

RESOLUTION: R-19- 5

**A RESOLUTION OF THE
MAYOR AND TOWN COUNCIL OF NORTH BEACH,
APPROVING AESTHETIC STANDARDS FOR THE
DEPLOYMENT OF 5G TECHNOLOGY**

WHEREAS, North Beach, Maryland ("the Town") wishes to comply with the requirements of regulations of the Federal Communications Commission ("FCC") and to both encourage the expansion of communications technology in the City and appropriately manage its rights of way to prevent undue impingement on the character and aesthetics of the City environment; and

WHEREAS, on September 27, 2018, the FCC issued a Declaratory Ruling and Third Report and Order in Accelerating Wireless/Wireline Broadband Deployment (herein "Order"); and

WHEREAS, the Order preempts any previous aesthetic requirements for Small Wireless Facilities ("SWF") unless they are reasonable, no more burdensome than those applied to other types of infrastructure deployments, are objective, and are published in advanced.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of North Beach that the aesthetic standards for the deployment of 5G technology, attached hereto as Exhibit A, be approved as a guiding document for the deployment of Small Cell Facilities in the Public Right-of Way.

AND BE IT FURTHER RESOLVED that this Resolution shall become effective on June 6, 2019 which is the date of the adoption.

NOW THEREFORE, BE IT SO RESOLVED this Resolution 19-05 by the Mayor and Town Council of the Town of North Beach Maryland.

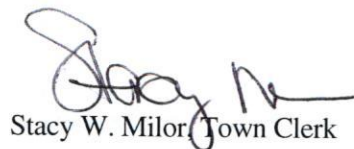
ADOPTED this June 6, 2019 by the Mayor and Town Council of the Town of North Beach Maryland.

By order of the Mayor and Town Council

A handwritten signature in black ink, appearing to read "Mike Benton", written over a horizontal line.

Mike Benton, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Stacy W. Milor", written over a horizontal line.

Stacy W. Milor, Town Clerk

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 placement, construction, installation, collocation, modification, relocation, operation and removal of wireless facilities and other utilities in the Town right-of-way. The goals of these guidelines are to:

- A. Provide standards, technical criteria and details for small cell facilities, wireless support structures and other utilities in the Town right-of-way to be uniformly applied to all applicants, owners and operators of such facilities.
- B. Enhance the ability of wireless communications carriers to deploy small cell wireless technology in the Town quickly, effectively and efficiently so that residents, businesses and visitors benefit from robust wireless service availability.
- C. Preserve the character of Town neighborhoods and corridors.
- D. Ensure that small cell facilities, wireless support structures and other utilities conform to all applicable health and safety regulations and will blend into the surrounding environment to the greatest extent possible.

Section II: Definitions.

Any definitions not found are to be given their common and ordinary meaning.

Section III: Applicable Standards

Location, modification, operation, relocation and removal of wireless facilities and other utilities shall comply with Town of North Beach code using these guidelines as criteria for the location, appearance, material, design and finishes. These standards are applicable at the time of Small Cell Permit application and will be used as part of Town review. The Design Guidelines may be amended from time to time through Resolution by the Town Council.

Section IV: Locations of Wireless Facilities.

- A. The following areas are most preferred for placement of wireless facilities.
 - (1) Industrial and Commercial Areas.
 - (2) Arterial Right-of-way.
- B. The following areas are least preferred for placement of wireless facilities.
 - (1) Historically designated properties.

- (2) Within 500 feet of private residences.
- C. Collocation. Whenever an applicant proposes to place a new wireless support structure with a small cell facility within five hundred (500) feet of an existing wireless support structure, the applicant shall either collocate on the existing structure or demonstrate that collocation is not technically feasible or space on the existing structure is not available.
- D. Wireless Support Structures. The following list indicates the order of preference for the type of wireless support structures.
 - (1) Existing Utility Poles. Small cell facilities should be installed on existing utility poles within the right-of-way.
 - (2) Non-Decorative Service Poles. Existing non-ornamental street lights or traffic signal structures within the right-of-way.
 - (3) New Poles. A new pole may be placed in the right-of-way to serve as a Wireless Support Structure.
 - (4) If locations within the right-of-way are not available or are undesirable, the applicant may review locations within private or municipal property.

Section V: Alternate Locations

- A. The Town may propose an alternate location for a Wireless Support Structure within three hundred (300) feet of the proposed location that does not impose burdensome technical limits or unreasonable costs to the operator.

Section VI: Placement Guidelines.

- A. An applicant shall construct and maintain small cell facilities and wireless 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 applicable codes;
 - (4) violate or conflict with Town ordinances or these design guidelines;
 - (5) violate the Americans with Disabilities Act.
- B. The Town desires to promote organized and streamlined facilities using the least intrusive means available to provide wireless services. A small cell facility and/or wireless support

structure shall be consistent with the materials and finish of any adjacent structures or equipment in the surrounding area.

C. Antennas on Existing or Replaced Utility Poles.

- (1) The antenna(s) associated with collocation on existing or replaced utility poles must have concealed connections, antenna mount and hardware. The maximum dimensions for antennas shall not be more than three (3) cubic feet or length of six (6) feet.

D. Right-of-way.

- (1) Small cell facilities and wireless support structures and related equipment shall be placed in line with other utility features and in a location that minimizes any obstruction, impediment or hindrances to public travel within the right-of-way.

