

**APPENDIX C - SMALL CELL**  
**INFRASTRUCTURE WITHIN THE RIGHT-OF-WAY**

## **Appendix C - Small Cell Infrastructure within the Right-of-Way**

Small cell infrastructure within the public right-of-way requires a permit to be approved by the Public Works Director or his/her designee.

### **1. PURPOSE**

The purpose of these guidelines is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, collocation, modification, relocation, operation, and removal of Small Cell Facilities and Wireless Support Structures within the City's right-of-way. The goals of these guidelines are to:

- a) Provide standards, technical criteria, and details for Small Cell Facilities and Wireless Support Structures in the City's right-of-way to be uniformly applied to all applicants and owners of Small Cell Facilities or support structures for such facilities.
- b) Enhance the ability of wireless communications carriers to deploy small cell wireless technology in the City quickly, effectively, and efficiently so that residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability.
- c) Preserve the character of the City's neighborhoods and corridors.
- d) Ensure that Small Cell Facilities and Wireless Support Structures conform with all applicable health and safety regulations and will blend into their environment to the greatest extent possible.
- e) Comply with, and not conflict with or preempt, all applicable state and federal laws.

### **2. DEFINITIONS**

- a) *Abandoned* means Small Cell Facilities or Wireless Support Structures that are unused for a period of three hundred sixty-five days without the Operator otherwise notifying the City and receiving the City's approval.
- b) *Antenna* means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.
- c) *Collocation or Collocate* means to install, mount, maintain, modify, operate, or replace wireless facilities on a Wireless Support Structure.

- d) *Decorative Pole* means a pole, arch, or structure other than a street light pole placed in the right-of-way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following: (a) electric lighting; (b) specially designed informational or directional signage; (c) temporary holiday or special event attachments.
- e) *Operator* means a wireless service provider, cable operator, or a video service provider that operates a Small Cell Facility and provides wireless service. *Operator* includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the “Telecommunications Act of 1996,” 110 Stat. 59, 47 U.S.C. 153(2), and services that are fixed in nature or use unlicensed spectrum.
- f) *Permittee* means the owner and/or operator issued a permit pursuant to these guidelines.
- g) *Right-of-Way* means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public lane, public path, public alley, public sidewalk, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City of Fairfield.
- h) *Right of Way Permit (“Permit”)* means the non-exclusive grant of authority issued by the City of Fairfield to install a Small Cell Facility and/or a Wireless Support Structure in a portion of the right-of-way in accordance with these guidelines.
- i) *Small Cell Facility* means a wireless facility that meets both of the following requirements:
  - 1) Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
  - 2) All other wireless equipment associated with the facility is cumulatively not more than 28 cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- j) *Utility Pole* means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. “Utility Pole” excludes street signs and decorative poles.
- k) *Wireless Support Structure* means a pole, such as a monopole, either guyed or self-

supporting, street light pole, traffic signal pole, a 15 foot or taller sign pole, or Utility Pole capable of supporting Small Cell Facilities. *Wireless Support Structure* excludes a utility pole or other facility owned or operated by an electric utility.

### **3. REQUIREMENT TO COMPLY**

Placement, modification, operation, relocation, and removal of a Small Cell Facility and/or Wireless Support Structure shall comply with these design guidelines of the City of Fairfield's Codified Ordinances at the time the permit for installation, modification, relocation, or removal is approved and as amended from time to time.

### **4. APPLICATION**

#### **Materials**

Prior to installation, modification, relocation, or removal of a Small Cell Facility, relocation or removal of an existing Wireless Support Structure, installation of a new Wireless Support Structure, or collocation on an existing Wireless Support Structure in the right-of-way, the operator shall apply to the City and receive a Right-of-Way Permit for Micro Wireless from the City.

