

**CITY OF PAPIILLION
MAYOR AND CITY COUNCIL REPORT
MARCH 19, 2019 AGENDA**

Subject:	Type:	Submitted By:
A request for approval of the City of Papillion Design Manual for Installation of Small Wireless Facilities and Small Wireless Facility Support Poles dated March 2019.	Resolution #R19-0047	Mark A. Stursma, AICP Planning Director

SYNOPSIS

This is a request for approval of the City of Papillion Design Manual for installation of Small Wireless Facilities and Small Wireless Facility Support Poles dated March 2019. The purpose of this Design Manual is to establish a process for managing requests for new and collocation of small wireless facilities (also known as SWFs) within the public rights-of-way consistent with the City's obligation to promote the public health, safety, and welfare; to manage the rights-of-way; and to ensure that the public is not negatively impacted by the use of the rights-of-way for the placement of SWFs. The City recognizes the importance of personal wireless services facilities to provide high-quality communications service to the residents and businesses within the City, and the City recognizes its obligation to comply with applicable federal and state laws regarding the placement of SWFs in its rights-of-way.

The Design Manual provides siting criteria and design standards for the installation of Small Wireless Facilities (better known as Small Cells), including Small Wireless Facility Network Nodes, Small Wireless Facility Support Poles and related ground equipment being installed in the public rights-of-way.

It should be noted that City Council will consider approval of Ordinance No. 1832 – Small Wireless Facilities Amendment, which, if approved, will codify definitions for small cells as Small Wireless Facilities and Small Wireless Facility Support Poles, as well as exclude Small Wireless Facilities from the Special Use Permit process currently required for new cellular towers.

FISCAL IMPACT

Not applicable.

RECOMMENDATION

Approval, contingent upon City Council approval of:

- Ordinance No. 1832 – Small Wireless Facilities Ordinance Amendment

BACKGROUND

A recent Federal Communications Commission (FCC) regulatory ruling has created special regulations and new timelines for review of small cells for local governments. Staff is proposing amendments that provide definitions for small cells as Small Wireless Facilities along with excluding the Small Wireless Facilities from the Special Use Permit process for approval. Currently, all new wireless telecommunication facilities (cell towers) including those for small cells are required to obtain a Special Use Permit. The Special Use Permit process is too long to meet the new FCC ruling.

ATTACHMENTS:

RES. #R19-0047

Design Manual

RESOLUTION NO. R19-0047

BE IT RESOLVED by the Mayor and City Council of the City of Papillion that the Design Manual for Installation of Small Wireless Facilities and Small Wireless Facility Support Poles dated March 2019 is hereby approved, contingent upon the following condition:

- City Council approval of Ordinance No. 1832 – Small Wireless Facilities Amendment

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

CITY OF PAPIILLION, NEBRASKA

David P. Black, Mayor

Attest:

Nicole L. Brown, City Clerk

(SEAL)

City of Papillion

Design Manual

for

*Installation of Small Wireless Facilities and Small Wireless
Facility Support Poles*

City of Papillion, Nebraska

March 2019

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SECTION 1. PURPOSE AND APPLICABILITY.

The City of Papillion (“City”) recognizes that the State of Nebraska has delegated to the City the fiduciary duty, as a trustee, to manage the public rights-of-way for the health, safety, and welfare of the public to Nebraska municipalities.

Purpose: The purpose of this Design Manual is to establish a process for managing, and uniform requirements for acting upon, requests for new and collocation of small wireless facilities (also known as SWFs) within the public rights-of-way consistent with the City's obligation to promote the public health, safety, and welfare, to manage the rights-of-way, and to ensure that the public is not incommoded by the use of the rights-of-way for the placement of SWFs. The City recognizes the importance of personal wireless services facilities to provide high-quality communications service to the residents and businesses within the City, and the City also recognizes its obligation to comply with applicable federal and state laws regarding the placement of SWFs in its rights-of-way. This Design Manual shall be interpreted consistent with those provisions.

Applicability: This Design Manual provides siting and criteria for the installation of Small Wireless Facilities (better known as Small Cells), including Small Wireless Facility Network Nodes, Small Wireless Facility Support Poles and related ground equipment being installed in the public rights-of-way.

