F7

Memorandum

To: Hiawatha City Council

CC: Kim Downs, City Administrator

John Bender, City Engineer

From: Patrick Parsley, Community Development Director

Date: 3/29/2019

Re: Pole Mounted Utility Facility Policy

Background:

Jurisdictions are seeking to be in compliance with both state and federal rules as they attempt to regulate the placement of pole mounted utility facilities in the right of way.

State: The state does allow some limits for structural capacity of poles and structures, residential areas, historic areas and structures, and aesthetic concerns if specified. (see highlighted text of attached IA statute).

Federal: It appears the National League of Cities may have been able to extend the federal deadline for "aesthetic regulation" until April 15th. If our city wants to regulate in certain areas and to the extent allowed by the rule we need to have the policy in place by April 15 even though the state has no such deadline. This is especially true for reasonable aesthetic rules. (see highlighted NLC attachment)

The proposed policy associated with this type of installation is attached. We have used a template provided by a neighboring jurisdiction; Coralville, Iowa City and Dubuque. Charles City and Waverly in review. It complies with the limits of the State and Federal rules but gives the City opportunity to regulate and provide input into future installations.

Recommendation:

Review and approve the attached recommended policy.

8C.7A Uniform rules for small wireless facilities — permit approval.

1. *a.* Except as provided in this section, an authority shall not prohibit or restrict the siting of a small wireless facility.

b. For purposes of this section, *"siting"* means the mounting, installation, maintenance, modification, operation, or replacement of a small wireless facility on or adjacent to any of the following:

(1) An existing tower, utility pole, wireless support structure, or other existing structure.

(2) A new utility pole of a similar height and appearance as an existing utility pole and which is located within a five-hundred-foot radius of the existing utility pole.

(3) A replacement utility pole of a similar height and appearance as an existing utility pole and which is located within a five-hundred-foot radius of the existing utility pole.

2. *a.* An authority that has adopted planning and zoning regulations shall authorize the siting of a small wireless facility within its jurisdiction and shall not require a person to obtain a special or conditional land use permit for any of the following:

(1) For siting the small wireless facility in a public right-of-way or on an authority structure located outside of a public right-of-way to the extent that such structure is already in use as a wireless support structure by supporting non-authority communications equipment that involve external attachments, provided that such structure is not listed on the national register of historic places.

(2) For siting the small wireless facility on an existing tower, utility pole, or wireless support structure, regardless of the location, except for on property zoned and used exclusively for single-family residential use or within a previously designated area of historical significance pursuant to section 303.34.

b. A small wireless facility may be classified as a special or conditional land use where such small wireless facility is not sited in a manner as provided in paragraph *"a"*.

c. A person may install a new utility pole or wireless support structure in a public right-of-way subject to the provisions of this section. An authority may reasonably limit the number of new utility poles or wireless support structures, consistent with the protection of public health, safety, and welfare, and provided that such limitation does not have the effect of prohibiting or significantly impairing a wireless service provider's ability to provide wireless service within the area of a proposed new structure. However, an authority may require a person to obtain a special or conditional land use permit to install a new utility pole or wireless support structure for the siting of a small wireless facility on property zoned and used exclusively for single-family residential use or within a previously designated area of historical significance pursuant to section 303.34.

3. *a.* (1) An authority may require a person to obtain a building, electrical, or public right-of-way use permit for the siting of a small wireless facility to the extent that such permit is of general applicability and does not deny access to site the small wireless facility in a public right-of-way. Notwithstanding this paragraph, an authority shall not require a person to obtain a permit for the routine maintenance of a previously approved small wireless facility or the replacement of a previously approved small wireless facility with a facility of substantially similar height, weight, and wind and structural loading, provided, however, that an authority may require a person to obtain a permit to work in a public right-of-way or on an authority structure located outside of a public right-of-way with the same terms and conditions provided for other commercial projects or uses in the public right-of-way or on the authority structure.

(2) (a) Except as provided in subparagraph divisions (b) and (c), an authority shall not impose any fee or require any application or permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility that is suspended on operator-owned cables or lines that are strung between existing utility poles in compliance with national safety codes.

(b) An authority that has adopted a municipal or county code on or before July 1, 2017, which requires an application or permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility may continue the application or permit requirement subsequent to July 1, 2017.

(c) (i) An authority may require a single-use right-of-way permit for the installation,

placement, operation, maintenance, or replacement of a micro wireless facility if any of the following conditions apply:

(A) The work is contained within a highway lane or requires the closure of a highway lane.