The following items must be included in order for the application to be considered complete:

- a) General Requirements for Right-of-Way Permit Applications for a Small Cell Facility and/or Wireless Support Structure in the Right-of-Way, excluding applications for removal:

*Contact Information:* Applicant must provide contact information, including the name of the company seeking the permit and the name of a designated point of contact along with his/her mailing address, email address and phone number. The operator is responsible for providing updated contact information to the City when the contact information changes from that which was included in the application. For the purposes of submitting an application under this section, "Operator" also includes any person that, at the time of filing the application, provides the City the person's written authorization to perform the specific work for which an application has been submitted on behalf of an operator.

*Consolidated Applications:* An applicant seeking to construct, modify, collocate or replace more than one small cell facility or more than one wireless support structure within the City may file a consolidated application for up to thirty (30) small cell facility requests or up to thirty (30) wireless support structure requests provided the requests grouped on a consolidated application only address substantially the same type of small cell facilities or substantially the same type of

wireless support structures. (Note: The City may treat each request individually during application review and processing when issuing a determination.)

*Aerial Map:* Applicant must include an aerial map showing the location of the proposed or existing support structure to which the Small Cell Facility is proposed to be attached, and a street view image.

*Full Description of Number and Dimensions of Facilities and/or Structures to be Installed:* Applicant must include a full description of the number and dimensions of all Small Cell Facilities proposed to be installed and the Wireless Support Structure, either new or existing, to be utilized for each Small Cell Facility.

*Site and Other Plans and Structural Calculations:* Applicant must include fully dimensioned site plans, elevation drawings and structural calculations prepared, sealed, stamped, and signed by a Professional Engineer licensed and registered by the State of Ohio. Drawings must depict any existing Small Cell Facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the existing right-of-way, and any associated access and utility easements.

Fully dimensioned site plans shall indicate the spacing from existing curb, driveways, sidewalks, light poles, and any other poles or appurtenances. A traffic control plan and/or other plans may also be required based on the proposed scope of work.

*Photo Simulations:* Applicant must include photo simulations from at least two reasonable line-of-site locations in the vicinity of the proposed project site. Photo simulations must be included with the site plans on a separate sheet.

Photo simulations must include cabling/conduit, the RF warning and node ID stickers and equipment offset from the pole. Ensure photo simulations accurately show smaller equipment items such as duplexers, ground buss bars, PCX, or J-Boxes.

Upon request applicant shall provide photographs, if any, of other locations utilizing the same or substantially similar Small Cell Facilities and/or Wireless Support Structures.

*Equipment Specifications:* For all equipment depicted on the plans, the applicant must include (1) the manufacturer's name and model number; (2) physical dimensions, including without limitation, height, width, depth and weight with mounts and other necessary hardware; (3) photographs and/or renderings to scale of all equipment depicted in the plans; and (4) the ambient noise level generated from the equipment, if any.

b) Small Cell Facility Applications

*Size Limits:* Applicant must include scaled, dimensioned drawings or pictures with calculations to show strict conformity to the size limitations for a Small Cell Facility.

*Confirmation of Compliance with State and Federal Environmental Regulations:* Applicant shall certify that the proposed Small Cell Facility and/or new Wireless Support Structure fully comply with all State and federal environmental regulations.

*RF Compliance Audit:* Applicant must submit a sworn affidavit prepared and signed by a licensed RF engineer with knowledge about the proposed project that affirms the proposed project will be compliant with all applicable governmental regulations in connection with human exposure to radiofrequency emissions.

*Electrical Service:* Operator shall be responsible for obtaining any required electrical power service to the Small Cell Facility. Operator's electrical supply shall be separately metered from the City. Applicant must provide sealed engineered drawings for conduit size, circuit size, calculations for amp, distances running, etc. Applicant must obtain the appropriate Permits from the Building Department prior to installation of the Small Cell Facility.

c) Applications for New Wireless Support Structure

*Distance Analysis:* Applicant must provide an analysis showing that the proposed new Wireless Support Structure is spaced at least 250 feet from a pole supporting a Small Cell Facility, unless otherwise approved by the City in writing.

