

Wireless Telecommunication Facility Guidelines – Amendment 3

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 and January 14, 2019. 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 the right to modify these guidelines if there is a change in law. If an applicant feels the guidelines create insurmountable obstacles in providing service, the applicant must document and submit evidence that supports waiving any deployment requirements. 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 and this decision can be appealed to the City Commission. The City of Fargo reserves the 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.

Type of Installation	Regulatory Approvals Required	Agreements Required	Fees
Attachment to existing franchised utility pole owned by a third party (i.e. no pole replacement/ground disturbance)	Approval of Application	No	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 No annual fee
Attachment to existing City-owned structure (i.e. no pole replacement/ground disturbance)	Approval of Application	Master Attachment Agreement	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 \$175 annual fee per site
Attachment to existing Wireless Company or Wireless Infrastructure Provider owned pole (i.e. no pole replacement/ground disturbance)	Approval of Application	Encroachment Agreement	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 \$175 annual fee per site
Installation of new or replacement franchised utility pole and attachment thereto.	Approval of Application Excavation Permit	No	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 No annual fee

Installation of replacement or new City-owned structure and attachment thereto.	Approval of Application Excavation Permit	Master Attachment Agreement	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 \$175 annual fee per site
Installation of replacement or new Wireless Company or Wireless Infrastructure Provider owned structure and attachment thereto.	Approval of Application Excavation Permit	Encroachment Agreement	One-time Application review fee of \$500 for the first 5 sites with an additional \$100 per site after 5 \$175 annual fee per site

A Right of Occupancy Permit, obtained by a separate application, may be required as stated in Chapter 24-03 for installation of utilities (fiber, power, etc.) within the public right of way.

Master Attachment Agreements and Encroachment Agreements will be valid for 10 years. Both agreements can be modified/extended for five years. Details on the extension process will be described in the Master Attachment or Encroachment Agreement. Fees related to the extension of either agreement will be actual costs incurred to extend the agreement.

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

All other items in Amendment 2 not shown in Amendment 3 are deleted.