(B) The work disturbs the pavement, shoulder, ditch, or operation of a highway.

(C) The work involves placement of a micro wireless facility on a limited access right-of-way.

(D) The work requires any specific precautions to ensure the safety of the traveling public or the protection or operation of public infrastructure and such work was not authorized in, or will not be conducted in, the same time, place, or manner that is consistent with the approved terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

(ii) For purposes of this subparagraph division, *"highway"* means the same as defined in section 325A.1.

b. An authority shall not require a person to apply for or enter into an individual license, franchise, or other agreement with the authority or any other entity for the siting of a small wireless facility on a utility pole located in a public right-of-way. However, an authority may, through the conditions set forth in a permit obtained pursuant to this subsection, do any of the following:

(1) Establish nondiscriminatory, competitively neutral and commercially reasonable rates, terms, and conditions for such siting, which rates, terms, and conditions shall comply with the federal pole attachment requirements provided in 47 U.S.C. §224 and any regulations promulgated thereunder.

(2) Require compliance with the Iowa electrical safety code, the national electrical safety code, applicable fire safety codes, and any building code or similar code of general applicability for the protection of the public health, safety, or welfare that was adopted by an authority prior to the filing of the application.

(3) Require that a small wireless facility reasonably match the aesthetics of an existing utility pole or wireless support structure that incorporates decorative elements.

(4) Require compliance with section 306.46, subsection 1, and section 306.47.

(5) Require that after the construction of a small wireless facility or new utility pole is completed in accordance with all conditions under which the permit is granted, which conditions shall be consistent with this section, the owner of the small wireless facility or new utility pole, or the owner's successor in interest, shall maintain the small wireless facility or new utility pole at the expense of the owner or successor and if the authority subsequently undertakes any maintenance, public improvement project, or reconstruction of authority property or equipment which requires the modification, relocation, or reconstruction of the small wireless facility or new utility pole, such work and the costs thereof shall be the responsibility of the owner or successor. If the project necessitating the modification, relocation, or reconstruction of the small wireless facility or new utility pole is for a private commercial purpose, the authority may require the owner or successor to modify, relocate, or reconstruct the small wireless facility or new utility pole upon prepayment of the costs of such work by the private commercial entity whose project facilitates the need for such work. For purposes of this subparagraph, *"new utility pole"* means a new utility pole installed by a wireless service provider pursuant to this section solely for use as a wireless support structure and that is owned by the wireless service provider.

c. Beginning with applications filed on or after September 1, 2017, an authority shall accept an application for, process, and issue a permit under this subsection as follows:

(1) An applicant shall not be required to provide more information or pay a higher application fee, consulting fee, or other fee associated with the processing or issuance of a permit than the amount charged to a telecommunications service provider that is not a wireless service provider. The total amount of fees for processing or issuing a permit, including any fees charged by third parties, shall not exceed five hundred dollars for an application addressing no more than five small wireless facilities, and an additional fifty dollars for each small wireless facility addressed in an application in excess of five small wireless facilities. An applicant shall not be required to pay any additional fees or perform any services relating to the acceptance, processing, or issuance of a permit, nor provide

Deadline Approaching to Set Aesthetic Standards for Small Cell Wireless

If cities want to set aesthetic standards, they must be adopted by April 15, 2019.

(Published Dec 17, 2018)

The Federal Communications Commission (FCC) on Dec. 10 denied a petition to stay its Declaratory Ruling and Third Report and Order regarding small wireless deployment. This means the order is set to go into effect on Jan. 14.

—See the FCC Order Denying Motion to Stay in Accelerating Wireless and Wireline Broadband Deployment

The petition was filed by the National League of Cities (NLC) together with many other interested parties. In denying the petition, the FCC clarified the timeframe required for cities to adopt aesthetic standards on small cell deployment.

Cities that wish to enforce aesthetic requirements on small cell wireless facilities must have such requirements published by April 15, 2019. Any aesthetic standard adopted by cities must be: "(1) reasonable; (2) no more burdensome than those applied to other types of infrastructure deployments; and (3) objective and published in advance."

Advantage of adopting standards sooner

Despite the clarification of the 180-day window for cities to adopt proper aesthetic requirements, the denial implies that cities must have some aesthetic requirements in place by Jan. 14. After Jan. 14, cities are not able to enforce ad hoc aesthetic limitations.

Cities that have aesthetic, spacing, or undergrounding standards currently in place may continue to judge applications against their current standards. However, by April 15, cities may only enforce aesthetic, undergrounding and spacing standards that are "reasonable, no more burdensome than those applied to other types of infrastructure deployments, and objective and published in advance."

