

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

City Council Work Session
August 21, 2023

Presented By:

Debi Meling, Public Works Director

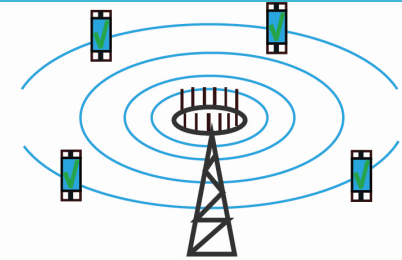
Stacy Tenney, Deputy City Attorney

4G Macro Cell facilities to 5G Small Cell Technology

- Telecommunication companies are rolling out 5G (5th technology) and adding to 4G coverage
- Designed to densify coverage through “small cells” placed closely together (e.g., every 800ft.)
- Small cells are antenna and related equipment that telecommunication providers deploy to increase their overall network capacity and to extend wireless coverage.

4G

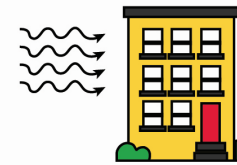
High Powered Antenna
Towers broadcast signals over
long distances



PROBLEM

5G

mm waves can't
travel well through
buildings and obstacles

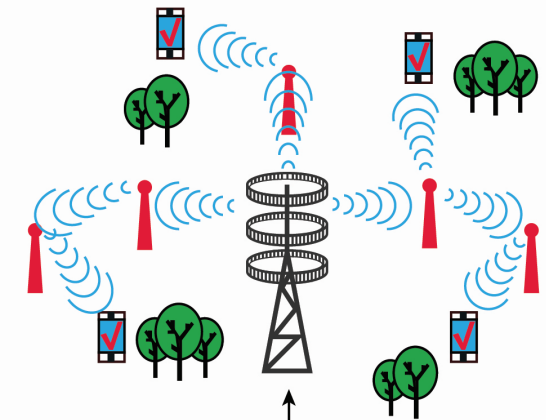


mm waves tend to be
absorbed by plants and
rain



SOLUTION

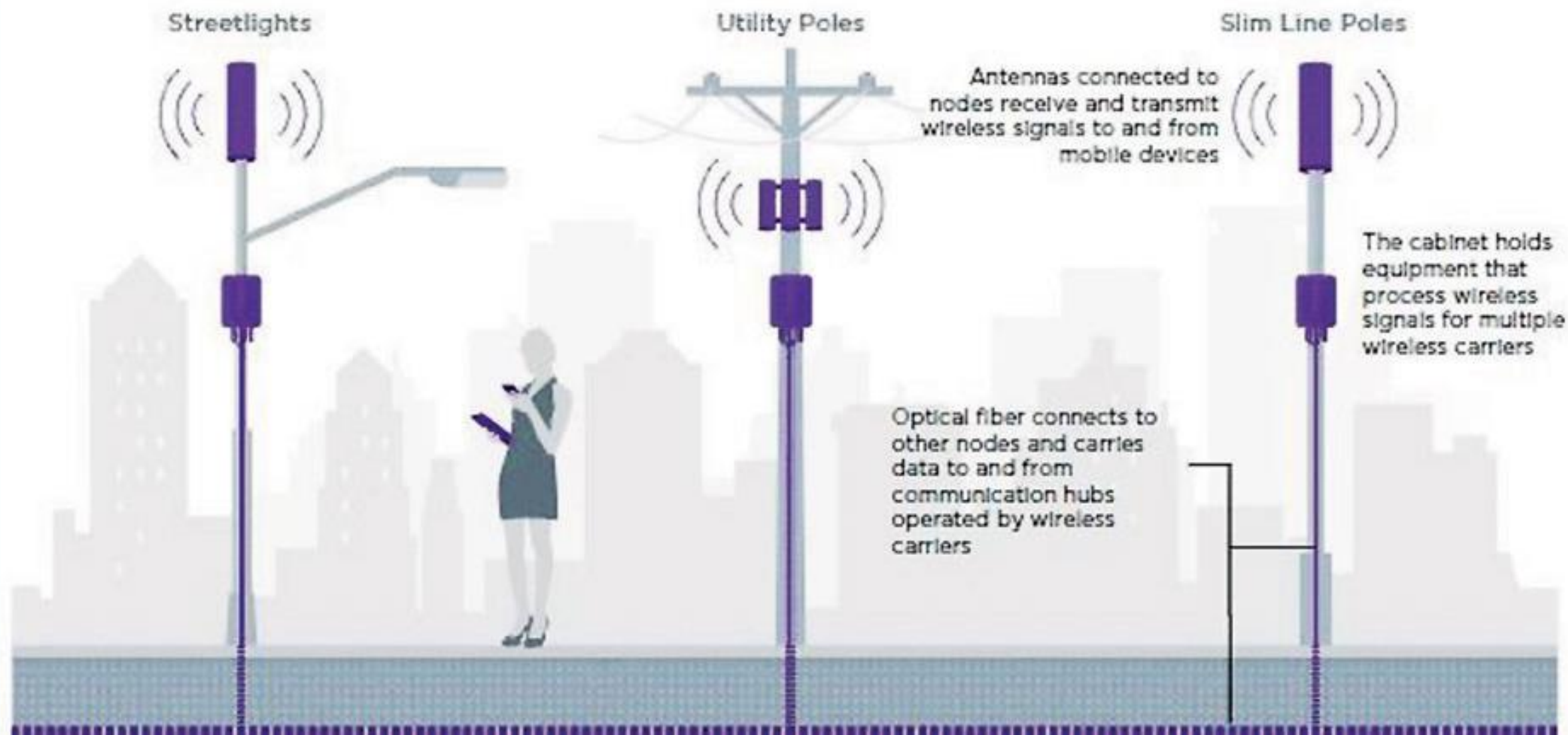
Using thousands of low power
emitting base stations
antennas to transmit signals
around obstacles



Massive MIMO (Multiple
Input Multiple Output)

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

Sept 2023

Ordinance

PH and 1st Reading - Sept 2023

2nd Reading – Oct 2023

In effect – 30 days later