*Size Limits:* Applicant must provide scaled dimensional drawings with calculations to show strict conformity to the size and maximum height limitations as set forth in these guidelines.

d) Applications for Attachment to a Non-City-owned Wireless Support Structure

*Owner's Authorization:* Applicant must submit evidence sufficient to show that either (1) Applicant owns the proposed support structure; or (2) Applicant has obtained the owner's authorization to file the application.

e) Applications for Removal of a Small Cell Facility and/or a Wireless Support Structure

*Contact Information:* Applicant must provide contact information which includes the name of company seeking the Permit and the name of a designated point of contact along with

his/her mailing address, email address and phone number. Operator is responsible for providing updated contact information to the City when the contact information changes from that which was included in the application.

*Proof of Agent Designation (if applicable):* If the Applicant is serving as an agent for an Operator, the Applicant must provide written documentation of the agent designation signed by the Operator.

*Consolidated Applications:* An Applicant seeking to remove more than one Small Cell Facility or more than one Wireless Support Structure within the City may file a consolidated application for up to 5 Small Cell Facility requests or up to 5 Wireless Support Structure requests provided the requests grouped on a consolidated application only address substantially the same type of Small Cell Facilities or substantially the same type of Wireless Support Structures. (Note: The City may treat each request individually during application review and processing and when issuing a determination.)

*Map:* Applicant must include an aerial map showing the location of the proposed removal and a street view image.

*Full Description of Number and Dimensions of Facilities and/or Structures to be Removed:* Applicant must include a full description of the number and dimensions of all Small Cell Facilities and/or the support structure proposed to be removed.

*Full Description of Restoration of the Right of Way:* Applicant must include a full description of the steps to be involved in the removal and the actions that will be taken to restore the Right of Way.

Operator shall repair any damage to the right-of-way, any facilities located within the right-of-way, and/or the property of any third party resulting from operator's installation activities (or any other of operator's activities hereunder) within 10 calendar days following the date of such installation, at operator's sole cost and expense. Restoration of the right-of-way and such property must be to substantially the same, or better, condition as it was immediately before the date operator was granted a permit for the applicable location, or did the work at such location (even if operator did not first obtain a permit). This includes restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration, and replacement shall be subject to the sole, reasonable approval of the City.

## **Application Submittal Procedures**

All applications should be submitted to the Department of Public Works with the

application fee and required documents. The Department may establish regular hours in which applications may be submitted, but will generally receive applications Monday through Friday between 8:00 a.m. and 5:00 p.m., excluding holidays and subject to City personnel availability. The City will review all applications for completeness upon receipt. Applications may be rejected as incomplete upon discovery of deficiencies in the application.

### **Application Fee**

The applicant shall submit the application fee of \$250 per small cell facility. For the purposes of fee calculations a single small cell facility can be a single small cell antenna (and appurtenances), a single support structure, or a single support structure installed, modified, relocated or removed in conjunction with an antenna (and appurtenances) attached to the support structure. Fees for consolidated applications apply to each location and are cumulative. Additional building/electric permit fees may be applicable.

### **Timeline for Review**

The City will complete its review of each duly submitted application and provide a determination within 90 days for an application to collocate, replace, or modify a Small Cell Facility or 120 days for an application to construct, modify, or replace a Wireless Support Structure associated with a Small Cell Facility.

### **Incomplete Applications**

If the City determines during review that the application is incomplete, the City will notify the applicant and suspend further review until the missing items are provided. Consistent with state and federal requirements, the City will pause the review timeline for incomplete applications. If the City determines the application is still incomplete after receipt of additional application materials, the City will pause the timeline again until the application is deemed complete.

## **5. LOCATIONS OF SMALL CELL FACILITIES, RELATED GROUND EQUIPMENT, AND WIRELESS SUPPORT STRUCTURES**

### **Most Preferable Locations**

The following are the most preferred areas for new Small Cell Facilities.

- a) *Industrial Areas*, if not adjacent to a municipal park or residential area.
  