Next steps for cities

There is a separate motion to stay in the courts. Despite this additional request for stay filed with the 10th U.S. Circuit Court of Appeals, cities should be working quickly to draft and publish aesthetic standards in order to comply with the new requirements.

Cities without aesthetic standards should work with their city attorney and city engineer to draft and publish aesthetic standards by Jan. 14. Cities with current aesthetic standards in place should work with their city attorney and city engineer to ensure current aesthetic standards are in compliance with the FCC order. If needed, they should amend current aesthetic standards to ensure compliance by April 15.

Continued advocacy on behalf of cities

Hiawatha!™

Supplemental Design Standards & Specifications

For

Pole-Mounted Utility Facilities

Within City Right-of-Way

Approved April 3, 2019

Hiawatha Engineering Department

SECTION I: 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 pole-mounted (or other structure-mounted) utility facilities within the City's right-of-way. The goals of these guidelines are to:

A. Provide standards, technical criteria and details for utility facilities in the City's right-of-way to be uniformly applied to all applicants and owners of utility facilities or support structures for such facilities.

B. Enhance the ability of utility providers to deploy services in the City quickly, effectively and efficiently so that residents, businesses and visitors benefit from ubiquitous and robust utility service availability.

C. Preserve the character of the City's neighborhoods and corridors.

D. Ensure that utility facilities and support structures conform to 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.

SECTION II: DEFINITIONS

Abandoned means any utility facilities or support structures that are unused for a period of three hundred sixty-five (365) days without the operator otherwise notifying the City and receiving the City's approval.

Antenna means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

Applicant means any Person applying for a Permit hereunder.

City means the City of Hiawatha.

City property means property other than right-of-way owned by the City.

Collocation or Collocate means to install, mount, maintain, modify, operate, or replace utility facilities on a utility support structure.

County means Linn County, Iowa.

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.

Industrial Area means an industrially-zoned area.

Operator means a utility service provider, cable operator, or a video service provider that operates a utility facility and provides utility 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.

Ornamental Pole means a pole or structure placed in the right-of-way to support traffic signals and/or streetlights which has been specifically designed and placed for aesthetic purposes. Ornamental Poles may include appurtenances or attachments for banners and/or other aesthetic features.

Permit means the non-exclusive grant of authority issued by the City of Coralville to install a utility facility and/or a utility support structure in a portion of the right-of-way in accordance with these guidelines. Utility facilities and support structures include small cell facilities and support structures utilized for small cell and wireless uses.

Permittee means the owner and/or operator issued a Permit pursuant to these guidelines.

Person means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

Retail and Commercial Areas means a commercially-zoned area.

Residential Area means a residentially-zoned area.

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 freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, 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 Hiawatha.

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 (6) 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 (6) cubic feet in volume.

(2) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (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.

State means the State of Iowa.

Toll means the pause or delay of the running of the required time period.

Utility means a private company providing electric, gas and/or telecommunications service with conduits, cables or other facilities within the public right-of-way. *Utility* includes any company providing fiber optic or small cell communications services.

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.

Utility Support Structure means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen (15) foot or taller sign pole, or utility pole capable of supporting utility facilities, including small cell facilities. *Utility Support Structure* excludes a utility pole or other facility owned or operated by an electric utility.

SECTION III: REQUIREMENT TO COMPLY

Placement, modification, operation, relocation and removal of a utility facility and/or utility support structure shall comply with Hiawatha's City Code, design standards and permitting requirements which are current at the time the permit for installation, modification, relocation or removal is approved, and as amended from time to time.

In addition other permitting requirements, application for placement of a pole mounted facility shall include:

1. Verification the support structure owner approves the installation.
2. The structural capacity has been verified by a State of Iowa licensed engineer.

SECTION IV: LOCATIONS OF UTILITY FACILITIES, RELATED GROUND EQUIPMENT, AND UTILITY SUPPORT STRUCTURES

Most Preferable Locations

The following are the most preferred areas for new utility facilities.

A. *Industrial Areas* if not adjacent to a municipal park, or residential area.

B. *Highway 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.

Collocation Preference

It is the City's strong preference that whenever an applicant proposes to place a new utility support structure with a utility facility within two hundred fifty (250) feet from an existing utility 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. Municipal Parks

C. Special ornamental street poles on North Center Point Road, Center Point Road and adjacent streets.

Maps, which may be updated from time to time, showing the boundaries of the above areas, are available on the City's website.