This Design Manual shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Small Wireless Facilities and Small Wireless Facility Support Poles, by whatever nomenclature, installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state or federal law.

This Design Manual does not apply to the placement or modification of facilities by the City or by any other agency of the state solely for public health, welfare and safety purposes, the installation of a "cell on wheels," "cell on truck" or a similar structure for a temporary period in connection with an emergency or event, but no longer than required for any such emergency or event, provided that: (1) installation does not involve excavation, movement, or removal of existing facilities or the Installation of a SWF on the strand between two utility poles, (2) the cumulative volume of all SWF components located on the strand shall not exceed 1 cubic foot, and (3) that the installation does not require replacement of the strand, or excavation, modification or replacement of the utility poles or intensification in use of electrical power.

SECTION 2. DEFINITIONS.

1. *Abandon* and its derivatives means the facilities installed in the public rights-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by a Provider in an unused or non-functioning condition for more than 120 consecutive calendar

days unless, after notice to the provider, provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

2. *Antenna* means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.
3. *Applicable codes* means:
 - (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization and the City; and
 - (B) local amendments to those codes.
4. *Attachment or Attachments* means all physical components of a network provider's private network collectively located on any Small Wireless Facility Support Pole within the rights-of-way, consisting of, but not limited to, Small Wireless Facilities, receiver or transceiver, mounting hardware, power supplies, grounding or bonding wires, and other equipment utilized to provide wireless service, including any and all associated equipment not part of or integrated into the network provider's cable system or private network.
5. *City and municipality* means the City of Papillion, Nebraska or its lawful successor.
6. *City Administrator* shall mean City Administrator or designee.
7. *Collocate* and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of Small Wireless Facilities in a public rights-of-way on or adjacent to a pole.
8. *Concealment or Camouflaged* means any Small Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Small Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City's advance approval in Design Districts. A concealed or camouflaged Small Wireless Facility or pole also includes any Small Wireless Facility or Pole conforming to the surrounding area in which the Small Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.
9. *Decorative pole* means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.
10. *Design District* means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

11. *Easement* means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.
12. *Emergency* means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the City is threatened, and includes, but is not limited to any declaration of emergency by City, state or federal governmental authorities.
13. *Federal Communications Commission or FCC* means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.
14. *Highway right-of-way* means right-of-way adjacent to a state or federal highway.
15. *Historic district* means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.
16. *Law* means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.
17. *Local* means within the geographical boundaries of the City.
18. *Location* means the City-approved and lawfully permitted location for the Small Wireless Facility.
19. *Macro tower* means a guyed or self-supported pole or monopole greater than the height parameters prescribed in Section 3(A)(1)(f)(iii) of this Design Manual that supports or is capable of supporting antennas.
20. *Mayor* means the Mayor for the City.
21. *Municipal park* means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.
22. *Municipally-owned utility pole* means a utility pole owned or operated by a municipally-owned utility and located in a public rights-of-way.
23. *Network provider* means:
 - (A) a wireless service provider; or
 - (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - (i) Small Wireless Facility; or
 - (ii) Small Wireless Facility Support Poles or any other structure that supports or is capable of supporting a Small Wireless Facility.

24. *Permit* means a written authorization for the use of the public rights-of-way or collocation on a service pole required from municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.
25. *Pole* means a service pole, Small Wireless Facility Support Pole, or utility pole.
26. *Private easement* means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.
27. *Provider* has the same meaning as “Network provider.”
28. *Public rights-of-way* means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:
- (A) a private easement; or
 - (B) the airwaves above a public rights-of-way with regard to wireless service.
29. *Service pole* means a pole, other than a municipally-owned utility pole, owned or operated by a municipality and located in a public rights-of-way, including:
- (A) a pole that supports traffic control functions;
 - (B) a structure for signage;
 - (C) a pole that supports lighting, other than a decorative pole; and
 - (D) a pole or similar structure owned or operated by a municipality and supporting only a Small Wireless Facility.
30. *Small Wireless Facility or (SWF)* means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:
- (A) includes:
 - (i) equipment associated with wireless communications;
 - (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
 - (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and
 - (B) does not include:
 - (i) an electric generator;
 - (ii) a pole; or
 - (iii) a macro tower.
31. *Small Wireless Facility Support Pole* means a pole installed by a network provider for the primary purpose of supporting a Small Wireless Facility.
32. *Street* means only the paved portion of the public rights-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A street is generally part of, but smaller in width than the width of the entire public

rights-of-way. While public rights-of-way may include sidewalks and utility easements, a street does not. A street does not include the curb or the sidewalk, if either are present at the time of a permit application or if added at a later point in time.