- b) *Regional Thoroughfares Rights of Way Areas* if not adjacent to a municipal park or

residential area.

- c) *Retail and Commercial Areas* if not adjacent to a municipal park or residential area.

### **Collocation Preference**

It is the City's strong preference that whenever an applicant proposes to place a new Wireless Support Structure with a Small Cell Facility within 250 feet from an existing Wireless Support Structure the applicant either collocate with the existing facility or demonstrate that a collocation is either not technically feasible or space on the existing facility is not potentially available.

### **Least Preferable Locations**

The following are the least preferred areas for new Small Cell Facilities.

- a) *Residential Areas*
- b) *Parks*
- c) *Design Review Districts*

### **Order of Preference for Wireless Support Structures**

The following list indicates the order of preference for Wireless Support Structures for Small Cell Facilities.

- a) *Existing Utility Poles:* It is the City's preference that Small Cell Facilities be installed on existing Utility Poles (electric or telephone) or lashed onto existing telephone or electrical lines between existing Utility Poles.
- b) *New Poles:* If existing poles have proven to be unavailable, the City prefers the installation of a new pole to serve as a Wireless Support Structure.

## **6. CONSIDERATION OF ALTERNATE LOCATIONS**

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

## 7. GUIDELINES ON PLACEMENT

Generally, an applicant shall construct and maintain Small Cell Facilities and Wireless Support Structures in a manner that does not (1) obstruct, impede, or hinder the usual travel or public safety on a right-of-way; (2) obstruct the legal use of a right-of-way by other utility providers; (3) violate nondiscriminatory applicable codes; (4) violate or conflict with the City's Codified Ordinances or these design guidelines; and (5) violate the federal Americans with Disabilities Act.

The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community.

Generally, a Small Cell Facility and/or Wireless Support Structure shall match and be consistent with the materials and finish of the adjacent municipal poles of the surrounding area adjacent to their location. In the absence of adjacent municipal poles, the Wireless Support Structure shall match the materials and finish of the adjacent utility poles.

### **Antennas on Existing or Replaced Utility Poles**

The antenna(s) associated with collocation of a Small Cell Facility on existing or replaced utility poles must have concealed cable connections, antenna mount, and other hardware. The maximum dimensions for antennas shall not be more than 6 cubic feet in volume, including any enclosure for the antenna.

### **Right-of-Way**

Small Cell Facilities and Wireless Support Structures and related equipment shall be placed, as much as possible, in line with other utility features and in a location that minimizes any obstruction, impediment, or hindrance to the usual travel or public safety on a right-of-way.

### **Height above Ground**

- a) *Small Cell Facilities:* Small Cell Facilities shall be installed at least 8 feet above the ground. If a Small Cell Facility attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than 16 feet above the ground.
- b) *New Wireless Support Structures:* In areas where there are no Wireless Support Structures or utility poles taller than 30 feet in height above ground level and the maximum allowable height for building construction in the underlying zoning district is 35 feet in height above ground level or less, the overall height of a new Wireless Support Structure and any collocated antennas shall not be more than 35

feet in height above ground level. This applies to zoning districts A-1, B-1, C-1, C-4, and R.

In all other areas, the overall height of a new Wireless Support Structure and any collocated antennas shall not be more than 40 feet in height above ground level. This applies to zoning districts C-2, C-3/3A, D-1, M-1, M-2, SE, and ST.

- c) *Existing Wireless Support Structures:* For an existing Wireless Support Structure, the antenna and any associated shroud or concealment material are permitted to be collocated at the top of the existing Wireless Support Structure and shall not increase the height of the existing Wireless Support Structure by more than 5 feet (one-time increase).

### **Protrusion**

No protrusions from the outer circumference of the existing structure or pole shall be more than 1 foot. The pole and all attachments to the pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with Americans with Disabilities Act and shall not obstruct an existing or planned sidewalk or walkway.