- https://www.

Order of Preference for Utility Support Structures

The following list indicates the order of preference for utility support structures for utility facilities. Images of the Municipal Service Poles are attached in Exhibit A.

A. *Existing Utility Poles:* It is the City's preference that utility facilities be installed on existing utility poles (electric or telephone) or lashed onto existing telephone or electrical lines between existing utility poles.

B. *Non-Ornamental Municipal Service Poles:* If the applicant does not have the right to use existing utility poles or lines under reasonable terms and conditions or the utilization imposes technical limits, the City prefers that the applicant next look to existing non- ornamental municipal street lights or traffic signal structures.

C. *New Poles:* If Items A-B listed above have proven to be unavailable, the City prefers the installation of a new pole to serve as a utility support structure.

D. *Ornamental Municipal Service Poles:* The use of ornamental municipal street lights and traffic signals as utility support structures is discouraged. These should only be proposed if Items A-C listed above are unavailable or when requested by the City based on the proposed location. Use of ornamental traffic signal mast arms is preferred over use of ornamental street lights.

E. *Sign Poles (15 feet or taller):* The only sign poles that may be considered are those that are at least fifteen (15) feet tall. These are the least preferred option for a utility support structure.

SECTION V: CONSIDERATION OF ALTERNATE LOCATIONS

The City reserves the right to propose an alternate utility support structure to the one proposed in the application. The City may also propose an alternate location for a new utility support structure within one hundred (100) 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 utility 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.

SECTION VI: GUIDELINES ON PLACEMENT

An applicant shall construct and maintain utility facilities and 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 of Hiawatha's City Code; 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 utility services to the community. Generally, a utility facility and/or utility 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 utility support structure shall match the materials and finish of the adjacent utility poles.

Antennas on Existing or Replaced Utility Poles

Any antenna(s) associated with collocation 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 six (6) cubic feet in volume, including any enclosure for the antenna.

Right-of-way

Utility facilities and 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

Utility Facilities: Utility facilities installed support structures shall be installed at least nine (9) feet above the ground. If a utility facility attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the City may require the attachment to be installed no less than sixteen (16) feet above the ground.

New utility support structures: The overall height of a new utility support structure and any collocated antennas shall not be more than the maximum allowable building height in the underlying zoning district above ground level. In all other areas, the overall height of a new utility support structure and any collocated antennas shall not be more than fifty (50) feet in height above ground level.

Existing utility support structures: For an existing utility support structure, antenna and any associated shroud or concealment material are permitted to be collocated at the top of the existing utility support structure and shall not increase the height of the existing utility support structure by more than five (5) feet.

Protrusion

No protrusions from the outer circumference of the existing structure or pole shall be more than two (2) feet. 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, including a clear zone from the sidewalk measuring two (2) feet. The City, at its option, may waive the clear zone requirement or the requirement to limit the protrusion to no more than two (2) feet.

Location of Equipment - General

Utility facilities and related equipment shall not impede pedestrian or vehicular traffic in the right-of-way. If any utility facility or support structure is installed in a location that is not in accordance with the plans approved by the City, 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 utility facilities and/or support structure. If the operator does not complete removal in a reasonable timeframe, the City will remove it and bill the operator for the 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.

Utility Lines: Service lines must be undergrounded whenever feasible to avoid additional overhead lines. For non-wood poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.

Spools and Coils: To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for utility facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.

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 four (4) inches in diameter. Such conduit shall be finished in zinc, aluminum or stainless steel, or colored to match those metal finishes.

City Utilities: Utility facilities, support structures and service connections shall be located at least five (5) feet from existing City utilities or structures, unless approved by the City Engineer.

Pole footing/base: A new footing/base is required for all pole replacements, and existing footings/bases must be removed.

Location of Ground Mounted Equipment

Ground equipment should be minimal and the least intrusive. 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 and 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 pole (with the exception of wood power poles) and undergrounded between the pole and adjacent facilities.

Location of Pole Mounted Equipment

All pole-mounted equipment must be installed as flush to the pole as possible. Equipment attached to metal poles must be installed 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. Equipment attached to wood poles may be bolted to the pole or installed using stainless steel banding straps. All pole mounted equipment shall be located as close together as technically 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 cabinet or similar enclosure. Equipment cabinet may not extend more than twenty-four (24) 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 four (4) inches.

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. Electrical service connections must be to the closest feasible power source available from the power provider, unless approved by the City Engineer.

