

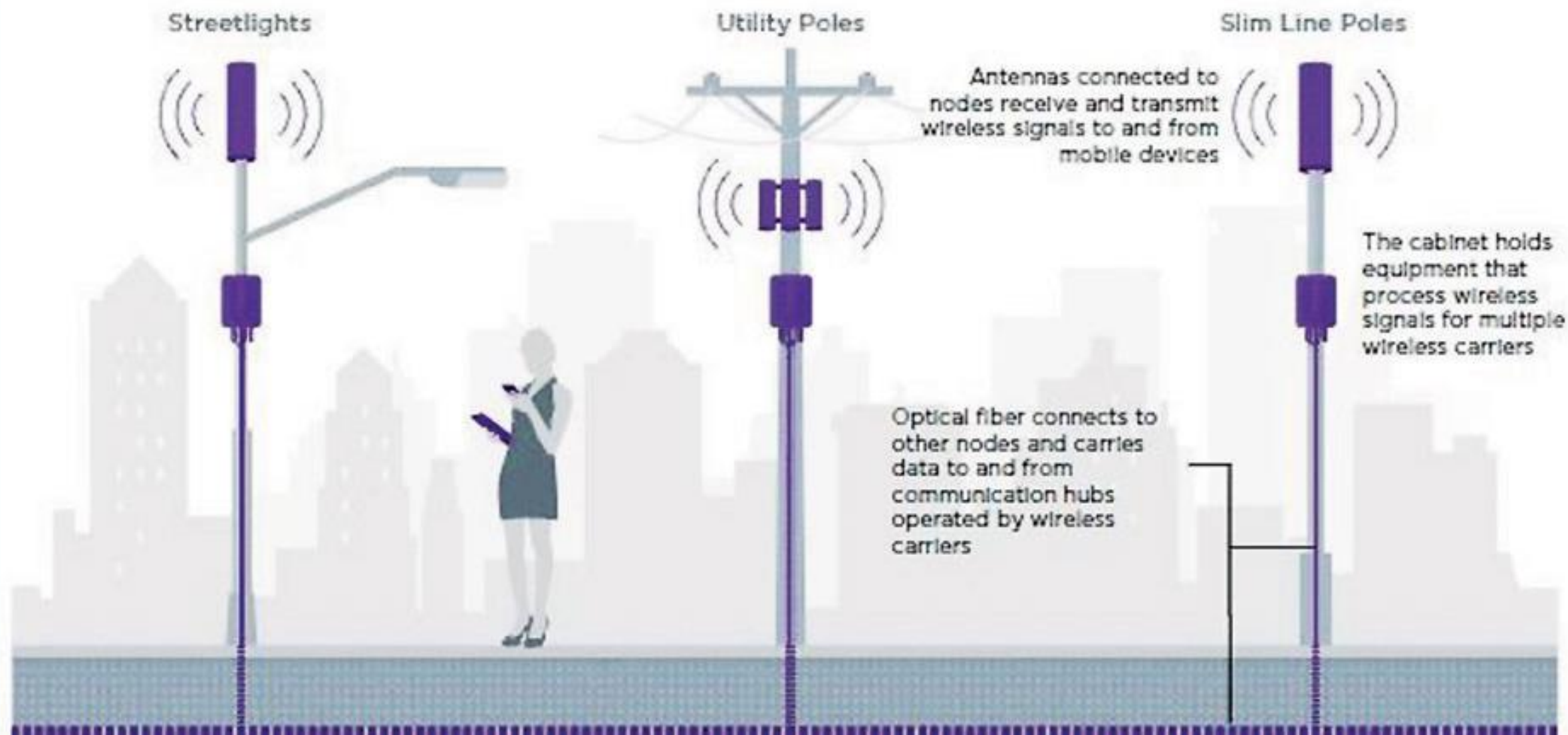
The background of the slide features a complex geometric pattern of overlapping teal and white shapes, including squares, rectangles, and rounded forms, creating a modern, abstract design. A dark teal rectangular box is positioned on the left side of the slide, containing the title and date.

Ordinance Governing Small Cell Wireless Facilities in the Public Right-of-Way

October 2, 2023

What Are Small Cell Deployments?

Small cell deployments are complementary to towers, adding much needed coverage and capacity to urban and residential areas, venues, and anywhere large crowds gather



Federal
Telecommunications
Act of 1996
authorizes wireless
providers to have the
absolute right to
place Small Cell
wireless facilities in
the ROW, subject to:

Design Review of
the Small Cell

Density (Location)
Standards

Recoupment of
Costs of Application
Review and ROW
Management

Fees charged to Providers cannot effectively prohibit deployment

Fees for application review, right-of-way access and attachment to public property are allowed but must be cost-based and objectively reasonable. The FCC has established the following “safe harbor” fees amounts:

- *One-time fees:* \$500 for an application covering up to five small cell attachments to existing public property; \$100 for each additional attachment; and \$1,000 for a new pole containing small cell equipment.
- *Recurring fees:* an annual fee of \$270 per unit to cover costs, such as right-of-way maintenance.

The FCC says it believes cities will be able to justify charging higher amounts only in very limited circumstances, and that providers are unlikely to take a city to court if its fees do not exceed these amounts.

What needs to be in place?

Resolution

- Uniform standards
- Encroachment permit application and procedures
- License agreement
- Other steps as may be required

Ordinance

- Includes small cell structures as encroachments

Small Cell Wireless – Ordinance modification

Add to 22-407:

An applicant seeking to install and operate a small cell wireless facility in the public right-of-way shall obtain a revocable encroachment permit and enter into a license agreement with the City prior to constructing, attaching, and operating a small cell wireless facility in the public right-of-way.

Next Steps

Resolution tonight

Ordinance

PH and 1st Reading - tonight
2nd Reading – Oct 23 2023
In effect – 30 days later