### **Location of Equipment - General**

Small Cell Facilities and related equipment shall not impede pedestrian or vehicular traffic in the right-of-way. If any Small Cell Facility or Wireless Support Structure is installed in a location that is not in accordance with the plans approved by the Department of Public Works, impedes pedestrian or vehicular traffic and/or or does not comply or otherwise renders the right-of-way non-compliant with applicable laws, including the Americans with Disabilities Act, then the operator shall promptly remove the Small Cell Facilities and/or Wireless Support Structure. If the operator does not complete removal within 30 days of notice, the City will remove it and bill the operator for the actual and direct cost of the removal.

The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.

- a) *Utility Lines:* Service lines must be undergrounded whenever feasible to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.
- b) *Spools and Coils:* To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for Small Cell Facilities shall not be spooled, coiled or otherwise

stored on the pole except within the approved enclosure such as a cage or cabinet.

- c) *Above-Ground Conduit:* On wood poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud feasible, with a maximum dimension of a 4-inch diameter. Such conduit shall be finished in zinc, aluminum or stainless steel, or colored to match those metal finishes.

### **Location of Ground Mounted Equipment**

Ground equipment should be minimal and as unobtrusive as possible. It should be placed to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a right-of-way, maximize the line of sight required to add to safe travel of vehicular and pedestrian traffic, maximize that line of sight at street corners and intersections, and minimize hazards at those locations. The City may deny a request that negatively impacts vehicular and/or pedestrian safety.

The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the metal pole (with the exception of wood power poles), and undergrounded between the pole and the ground-mounted cabinet.

### **Location of Pole Mounted Equipment**

All pole mounted equipment must be installed as flush to the pole as possible, using stainless steel banding straps. When the straps are attached to a metal pole, they must match the color of the pole. Through-bolting or use of lag bolts is prohibited. All pole mounted equipment shall be located as close together as possible and if possible, on the same side of the pole.

When pole mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter, and disconnect switch must be concealed within an equipment cage. The equipment cabinet may not extend more than 12 inches from the face of the pole. The equipment cabinet must be non-reflective, colored to match the existing pole if attached to a metal pole, and in the color of brushed aluminum if attached to a wood pole. Equipment cabinets should be mounted as flush to the pole as possible. Any standoff mount for the equipment cabinet may not exceed 4 inches.

- a) *Electric Meter:* The City strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. When a meter is necessary, site operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter base should

be painted to match the pole.

- b) *Telephone/Fiber Optic Utilities:* Cabinets for telephone and/or fiber optic utilities may not extend more than 12 inches from the face of the pole, and must be painted, wrapped, or otherwise colored to match the pole. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

## **Undergrounded Equipment Vaults**

Equipment in an environmentally controlled underground vault may be required in some areas.

## **New Wireless Support Structures**

- a) *Spacing:* The City strongly discourages more than one new Wireless Support Structure per block and will not approve more than one per 250 feet on each side of the street to minimize the hazard of poles adjacent to roadways and to minimize visual clutter and distractions to vehicular traffic. An exemption may be granted if the applicant can demonstrate that this restriction will have the effect of preventing wireless service to the location. Wireless Support Structures shall be spaced apart from Utility Poles or Wireless Support Structures supporting Small Cell Facilities at the same spacing between Utility Poles in the immediate proximity.

If multiple requests are received to install two or more poles that would violate the spacing requirement or to collocate two or more Small Cell Facilities on the same Wireless Support Structure, priority will be given to the first request received that meets these guidelines.

- b) *Alignment with Other Poles:* The centerline of any new Wireless Support Structure must be aligned, as much as possible, with the centerlines of existing poles on the same street segment, but only if the new structure's height does not conflict with overhead power utility lines and facilities.
- c) *General Restrictions on New Wood Poles:* In all locations, the City reserves the right to require a metal pole rather than a wood pole based on the build and/or natural environmental character of the proposed site location.
- d) *Wood Pole Footings and Foundations:* All new wood poles must be direct buried to a depth determined, stamped, sealed, and signed by a professional engineer licensed and registered by the State, and subject to the City's review and approval.
- e) *Metal Pole Footings and Foundations:* All new metal poles must be supported with a reinforced concrete pier. The design including the pier, footings, and anchor bolts shall be stamped, sealed, and signed by a professional engineer licensed and

registered by the State, and subject to the City's review and approval. All anchor bolts must be concealed from public view with an appropriate pole boot or cover subject to the City's prior approval.