- 33. *Traffic Signal* means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.
- 34. *User* means a person or organization which conducts a business over Small Wire Facilities occupying the whole or a part of a public street or rights-of-way, depending on the context.
- 35. *Utility pole* means a pole that provides:
 - (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
 - (B) services of a telecommunications provider.
- 36. *Wireless service* means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed or mobile location, provided to the public using a network node.
- 37. *Wireless service provider* means a person that provides wireless service to the public.

SECTION 3. DESIGN STANDARDS OF SMALL WIRELESS FACILITIES, SMALL WIRELESS FACILITY SUPPORT POLES AND RELATED GROUND EQUIPMENT.

A. *Design Standards for Locations in the Rights-of-Way.* The City of Papillion has a history of investing in and maintaining public rights-of-way in a manner that reflects the character of existing and future planned development by taking into account the land use districts bounding the public rights-of-way. Applications for Small Wireless Facility permits shall incorporate specific concealment elements and design standards described in this Design Manual section to minimize visual impacts. Unless it is determined that another design is equivalent to or less obtrusive, the following standards shall be met.

1. General Standards Applicable to all Small Wireless Facility and Small Wireless Facility Support Pole Installations.

a. *Pole-Mounted Antenna(s) - Mounting Locations.* Pole mounted antennas are the preferred deployment option and shall be located either:

- (i) Flush-mounted to the pole as close as technically feasible, but in no case greater than a distance of 12 inches measured from the outside edge of the pole to the inside edge of the antenna;
- (ii) Side-mounted to the pole as close as technically feasible, but in no case greater than a distance of 12 inches measured from the outside edge of the pole to the inside edge of the antenna; or

- (iii) Mounted to the top of the pole in a canister that does not exceed eighteen (18) inches in diameter. All SWF antenna shall be located entirely within the limits of the public rights of way. When an installation includes more than one flush-mounted or side-mounted antenna, the antennas shall be located as symmetrically around the pole to which they are affixed as is technically feasible; and
- (iv) Mounted no less than ten (10) feet from the ground and if the antenna is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.
- (v) There shall be no more than one Small Wireless Facility on any one pole.

b. Pole-Mounted Antenna(s) - Maximum Size. Each individual antenna that is located inside an antenna enclosure shall not exceed a maximum volume of three (3) cubic feet. Each individual antenna that has exposed elements shall fit within an imaginary enclosure that does not exceed a maximum volume of three (3) cubic feet. In no case shall the maximum volume of antennas located within a shroud or fitting within an imaginary enclosure on a single pole exceed fifteen (15) cubic feet.

c. Pole-Mounted Equipment - Shrouding and Maximum Size. Pole-mounted equipment is the preferred deployment option and shall be:

- (i) Consolidated to the greatest extent technically feasible.
- (ii) Covered by a full or partial shroud which creates a uniform appearance and conceals all equipment, cabling and attachment points; and
- (iii) No larger than is reasonably necessary to conceal the consolidated equipment, but in no case shall the maximum volume exceed fifteen (15) cubic feet. The electrical disconnect may be located independent of the consolidated equipment if necessary to maintain disconnect functionality and maintenance worker safety.

d. Ground-Based Equipment. If it is technically infeasible to pole mount all of the equipment within the maximum fifteen (15) cubic feet volume, then equipment shall be ground-based in the public rights-of way pursuant to the following standards:

- (i) Ground-based equipment should be underground. If it is technically infeasible to underground the ground-based equipment

or to pole-mount the equipment in compliance with the maximum size standards of Paragraph A.1.c, the ground-based equipment may be located fully or partially above-grade provided that:

