

ORDINANCE NO. 2018-06

CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES TO BE PLACED IN CITY RIGHTS-OF-WAY IN THE CITY OF FARMINGTON, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, the City of Farmington, Arkansas encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of small wireless facilities while enabling the City of Farmington to promote management of the rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the City of Farmington recognizes that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, are critical to delivering wireless access to advanced technology, broadband, and 911 services to residences, businesses, an schools within the City; and

WHEREAS, the City intends to fully comply with State and Federal Law to the extent it may preempt local municipal control.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, ARKANSAS:

SECTION 1. DEFINITIONS

Small cell telecommunications facility (“Small Cell”). A facility, excluding a satellite television dish antenna, established for the purpose of providing wireless voice, data and/or image transmission within a designated service area. A small cell telecommunications facility must not be staffed, and consists of one or more antennas attached to a Support Structure. An antenna or wireless antenna base station which provides wireless voice, data and image transmission within a designated service area as part of a small cell telecommunications facility, and may not be larger than a maximum height of three (3) feet and a maximum width of two (2) feet.

A small cell telecommunications antenna may be installed on existing rooftops, structures or support structures where permitted. A small cell telecommunications facility also consists of related equipment which may be located within a building, an equipment cabinet outside a building, an equipment cabinet on a rooftop when in a commercial zone or attached to a commercial structure, or when in a residential zone attached to a residential structure or rooftop, or an equipment room within a building. Such related equipment shall have a maximum square footage of ten (10) square feet and a maximum height of two (2) feet or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in

the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

The placement of all antennas and equipment must comply with all applicable safety standards- including, but not limited to not exceeding the OSHA standards for RF exposure.

SECTION 2. PROPOSED SMALL CELL REGULATIONS

a. All new small cell individual or network applications requesting the installation of new support structures shall be approved via the Conditional Use Permit process only.

b. The primary goals of regulation of small cell infrastructure by the City shall be as follows:

- i. Health, safety, and welfare of Citizens;
- ii. Minimization of visual clutter;
- iii. Minimization of the number of traditional communication towers; and Provision of good wireless service to all citizens and organizations throughout the City.

c. All small cell installations (and any corresponding equipment) shall be installed only with the use of stealth concealment techniques.

The stealth concealment systems available allow for a variety of concealment methods including, but not limited to the following.

1. For location on newly proposed Structures;

- i. Smart poles (able to accommodate either single or multiple carriers),
- ii. Smart poles with streetlights,
- iii. Flag poles.

2. For location on existing Pole Structures;

- i. Stealth pole toppers (completely encased antennas to match the existing poles),
- ii. Stealth base cabinet enclosures (completely encases base cabinet equipment to match existing poles).

3. For location on existing Building Structures;

- i. New steeple, extension to existing steeple, and replacement steeple concealment structures,
- ii. Chimney concealment structures,
- iii. Chimney pot concealment structures,
- iv. Rooftop façade extension concealment,
- v. Rooftop cupola concealment,
- vi. Rooftop screen concealment,

- vii. Roof top pod concealment systems,
- viii. Building side grid concealment structures,
- ix. Rooftop or wall mounted lantern concealment structures.

SECTION 3. PREFERENCE FOR CO-LOCATION ON EXISTING STRUCTURES.

a. In order to reduce visual clutter and the addition of vertical elements to the townscape, the applicant must attempt to co-locate the antennas and ancillary equipment on or within existing structures, poles, etc.

- 1) All stealth proposals shall visually match existing structures, poles, or infrastructure on which the antennas and/or ancillary equipment shall be mounted.
- 2) All stealth proposals shall completely enclose, cover, or otherwise disguise all elements of the proposed system.

b. Administrative Approval of Co-Located Facilities and Facilities Located on Existing Structures subject to the construction approval process laid out in Section 5 of this ordinance. The Planning Administrator, following an Administrative Review, may approve the following facility installations:

- (1) Locating on Existing Structures. Installation of facilities on an existing structure (such as a building, light pole, electric transmission tower, water tank, or other free-standing non-residential structure) provided that the facilities do not extend any higher than five feet above the existing structure. The Planning Administrator may grant an additional variance, not to exceed ten (10) feet in height above the existing structure, when such additional height is necessary for improved functionality or safety.

c. If no existing poles or structures are present, or are limited in nature, then the addition of new stealth poles or other stealth structures may be considered.