- f) *Metal Pole Material:* All metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant materials approved by the City and finished in accordance with these guidelines to avoid rust stains on adjacent sidewalks, buildings, or other improvements.
- g) *Metal Pole Finish:* Metal poles must be painted in accordance with industry and manufacturer guidelines. The Applicant may select a paint or powder coat system in compliance with ATSM standards.
- h) *Lighting, Planters, Flags, and Banners:* The City may require the applicant to install functional streetlights and/or brackets to hold hanging flower planters, flags and/or banners when technically feasible and the City determines that such additions will enhance the overall appearance and usefulness of the proposed facility. The City, without further notice to any party, may install hanging flower planters, flags and/or banners utilizing the brackets described in this paragraph.

## **8. UNDERGROUNDING REQUIREMENTS**

The City may request to install structures and facilities in the right-of-way in an area where the City has required or has designated all structures and facilities except those owned by the City to be placed underground or elsewhere in the right-of-way or a utility easement. These areas are easily identifiable as those locations where electric has been placed underground; however, if an applicant is uncertain as to whether such facilities have been placed underground in the area, the applicant should contact the City for clarification before apply for or installing any Wireless Support Structures and/or Small Cell Facilities in the area. The applicant may request a waiver if the operator is unable to achieve its service objective using a location in the right-of-way where the prohibition does not apply, in a utility easement the operator has the right to access, or in or on other suitable locations or structures made available by the City at reasonable rates, fees, and terms.

## **9. AESTHETIC REQUIREMENTS**

### **Concealment**

- a) *New Wireless Support Structures:* It is the City's preference that all new Wireless Support Structures be as unobtrusive as practicable and fit the character of the surrounding development.
- b) *Small Cell Facilities:* Small Cell Facilities shall be concealed or enclosed, utilizing

stealth and/or other concealment techniques, to the fullest extent possible in an equipment box, cabinet, or other unit that may include ventilation openings. Unless approved by the City in writing, there shall be no external cables and wires hanging off a pole. The approved Small Cell Facility cable or wiring shall be sheathed or enclosed in conduit, so that wires are protected and not visible and/or visually minimized to the extent possible.

- c) *Equipment Enclosures:* Equipment enclosures, including electric meters, shall be as small as possible. Ground-mounted equipment shall incorporate concealment elements into the proposed design. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations, etc.
- d) *Landscaping:* Landscape screening may be required and maintained around ground-mounted equipment enclosures. The planting quantity and size should be such that 100% screening is achieved within two years of installation. The City may grant an exemption from this landscaping requirement based on the characteristics of the specific location for the equipment enclosure. Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the right-of-way must be noted in the application and must be approved by the City.

When underground vaults are proposed, they shall be located to minimize disruption to the placement of street trees. Adequate planting depth shall be provided between the top of the vault and the finished grade to allow plants to grow in a healthy condition.

### **Allowed Colors**

All colors shall match the background of any Wireless Support Structure that the facilities are located upon. In the case of existing wood poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes and equipment cabinets shall be the color of brushed aluminum. Ground mounted equipment cabinets shall be the color of brushed aluminum, or such other color that matches the subject Wireless Support Structure and Wireless Facilities, as may be requested by the City.

### **Signage/Lights/Logos/Decals/Cooling Fans**

- a) *Signage:* Operator shall post its name, location identifying information and emergency telephone number in an area on the Small Cell Facility at eye level that is visible to the public. Signage required under this section shall not exceed 4” x 6”, unless otherwise required by law (e.g. RF ground notification signs) or the City. If no cabinet exists, signage shall be placed on the base of the pole.