- (a) The volume of ground-based equipment that is located above-grade shall not exceed a maximum of thirteen (13) cubic feet;
- (b) The ground-based equipment shall be aesthetically compatible with other above-grade utilities (e.g. signal boxes, electrical equipment, etc.) that are located within 600 feet of the pole;
- (c) To minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public rights-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 250 feet of a street corner or a street intersection;
- (d) To enhance the safety requirements of line of sight of pedestrians, particularly small children, the City may deny a request for a proposed location if the network provider installs Small Wireless Facility ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more; and
- (e) The ground-based equipment shall not encroach into any areas of required sidewalk or violate the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

e. *Unified Enclosure.* Antennas and equipment may be consolidated in a unified enclosure, provided that the consolidation shall be:

- (i) Fully contained within a single enclosure;
- (ii) No larger than is reasonably necessary to conceal the antenna(s) and equipment, but in no case shall the maximum volume of a unified enclosure on a single pole exceed fifteen (15) cubic feet;
- (iii) Mounted in compliance with the locational criteria of Paragraph A.1.a of this Design Manual; and

- (iv) Mounted in compliance with the locational criteria of Paragraphs A.2.a or A.3.a of this Design Manual. The electrical disconnect may be located independent of the consolidated equipment if necessary to maintain disconnect functionality and worker safety. Only one consolidated installation is allowed per pole, and consolidated installations may not be co-located on a pole with other antenna(s) or equipment.

f. *New or Replacement Poles.* Any new or replacement poles shall be located within ten (10) feet of the existing pole being replaced unless otherwise approved by the City Planning Director. All new or replacement poles:

- (i) Shall continue to fulfill all of the uses that existed on the original pole prior to its replacement;
- (ii) Shall be located entirely within the limits of the public rights-of-way; and
- (iii) Shall have a maximum height, including the antenna, of five (5) feet in height above the tallest existing utility pole that is in place on the date the Small Wireless Facility application is submitted and which is located within five hundred (500) feet of the new or replacement utility pole that is in the same public rights-of-way of the City; provided, that in no case shall a new or replacement pole exceed fifty (50) feet in height, including the antenna; and
- (iv) Shall not require the removal of a tree in the public rights-of-way that cannot otherwise be replaced or relocated in a manner that will accommodate both the tree and the replacement pole.

g. *Visual Impact.* Antenna(s) and equipment shall have subdued colors and non-reflective materials. To the greatest extent technically feasible, contrast between the pole and attached antenna(s) and equipment, colors, finishes, brackets and configuration shall be minimized.

h. *Public Safety/Codes.* Antenna(s) and equipment shall not constitute an obstruction which interferes with public health, safety and welfare and shall comply with all applicable local, state and federal codes, laws (including ADA), standards and regulations.

i. *Wiring.* To the extent technically feasible, transmission, fiber, power cables and any other conduit should be contained within any concrete, wood or metal pole or its replacement. Wires that are not technically feasible to be contained within a utility pole or its replacement shall:

- (i) Be enclosed in conduit. Wiring shall be encased in the minimum number of separate conduit runs of the minimum diameter technically feasible to accommodate required external pole connections between antenna(s)/equipment and transmission/fiber/power service.
- (ii) Not be visible on the exterior of the pole. Wires connecting the antenna(s) to the antenna equipment outside the conduit shall be consolidated and pulled as tight as technically feasible or concealed within a shroud. A shroud shall be the minimum size necessary to consolidate and conceal connecting wires. The volume of area enclosed within the shroud will not be counted against the maximum antenna or equipment volumes allowed pursuant of Paragraphs A.1.b and A.1.c of this Design Manual. Loops of extra wire shall not be lashed to the pole, to electrical wires supported by the pole, or to any pole-mounted antenna equipment.

j. *Advertising Devices, Signs and Lighting.*

- (i) No advertising, branding or advertising devices or elements shall be placed in, on or about the SWF unless otherwise approved by the City as a concealment technique.
- (ii) An emergency telephone number shall be posted and maintained on each SWF. No other signs are permitted, unless required by Law. Such sign may not exceed eight (8) inches in height and the width of the pole or the minimum necessary to meet FCC requirements. The sign shall contain the pole identification number, service number and emergency contact for both the operator and backhaul provider. The mounting height of the sign shall be consistent with state and federal law.
- (iii) No lighting on a SWF is permitted in excess of what is required to replace pre-existing functionality on the pole required by law.

2. Specific Additional Standards Applicable to SWFs Co-located on Municipally-Owned Utility Poles. The following specific standards apply to SWFs co-located on city poles in addition to the general requirements contained in Paragraph A.1 of this Design Manual.

