

Wireless Telecommunication Facility Guidelines – Amendment 2

The following Guidelines are in addition to the requirements of Article 24-04 *Wireless Telecommunication Facilities in the Public Right-of-Way Requirements and Permits* and are an amendment to the original *Wireless Facility Guidelines* adopted by Commission on January 30, 2017. All guidelines previously adopted, including amendments, apply unless otherwise stated herein.

The guidance found in this document is based on the FCC order released September 27, 2018. The City of Fargo reserves their right to modify these guidelines should anything change regarding the FCC order. If an applicant feels the guidelines create insurmountable obstacles in providing service, the applicant must document and submit evidence that supports waiving any of these guidelines. Cost savings will not be allowed as the sole reason to waive any guidelines. The City Engineer will make the determination regarding the waiver of any of these guidelines. The City of Fargo reserves their right to restrict locations or use as a regulatory function for public safety. The primary use of City owned infrastructure is to provide for transportation purposes, including but not limited to, roadway/street pavement, traffic control, and street lighting. City operations, maintenance and repair take priority over User's operations.

Wireless Telecommunication Facility (WCF):

- The applicant shall consider locations in the City in the following order:
 1. Private property installations
 2. Use an existing City Structure or modify an existing City Structure
 3. Install a new structure in the City Right of Way.
- All-in-One Principle
Equipment submitted shall be of a nature which encompasses multiple technologies, frequency bands, protocols, coverage objectives, and capacity goals. Attached equipment shall be compact and scaled to the public utility structure. Equipment that is customary for normal cell site or tower application may not be approved for installation or operation on a City owned structure.
- Infrastructure Providers
Infrastructure providers are Permit Holders that do not have FCC licenses to directly operate a WCF, but lease Equipment (or space) to those companies that have FCC licenses. Infrastructure providers shall design using "all-in-one" principles as described above. Infrastructure providers shall design facilities to accommodate more than one wireless provider, and combine "all-in-one" principles across technologies, frequency band, protocols, coverage objectives, and capacity goals. Infrastructure providers shall disclose, in construction documents, which equipment is for a specific wireless provider and which equipment is for multiple wireless provider at each WCF.

Preliminary Meeting:

The City recommends scheduling a pre-application meeting to discuss the proposed siting locations prior to starting the application process. The purpose of this meeting would be to discuss and develop a basic understanding of the proposed permit application and give both parties an opportunity to share their goals and objectives on the proposed project. The applicant has the option to opt out of the detailed all in one application process which includes the shot clock requirement. The applicant would have to sign the waiver form to opt out of the all in one application process which would include waiving the shot clock requirements. The applicant reserves the right to rescind this waiver at any point in the application process by notifying the City

of Fargo in writing. Waiving the all in one application process does not waive the guidelines.

Application:

Application information can be found in the Wireless Telecommunication Facility Application. All information must be provided or the application will be denied, without prejudice. Reasons for denial will be given.

Permits and Fees:

- Permit and Fees required in accordance with Chapter 24-0404. \$500 for the first 5 sites with an additional \$100 per site after 5.
- Installations in the City right of way and located on existing franchised utility poles owned by others
 - No annual fee
 - Right of Occupancy Permit may be required
- Installation on City owned pole, stealth, or structure
 - Annual fee of \$175
 - Right of Occupancy Permit may be required
 - Master Attachment Agreement will be entered into by all parties
- Excavator Permit will be required
- A complete as-built, in AutoCAD dwg format using city coordinates must be submitted to the City within 90 days of project completion. Failure to do so may result in the forfeiture of the permit.

General Design Standards:

All equipment, material, and finishes shall be designed and constructed in accordance with the City of Fargo Standard Specifications.

A pole attachment or excavation permit for a wireless telecommunication facility that has ground mounted equipment will be issued only if the City Engineer or designee finds the following:

- Ground mounted equipment will not disrupt traffic or pedestrian circulations
- Ground mounted equipment will not create a safety hazard
- Ground mounted equipment complies with ADA requirements
- The location of the ground equipment minimizes impacts on adjacent property
- Ground mounted equipment will not interfere with the maintenance of the public right-of-way (PROW) or operations of the City.
- Ground mounted equipment will not adversely impact the health, safety, or welfare of the community

Ground mounted equipment will not be allowed within the Downtown Mixed Use District. Ground Mounted Equipment shall be installed in the Public Utility Easement (PUE) unless the applicant can document service cannot be provided.

The wireless telecommunication facility shall not block light emanating from the public utility structure and shall not otherwise interfere with the original use of the public utility structure.

Unless the applicant can prove service cannot be provided, no small cell wireless facilities shall be installed

on the following streets:

1. Broadway between 1st Ave S and 6th Ave N.
2. 8th Street South between 1st Avenue South and 17th Avenue South

Tree preservation – Every effort to protect the root zone of trees shall be taken. At a minimum, no disturbance shall be allowed within 20' of a tree.

The City reserves the right to deny any permit to protect the health, safety, welfare of the community.

Fargo City Commission grants the City Engineer the authority to determine application requirements, design standards, and material finish requirements.