- b) *Lights*: New Small Cell Facilities and Wireless Support Structures shall not be illuminated, except in accordance with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.
- c) *Logos/Decals*: Operator shall remove or paint over unnecessary equipment manufacturer decals. New Small Cell Facilities and Wireless Support Structures shall not include advertisements and may only display information required by a federal, state or local agency. Operators shall also utilize the smallest and lowest visibility radio-frequency (RF) warning sticker required by government or electric utility regulations and place the RF sticker as close to the antenna as possible.
- d) *Cooling Fans*: In residential areas, use a passive cooling system. In the event that a fan is absolutely necessary, use a cooling fan with a low noise profile.

## **10. INSTALLATION AND INSPECTION**

- a) *Completion within 180 days*: The collocation or construction of a new Wireless Support Structure for which a permit is granted shall be completed within 180 days after issuance of the permit unless the City and the applicant mutually agree to extend this period. The City will agree to an extension if the delay is caused by (a) make-ready work for a City-owned facility or (b) the lack of commercial power availability at the site, provided that the operator has made a timely request within 60 days after the issuance of the permit for commercial power. The additional time to complete installation may not exceed 365 days after the issuance of the permit.
- b) *Procedure for Request for Extension of Time*: In situations when completion will not occur within 180 days after issuance of the permit, the applicant may request an extension of time. Such extension request will include the length of time being requested and the reason for the delay. The extension must be filed with the Department of Public Works.

### **Existing Infrastructure - Restoration Requirements**

The permittee and/or its subcontractors shall leave the streets, alleys and other public places where work is done in as good or better condition or repair as they were before such work was commenced and to the reasonable satisfaction of the City.

## **11. INTERFERENCE WITH OPERATIONS**

### **No Liability**

The City shall not be liable to the operator by reason of inconvenience, annoyance, or injury to the Small Cell Facilities, Wireless Support Structures, and related ground or pole mounted

equipment or activities conducted by the operator therefrom, arising from the necessity of repairing any portion of the right-of-way, or from the making of any necessary alteration or improvements, in or to, any portion of the right-of-way, or in, or to, City's fixtures, appurtenances, or equipment.

## **12. REQUIREMENTS FOR REMOVAL, REPLACEMENT, MAINTENANCE, AND REPAIR**

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

Operator shall remove and relocate the permitted Small Cell Facility and/or Wireless Support Structure at the operator's sole expense to accommodate construction of a public improvement project by the City.

If operator fails to remove or relocate the Small Cell Facility and/or Wireless Support Structure or portion thereof as requested by the City within 120 days of the City's notice, then the City shall be entitled to remove the Small Cell Facility and/or Wireless Support Structure, or portion thereof at operator's sole cost and expense, without further notice to operator.

Operator shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Small Cell Facilities and/or Wireless Support Structure, or portion thereof.

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

Operator shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Small Cell Facility and/or Wireless Support Structure within the time frame and in the manner required by the City if the City reasonably determines that the disconnection, removal, or relocation of any part of a Small Cell Facility and/or Wireless Support Structure (a) is necessary to protect the public health, safety, welfare, or City property, or (b) operator fails to obtain all applicable licenses, permits, and certifications required by law for its Small Cell Facility and/or Wireless Support Structure.

If the Public Works Director reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Small Cell Facility and/or Wireless Support Structure at the Operator's sole cost and expense.

## **Removal/Abandonment of Facilities**

Operator shall remove a Small Cell Facility and/or Wireless Support Structure when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to protect public health, safety, and welfare, the removal must be completed within the earlier of 60 days of the Small Cell Facility and/or Wireless Support Structure being abandoned, or within 60 days of receipt of written notice from the City. When operator abandons permanent structures in the right-of-way, the operator shall notify the City in writing of such abandonment and shall file with the City the location and description of each Small Cell Facility and/or Wireless Support Structure abandoned. Prior to removal, operator must make application to the City and receive approval for such removal.