- a. ***Pole-Mounted Equipment - Mounting Locations.*** Any pole mounted equipment shall be located:
 - (i) Within the top one-third (1/3) of the pole,

- (ii) No less than ten (10) feet from the ground and if the antenna is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground; and
- (iii) With no more than one Small Wireless Facility on any one pole; and
- (iv) Entirely within the limits of the rights of way.

b. **Replacement Poles.** If a replacement pole is proposed, then such pole shall be a standard pole approved for use at that location of the City or designed to utilize materials and specifications approved by the Public Works Director.

c. **Wiring.** Transmission, fiber, power cables and any other conduit shall be contained within any concrete, wood or metal pole. Wires contained within the interior of the pole are not included in the calculation of maximum equipment volume. No wiring shall be visible on the exterior of the pole. Wire connecting the antenna(s) to the antenna equipment shall be consolidated and pulled as tight as technically feasible or concealed within a shroud. A shroud shall be the minimum size necessary to consolidate and conceal connecting wires. The volume of area enclosed within the shroud will not be counted against the maximum antenna or equipment volumes allowed pursuant of paragraphs D.1.b and D.1.c of this section. Loops of extra wire shall not be lashed to the pole, to electrical wires supported by the pole, or to any pole-mounted antenna equipment.

3. **Specific Additional Standards Applicable to SWFs Co-located on Utility Poles.** The following specific standards apply to SWFs co-located on utility poles in addition to the general requirements contained in paragraph A.1 of this section.

a. **Pole-Mounted Equipment - Mounting Locations.** Any pole mounted equipment shall be located:

- (i) Pursuant to separation requirements of the utility pole owner as necessary to ensure proper functioning of the utility service;
- (ii) No less than 10 feet from the ground and if the antenna is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground; and
- (iii) There shall be no more than one Small Wireless Facility on any one pole; and
- (iv) Entirely within the limits of the rights of way.

b. **Wiring.** To the extent technically feasible, transmission, fiber, power cables and any other conduit should be contained within any concrete, wood or metal pole or its replacement. Wires that are not technically feasible to contain within a utility pole or its replacement shall:

- (i) Be enclosed in conduit. Wiring shall be encased in the minimum number of separate conduit runs of the minimum diameter technically feasible to accommodate required external pole connections between antenna(s)/equipment and transmission/fiber/power service.
- (ii) Not be visible on the exterior of the pole. Wires connecting the antenna(s) to the antenna equipment outside the conduit shall be consolidated and pulled as tight as technically feasible or concealed within a shroud. A shroud shall be the minimum size necessary to consolidate and conceal connecting wires. The volume of area enclosed within the shroud will not be counted against the maximum antenna or equipment volumes allowed pursuant of paragraphs A.1.b and A.1.c of this Design Manual. Loops of extra wire shall not be lashed to the pole, to electrical wires supported by the pole, or to any pole-mounted antenna equipment.

- 4. **Specific Additional Standards for Historic Landmarks or Districts.** A Network Provider is discouraged from installing a Small Wireless Facility or Small Wireless Facility Support Pole within 300 feet of a historic site, historic structure or Historic Landmark recognized by the City, state or federal government as of the date of the submission of the permit. Each permit application shall disclose if it is within 300 feet of such a structure.

SECTION 4. GUIDELINES ON PLACEMENT OF NEW AND REPLACEMENT POLES AND SMALL WIRELESS FACILITY SUPPORT POLES.

A. General Guidelines on Deployment Locations.

- 1. **Residential Areas.** A Network Provider is discouraged from installing a Small Wireless Facility on an existing pole or installing a new Small Wireless Facility Support Pole in a public rights-of-way without written consent from the City Council if the public rights-of-way is located in or adjacent to a street that is adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- 2. **Design Districts.** A Network Provider is discouraged from installing a Small Wireless Facility or a Small Wireless Facility Support Pole in the public rights-of-way in any area designated by the City as a Design District or in an area of the City zoned or otherwise designated as a Historic District

unless such Small Wireless Facility or new Small Wireless Facility Support Pole is camouflaged.

B. Order of Preference regarding Small Wireless Facility Attachments to Existing Poles and New Small Wireless Facility Support Poles.