Telephone/Fiber Optic Utilities: Cabinets for telephone and/or fiber optic utilities may not extend more than twenty-four (24) 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 where technologically feasible and appropriate for the location.

New Utility Support Structures

Spacing: The City strongly discourages more than one (1) new utility support structure per block and will not approve more than one (1) per two hundred fifty (250) feet on each side of the street to minimize the hazard of poles adjacent to roadways and minimize visual clutter and distractions to vehicular traffic. An exemption may be granted if the applicant can demonstrate that this restriction has the effect of preventing utility service to this location. Utility support structures shall be spaced apart from other utility poles or support structures supporting similar facilities at the same spacing between utility poles in the immediate proximity.

If multiple requests are received to install two (2) or more poles that would violate the spacing requirement or to collocate two (2) or more utility facilities on the same utility support structure, priority will be given to the first request received that meets these guidelines.

Alignment with Other Poles: The centerline of any new utility 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.

General Restrictions on New Wood Poles: In all locations, the City does not allow new wood poles to be installed.

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 of Iowa, 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.

Metal Pole Material: All metal poles must be constructed from aluminum and finished in accordance with these guidelines to avoid rust stains on adjacent sidewalks, buildings or other improvements.

Metal Pole Finish: Metal poles shall be painted to match existing metal poles in the surrounding area. If no paint color is available for the area, the poles shall match a galvanized finish. The applicant shall select a powder coat paint system in compliance with ATSM standards.

Lighting and Banners: The City may require the applicant to install functional streetlights, holiday lights, and/or brackets to hold banners when technically feasible and the City determines that such additions will enhance the overall appearance and usefulness of the proposed facility. The City may install banners utilizing the brackets. Any lighting installed (new or replacement) shall be light emitting diode (LED) type as approved by the City.

City-Owned Utility Support Structures

Required Load Analysis: Installations on all City-owned poles shall have an industry standard pole load analysis completed, sealed and signed by a Professional Engineer licensed and registered by the State of Iowa and submitted to the City with each permit application indicating that the City-owned pole to which the utility facility will to be attached will safely support the load.

Attachment: All utility installations located on City-owned poles shall be completed in a manner that allows for their complete removal (including brackets) without damage to the pole.

Height of Attachments: All attachments on all City-owned poles shall be at least nine (9) feet above grade and if a utility facility is projecting toward the street, for the safety and protection of the public and vehicular traffic, the City may require the attachment to be installed no less than sixteen (16) feet above the ground.

Power Source: A utility facility on a City-owned support structure may not use the same power source that provides power for the original purpose of the utility support structure.

Installations on Traffic Signals and Street Lights: Installations on all traffic signal structures or street lights must not interfere with the integrity of the facility in any way that may compromise the safety of the public. The installation must not interfere with other existing or planned uses on the pole such as traffic signals, street lights, PTZ cameras, vehicle detection equipment, or hanging banners. Installation of utility facilities on any traffic signal structure or street light shall (a) be encased in a separate conduit than the traffic light electronics (existing spare conduits may not be used); (b) have a separate electric power connection than the traffic signal/street light structure; and (c) have a separate access point than the traffic signal/street light structure.

Installations on Sign Poles (15 feet or taller): Installations on sign poles may only occur if the sign pole is fifteen (15) feet or taller.

Reservation of space for future public safety or transportation uses: An application for space on a City owned or operated utility support structure that conflicts with space reserved for future public safety, transportation uses, or banners documented in an approved plan in place at the time of the application will be denied unless the operator pays for the replacement of the pole or utility support structure and the replaced pole or utility support structure will accommodate the future use and the small cell facility.

Luminaires: Any luminaire installed (new or replacement) in association with a utility facility or support structure shall be LED type as approved by the City.

SECTION VII: UNDERGROUNDING REQUIREMENTS

The City may deny requests to install above ground structures and facilities in the right-of-way in an area where the City has required 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 applying for or installing any utility support structures and/or utility 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.

SECTION VIII: GENERAL AESTHETIC REQUIREMENTS

Concealment

New Utility Support Structures: It is the City's preference that all new utility support structures be camouflaged. The applicant shall submit their proposal for camouflage with the permit application.

Utility Facilities: Utility facilities shall be concealed or enclosed as much as 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 ones shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible.

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 and placement within existing or replacement street furniture.

Landscaping: Landscape screening shall be provided 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 utility 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.

Signage/Lights/Logos/Decals/Cooling Fans

Signage: Operator shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the utility facility 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, the signage shall be placed at the base of the pole.