Operator must obtain a right-of-way permit for the removal. The City may require the operator to complete additional remedial measures necessary for public safety and the integrity of the right-of-way.

The City may, at its option, allow a Small Cell Facility and/ or Wireless Support Structure to remain in the right-of-way and coordinate with the operator to transfer ownership of such Small Cell Facility and/ or Wireless Support Structure to the City, instead of requiring the operator to remove such Small Cell Facility and/or Wireless Support Structure.

## **Restoration**

Operator shall repair any damage to the right-of-way, any facilities located within the right-of-way, and/or the property of any third party resulting from operator's removal or relocation activities (or any other of operator's activities hereunder) within 10 calendar days following the date of such removal or relocation, at operator's sole cost and expense. Restoration of the right-of-way and such property must be to substantially the same, or better, condition as it was immediately before the date operator was granted a permit for the applicable location, or did the work at such location (even if operator did not first obtain a permit). This includes restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration, and replacement shall be subject to the sole, reasonable approval of the City.

## **13. GENERAL PROVISIONS**

### **As-Built Maps and Records**

Operator shall maintain accurate maps and other appropriate records of its Small Cell Facilities and Wireless Support Structures as they are actually constructed in the right-

of-way or any other City-owned property. Operator shall maintain a list of its Small Cell Facilities and Wireless Support Structures and provide the City an inventory of locations within 10 days of installation. The inventory shall include GIS coordinates (NAD 83, Ohio State Planes, South Zone, US feet), date of installation, type of Wireless Support Structure used for installation, Wireless Support Structure owner and description/type of installation for each Small Cell Facility and Wireless Support Structure. Operator will provide additional maps to the City upon request.

Upon City's written request, operator shall provide a cumulative inventory within 30 days of the City's request. Concerning Small Cell Facilities and Wireless Support Structures that become inactive, the inventory shall include the same information as active installations in addition to the date the Small Cell Facility and/or Wireless Support Structure was deactivated and the date the Small Cell Facility and/or Wireless Support Structure was removed from the right-of-way. The City may compare the inventory to its records to identify any discrepancies.

### **Generally Applicable Health and Safety Regulations**

All Small Cell Facilities and Wireless Support Structures shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, including without limitation all applicable federal, state, and local regulations for human exposure to RF emissions.

### **Tree Maintenance**

Operator, its contractors, and agents shall obtain written permission from the City before trimming trees in the right-of-way hanging over its Small Cell Facility and/or Wireless Support Structure to prevent branches of such trees from contacting attached Small Cell Facility. When trimming such trees on private property, the operator, its contractors, and agents shall notify the City and obtain written permission from the property owner. When directed by the City, operator shall trim under the supervision and direction of the City. The City shall not be liable for any damages, injuries, or claims arising from operator's actions under this section.

### **Minor Technical Exceptions**

The City recognizes that in some circumstances strict compliance with these guidelines may result in undesirable aesthetic outcomes and that minor deviations should be granted when the need for such deviation arises from circumstances outside the applicant's control.

## **Waivers if Requirements have the Effect of Prohibiting the Provision of Wireless Service to a Location**

In the event that any applicant asserts that strict-compliance with any provision in these design guidelines, as applied to a specific proposed Small Cell Facility, would effectively prohibit the provision of personal wireless services, the City may grant a limited exemption from strict compliance.

## **Graffiti Abatement**

As soon as practical, but not later than 14 calendar days from the date operator receives notice thereof, operator shall remove all graffiti on any of its small cell facilities and/or wireless support structures located in the right of way. The City may agree to an extension of time for abatement when necessitate by the need to order replacement equipment when such equipment is ordered in a timely manner.

If the operator fails to comply with the notice, the City Manager shall thereupon cause the graffiti to be removed, and for such purpose may employ the necessary labor to carry out the provisions of this section. Costs incurred by the City for removing such graffiti shall be entered upon the tax duplicate and shall be a lien upon such lands and property.