Priority list for siting a Small Wireless Facility attachment to existing poles and new Small Wireless Facility Support Pole attachments. A Small Wireless Facility shall be located, sited, and erected in accordance with the following priority list, one being the highest priority and seven being the lowest priority.

1. On existing poles or other structures on City or other publicly owned properties, including the rights-of-way.
2. On existing poles or other structures on other property.
3. A new Small Wireless Facility Support Pole on City or other publicly owned properties, including the rights-of-way.
4. A new Small Wireless Facility Support Pole or other structures on properties in areas zoned LI or GI.
5. A new Small Wireless Facility Support Pole or other structures on properties in areas zoned LC, CC, or GC.
6. A new Small Wireless Facility Support Pole or other structures on properties in areas zoned AG.
7. A new Small Wireless Facility Support Pole or other structures on properties in areas zoned RE, R-1, R-2, R-3, R-4, or MH.

C. Designated Areas.

1. The City Council may designate or modify existing areas of the City that are designated Historic Districts or a Design District in accordance with Article XXVI, Article XXVIII, and Articles XXIX through XXXII of the Papillion Municipal Code at any time.
2. The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time.

D. General Application Submittal Requirements and Information:

1. **Size Limits.** Network Providers shall provide detailed drawings, with calculations to show conformity to the size limitations as set forth in Section 3 of this document, with each application and with each request for a permit for each location.

2. **State and Federal Rights-of-way permit.** If the project lies within a Highway Rights-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.
3. **Confirmation of non-interference with City Safety Communication Networks.**
 - a. The Network Provider needs to provide analysis that the proposed Small Wireless Facility shall not cause any interference with City public safety radio system, traffic signal light system, or other city safety communications components.
 - b. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed Small Wireless Facility. A Small Wireless Facility shall not be installed in a location that causes any interference. Small Wireless Facilities shall not be allowed on the City's public safety radio infrastructure.

F. Exceptions

The City by its discretionary consent and agreement may grant exception to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by local, state, or federal law.

G. New Small Wireless Facility Support Pole Spacing.

New Small Wireless Facility Support Poles shall be spaced apart from existing utility poles or Small Wireless Support Poles as the spacing between other utility poles in the immediate proximity, but in no case shall the distance be less than a minimum 300 feet from another utility pole or another Small Wireless Facility Support Pole in order to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

SECTION 5. ELECTRICAL SUPPLY

A. Network Provider shall be responsible for obtaining any required electrical power service to the Small Wireless Facility, Small Wireless Facility Support Pole(s) and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Small Wireless Facility, Small Wireless Facility Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

SECTION 6. INSTALLATION AND INSPECTIONS

A. INSTALLATION.

Network Provider shall, at its own cost and expense, install the Small Wireless Facility(s), Small Wireless Facility Support Pole(s) and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the City Administrator, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City Public Works Director. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Small Wireless Facility, Small Wireless Facility Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").

B. INSPECTIONS.

The City Administrator, or designee, may perform visual inspections of any Small Wireless Facility, Small Wireless Facility Support Pole or related ground equipment located in the Rights-of-Way as the City Administrator deems appropriate without notice. If the inspection requires physical contact with the Small Wireless Facility, Small Wireless Facility Support Poles or related ground equipment, the City Administrator shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

SECTION 7. GENERAL PROVISIONS.

1. As Built Maps and Records. Network Provider's as built maps and records shall be in strict accordance with the City's applicable ordinances.

Network Provider shall maintain and provide to the City accurate maps and other appropriate records of its Small Wireless Facilities, Small Wireless Facilities Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way, including, upon request, Auto CAD/GIS digital file formats.

2. Courtesy and Proper Performance. Courtesy and Proper Performance of Network provider's personnel, and contractors shall be in strict accordance with the City's applicable ordinances,

Network Provider shall make citizen satisfaction a priority in using the Rights-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Small Wireless Facility, Small Wireless Facility Support Pole(s) and related ground equipment in the Rights-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City Administrator or designee, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.

SECTION 8. DESIGN MANUAL - UPDATES

Placement or Modification of Small Wireless Facility, Small Wireless Facility Support Pole and related ground equipment shall comply with the City's Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

SECTION 9-20. RESERVED