEES, IF REQUIRED, SHALL BE CAPPED  
45 AT ONE HUNDRED DOLLARS FOR EACH SMALL WIRELESS FACILITY FOR UP TO FIVE

1 SMALL WIRELESS FACILITIES ADDRESSED IN A SINGLE APPLICATION AND SIXTY-FIVE  
2 DOLLARS FOR EACH ADDITIONAL SMALL WIRELESS FACILITY ADDRESSED IN THE  
3 APPLICATION.

4 C. AN APPLICATION SHALL INCLUDE AN ATTESTATION THAT THE SMALL  
5 WIRELESS FACILITIES WILL BE COLLOCATED ON THE UTILITY POLE OR WIRELESS  
6 SUPPORT STRUCTURE AND THAT THE SMALL WIRELESS FACILITIES WILL BE  
7 OPERATIONAL FOR USE BY A WIRELESS SERVICES PROVIDER TO PROVIDE SERVICE  
8 WITHIN ONE YEAR AFTER THE DATE ON WHICH THE PERMIT IS ISSUED.

9 11-1805. Applicability; location outside of a county-owned  
10 right-of-way

11 A. THIS SECTION APPLIES TO THE INSTALLATION, MODIFICATION OR  
12 REPLACEMENT BY A WIRELESS PROVIDER OF A UTILITY POLE OR THE COLLOCATION BY  
13 A WIRELESS PROVIDER OF A SMALL WIRELESS FACILITY ON A UTILITY POLE OR A  
14 WIRELESS SUPPORT STRUCTURE OUTSIDE OF THE RIGHT-OF-WAY.

15 B. THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE  
16 OR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY POLE OR A  
17 WIRELESS SUPPORT STRUCTURE IS A PERMITTED USE IN EVERY ZONING DISTRICT IN  
18 THE COUNTY EXCEPT FOR SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS.

19 C. THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE  
20 OR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY POLE OR A  
21 WIRELESS SUPPORT STRUCTURE IS NOT A PROHIBITED USE IN ANY ZONING DISTRICT  
22 IN THE COUNTY.

23 D. IN ANY ZONING DISTRICT IN WHICH THE INSTALLATION, MODIFICATION  
24 OR REPLACEMENT OF A UTILITY POLE OR THE COLLOCATION OF A SMALL WIRELESS  
25 FACILITY ON A UTILITY POLE OR A WIRELESS SUPPORT STRUCTURE IS NOT A  
26 PERMITTED USE, THE COUNTY SHALL ESTABLISH A PROCEDURE BY WHICH AN  
27 APPLICANT MAY SEEK TO INSTALL, MODIFY OR REPLACE A UTILITY POLE OR  
28 COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY POLE OR A WIRELESS  
29 SUPPORT STRUCTURE.

30 E. EXCEPT AS PROVIDED IN THIS SECTION, ALL ZONING REQUIREMENTS OF  
31 THE ZONING DISTRICT IN WHICH THE APPLICANT SEEKS TO INSTALL, MODIFY OR  
32 REPLACE A UTILITY POLE OR COLLOCATE A SMALL WIRELESS FACILITY ON A UTILITY  
33 POLE OR A WIRELESS SUPPORT STRUCTURE OUTSIDE THE RIGHT-OF-WAY THAT ARE  
34 GENERALLY APPLICABLE TO ALL APPLICANTS WITHIN THAT ZONING DISTRICT APPLY  
35 TO THE APPLICANT.

36 F. THE COUNTY MAY ADOPT REASONABLE ZONING REQUIREMENTS THAT ARE  
37 APPLICABLE ONLY TO THE INSTALLATION, MODIFICATION OR REPLACEMENT OF A  
38 UTILITY POLE OR THE COLLOCATION OF A SMALL WIRELESS FACILITY ON A UTILITY  
39 POLE OR A WIRELESS SUPPORT STRUCTURE AND THAT REFLECT SOUND ZONING AND  
40 PLANNING.

41 G. A FEE FOR A ZONING APPLICATION AND APPROVAL REQUIRED UNDER THIS  
42 SECTION SHALL CONFORM TO THE FEES APPLICABLE TO SIMILAR APPLICATIONS  
43 WITHIN THE COUNTY.

44 H. FOR ZONING APPLICATIONS REQUIRED UNDER THIS SECTION, A COUNTY  
45 SHALL EITHER:

1           1. INCORPORATE THE APPLICATION PROCESS AND TIME FRAMES FOR THE  
2 INSTALLATION, MODIFICATION OR REPLACEMENT OF A UTILITY POLE OR WIRELESS  
3 SUPPORT STRUCTURES, OR FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES,  
4 INTO PROCESSES AND TIME FRAMES PREVIOUSLY ADOPTED BY THE COUNTY PURSUANT  
5 TO SECTION 11-1605.

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

14           11-1806. Application processing

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

25           B. AN APPLICANT IS ENTITLED TO ALL OF THE RIGHTS GRANTED IN CHAPTER  
26 11, ARTICLE I OF THIS TITLE.

27           C. A COUNTY MAY NOT:

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

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

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

39           4. REQUIRE AN APPLICATION FOR ROUTINE MAINTENANCE OR THE  
40 REPLACEMENT OF SMALL WIRELESS FACILITIES WITH SMALL WIRELESS FACILITIES  
41 THAT ARE SUBSTANTIALLY SIMILAR OR THE SAME SIZE OR SMALLER. A COUNTY MAY  
42 REQUIRE A PERMIT TO WORK WITHIN A RIGHT-OF-WAY FOR SUCH ACTIVITIES, IF  
43 APPLICABLE. A PERMIT ISSUED PURSUANT TO THIS PARAGRAPH IS SUBJECT TO THE  
44 REQUIREMENTS OF THIS SECTION.



1 D. ISSUANCE OF A PERMIT BY A COUNTY SHALL ALLOW THE APPLICANT TO DO  
2 BOTH OF THE FOLLOWING:

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

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

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

15 11-1807. General requirements concerning use of the  
16 right-of-way by wireless providers

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

34 11-1808. Scope of local authority

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

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

1 C. THIS ARTICLE DOES NOT AUTHORIZE THIS STATE OR ANY POLITICAL  
2 SUBDIVISION OF THIS STATE, INCLUDING A COUNTY, TO REQUIRE SMALL WIRELESS  
3 FACILITY DEPLOYMENT OR TO REGULATE WIRELESS SERVICES.

4 11-1809. Dispute resolution

5 A COURT OF COMPETENT JURISDICTION IN THIS STATE SHALL DETERMINE ALL  
6 DISPUTES ARISING UNDER THIS ARTICLE.

7 11-1810. Applicability

8 THIS ARTICLE DOES NOT:

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

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

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

APPROVED BY THE GOVERNOR MARCH 31, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2017.