Lights: New utility facilities and support structures shall not be illuminated, except in accord 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.

Logos/Decals: Remove or paint over unnecessary equipment manufacturer decals. New utility facilities and support structures shall not include advertisements and may only display information required by a federal, state or local agency. Utilize the smallest and lowest visibility radio-frequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible.

Cooling Fans: In residential areas, use a passive cooling system. In the event that a fan is needed, use a cooling fan with a low noise profile.

Additional General Aesthetic Specifications

As noted in Section IV, the City's preference for utility support structures is existing utility poles. The next preference is for non-ornamental municipal service poles. Ornamental municipal poles should be avoided if possible.

All external surfaces of the facility (including all equipment, enclosures and other materials) shall be painted to match the existing color of the pole, to the extent possible. If the pole is to be replaced, the new pole shall be painted to match the color of the existing pole or other poles in the area, as determined by the City Engineer.

Poles installed or replaced with a utility facility or support structure shall match the color, make and style of existing poles in the area, unless a newer style has been established in the adjacent area. If a newer style has been established, the new or replacement poles shall match the color, make and style of the more recent nearby existing poles.

When collocating on the City's traffic signal poles, the preferred collocation spot is on the traffic signal pole without attached street signs, with any antenna placed at the top of the vertical pole immediately below the top. Each proposed collocation will be subject to a site-specific review.

The City strongly discourages the use of the City's ornamental streetlights as utility support structures. They should be used only when no other options exist, including the ability to install a new utility support structure. If used, the height may not be increased more than five (5) feet, the light fixture must be located at the top of the pole, and the utility facility must not interfere with the attachment of banners.

If existing utility poles are not available for collocation, operators may propose a new utility support structure. New utility support structures shall match the City's standard pole type, make and color for the area. Information on the manufacturer and model identification, and detailed drawings of these support structures are available from the Engineering Department.

New Utility Support Structures

Residential Areas: In residential areas, new utility support structures should be located to avoid obstructing the view of building facades by placing the utility support structure at a corner, intersection or along a lot line. New utility support structures should be located in the yard location where other overhead utilities are located unless it is not technically feasible to do so. Applicants shall clearly explain the rationale for requests that deviate from this expectation.

SECTION X: GENERAL PROVISIONS

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 utility facility and/or support structure to prevent branches of such trees from contacting attached utility 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.

Graffiti Abatement

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

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 utility service to a location

In the event that any applicant asserts that strict compliance with any provision in these guidelines, as applied to a specific proposed utility facility, would effectively prohibit the provision of personal utility services, the City Administrator may grant a limited, one-time exemption from strict compliance.

Effective Date

These Guidelines shall take effect upon the approval date listed on the cover and shall apply to all applications for utility siting, construction, installation, collocation, modification, relocation, operation and removal filed after the effective date.

Installation and Maintenance

If a pole contains a utility facility and is impacted by a public project, the utility owner shall be solely responsible for the removal or relocation of the facility, and shall do so in a timely manner.

Utility owner to provide record drawings (including GPS coordinates) for all work involving City-owned pole locations, within ten (10) business days of installation.

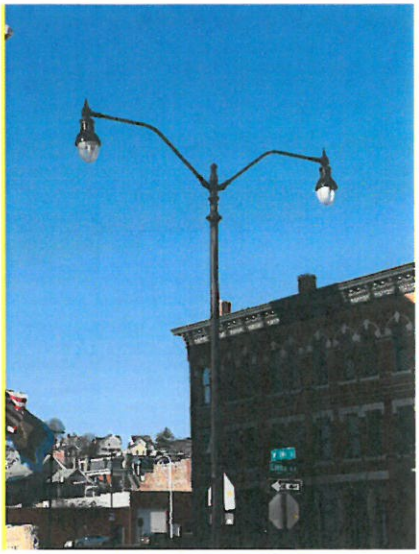
If utility is removed from a City-owned pole, the utility owner shall repair the pole to the greatest extent possible, including pugging holes, painting impacted areas or other repairs as needed. The utility owner shall provide written notice to the City prior to the removal of a utility facility from a City-owned pole.

The utility owner is responsible for all repairs necessary to the City-owned pole due to the placement of the utility facility on a City-owned pole.

EXHIBIT A

A. Existing utility poles

B. Non-Ornamental Municipal Service Pole



C. Ornamental Municipal Service Pole

D. Sign Pole (15 feet or taller)

LOMBARD
Existing
LOMBARD
proposed antenna
Proposed

01 31 2010