SECTION 4. CUP PROPOSAL/APPLICATION DETAILS

- 1. The applicant shall submit the following items with their proposal, in order to comply with the CUP requirements for small cells which are in addition to the requirements for all CUPs in the city:
 - a. A completed CUP Application for a Small Cell Network
 - b. The appropriate review fee
 - c. A detailed diagram of the entire proposed small cell network for which the applicant is applying
 - d. Written statement detailing how the applicant has met the City's Stated goals for Small Cell Infrastructure (goals listed in Section 2, b above) as well as the CUP requirements for the city.
- 2. The applicant should clearly depict within their proposal which antenna, equipment, and other components; are proposed to be located on existing structures; and which (antenna, equipment, and other components) are proposed to be located on newly proposed structures.

3. All small cell proposals should be submitted by the applicant for review and conditional approval as an entire network package.
 - a. The submittal package shall consist of the entire network of proposed antennas and related equipment (equipment cabinets, additional electrical service or communications cables) proposed to be installed.
 - b. The submittal shall depict the proposed location and height of each antenna and equipment cabinet (or similar) and the stealth device used for each. The deployment of stealth techniques shall be uniform throughout the deployment, or tailored to be uniform to- or match particular existing structures.

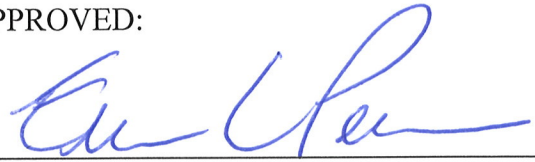
SECTION 5. CONSTRUCTION APPROVAL PROCESS

- a. If the proposed small cell application CUP application is conditionally approved, then the following items shall be submitted for administrative review and final construction permit approval (within 12 months of CUP approval).
 1. A completed application for construction of a Small Cell Network.
 2. An updated submittal package as detailed in Section 4, items 2 and 3 above. This updated package should address any Conditions of the CUP.
 3. If offsite easements or agreements are needed for the placement of any antenna, cabling, or ancillary equipment, copies of all easements and/or agreements shall be submitted (financial lease or agreement information may be omitted)
 4. Loading information for all new and proposed antennas, ancillary equipment, and stealth equipment to be attached to both new and existing structures
 5. Detailed stealth concealment proposals for all new antennas and ancillary equipment.
 6. All necessary building permit applications and associated fees as deemed necessary by the City.
- b. If the proposed small cell application consists only of installations proposed on existing structures or facilities as defined in Section 3b of this ordinance, then the following items shall be submitted for administrative review and final construction permit approval.
 1. A completed application for construction of a Small Cell Network.
 2. An updated submittal package as detailed in Section 4, items 2 and 3 above.
 3. If offsite easements or attachment agreements are needed for the placement of any antenna, cabling, or ancillary equipment, copies of all easements and/or agreements shall be submitted (financial lease or agreement information may be omitted)
 4. Loading information for all new and proposed antennas, ancillary equipment, and stealth equipment to be attached to existing structures
 5. Detailed stealth concealment proposals for all new antennas and ancillary equipment.
 6. All necessary building permit applications and associated fees as deemed necessary by the City.

SECTION 6. SEVERIBILITY PROVISION In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

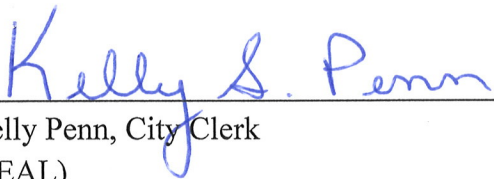
PASSED AND APPROVED this 14th day of May, 2018.

APPROVED:



Ernie Penn, Mayor

ATTEST:



Kelly Penn, City Clerk
(SEAL)