E. Height.

- (1) Small Cell Facilities. Small cell facilities shall be installed with a clearance of at least eight (8) feet above the ground. If a small cell facility projects toward the street or sidewalk, the Town may require the attachment to be installed at a higher location on the pole based on safety and access considerations.
- (2) New Wireless Support Structures. In areas where there are no existing utility poles available for collocation, the maximum allowable height for new poles shall be no greater than fifty (50) feet above ground level including the antenna. The overall extension above the pole for antennas shall not be more than ten (10) percent of the pole height.
- (3) Existing Wireless Support Structures. The antenna and any associated concealment shall not increase the height of the existing wireless support structure by more than six (6) feet.
- (4) The pole and all attachments to the pole or any equipment mounted on the ground shall comply with Americans with Disabilities Act and shall not obstruct an existing or planned sidewalk or walkway. The Town Planning Commission may allow a limited waiver of this requirement based upon practical difficulty related to existing topography, vegetation or roadway conditions.

F. Location of Equipment.

- (1) Installation. If any Small cell facility or wireless support structure is installed in a location that is not in accordance with the approved permit, renders the right-of-way non-compliant with Town or other applicable code, then the operator shall remove

the small cell facility and/or wireless support structure within thirty (30) days of written notice. If the operator does not complete removal within the time prescribed, the Town will remove it and bill the operator for the cost of the removal.

- (2) Noise. The applicant is required to incorporate ambient noise suppression measures or place the equipment in locations less likely to impact adjacent residences.
- (3) Utility Lines. Service lines must be underground whenever feasible to avoid conflicts with overhead utilities. For metal poles, underground wires must transition directly into the pole base without any external junction box. Excess cables for small cell facilities shall not be spooled or coiled on the pole except within an approved enclosure.
- (4) Above-Ground Conduit. All above-ground wires and cables on wood poles shall be encased in conduit or shroud with a maximum dimension of four (4) inches in diameter.

G. Ground Mounted Equipment.

- (1) Obstructions. Ground mounted equipment must minimize any obstruction or impediment to safe travel on a right-of-way. The Town may deny or condition a request that negatively impacts vehicular or pedestrian safety.
- (2) The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. Cables and wires associated with the equipment must be concealed from view or installed underground.

H. Pole Mounted Equipment.

- (1) Installation. All pole-mounted equipment must be installed flush to the pole. Equipment attached to metal poles must be installed using stainless steel banding straps. Equipment attached to wood poles must be bolted to the pole or use stainless steel banding straps. All pole-mounted equipment shall be located as close together as technically possible.
- (2) Equipment. All equipment other than antenna(s), electric meter and disconnect switch must be concealed. Equipment and associated encasements may not extend more than two (2) feet from the face of the pole. The equipment cabinet must be non-reflective with color to be approved by the Town.
- (3) Electric Meter. When an electric meter is necessary, site operators shall use the smallest meter available and should be painted to match the pole as approved by the Town.

I. New Wireless Support Structures.

- (1) New Wood Poles. In all locations, the Town reserves the right to require a metal pole instead of a wood pole based on the surrounding neighborhood character and/or natural environment of the proposed location.
- (2) Metal Pole Material. All metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant materials with a finish approved by the Town.
- (3) Lighting, Planters, Flags, Banners. The Town may require the applicant to install functional streetlights and/or brackets to accommodate hanging flower planters, signs or banners when technically feasible and such additions will enhance the overall appearance and usefulness of the proposed facility.

J. Town-Owned Wireless Support Services.

- (1) Required Load Analysis. Installation on all Town-owned poles shall have an industry standard pole load analysis prepared, sealed and signed by a Professional Engineer registered by the State of Maryland and submitted with each permit application indicating that the pole will safely support the additional load.
- (2) Height of Attachments. Attachments on all Town-owned poles shall be a minimum of eight (8) feet above grade. If a small cell facility projects toward the street or sidewalk, the Town may require the attachment to be installed at a higher location on the pole based on safety and access considerations.
- (3) Power Source. A small cell facility attached to a Town-owned wireless support structure may not use the same power source without provision of a meter.
- (4) Installations on Traffic Signals and Street Lights. Installations on traffic signal structures or street lights must not compromise the safety of the public. Small cell facilities installed on any traffic signal structure or street light shall:
 - a. comply with all Maryland State Highway Administration regulations;
 - b. be encased in a separate conduit from the traffic light electronics;
 - c. utilize a separate electric power connection than the traffic signal/street light;
 - d. contain an access point separate from the traffic signal/street light structure.
- (5) Reservation of space for future public safety or transportation uses. An application for space on a Town-owned or operated wireless support structure that conflicts with space reserved for future public safety or transportation uses may be denied.

Section VII: Design.

A. Underground Requirements.

- (1) The Town may deny requests to install facilities in the right-of-way where the Town has required all other facilities except those owned by the Town to be placed underground or located elsewhere. The applicant may request a waiver from the Town Planning Commission if the operator is unable to achieve service using a location in the right-of-way elsewhere.

B. Concealment.

- (1) Small Cell Facilities. Small cell facilities shall be concealed in an equipment box or cabinet. Unless approved by the Town, there shall be no external wires hanging from the pole and all wires shall be enclosed in a conduit.
- (2) Equipment Enclosures. Equipment enclosures, including electric meters, shall be as small as possible. Ground-mounted equipment shall incorporate concealment elements into the proposed design such as landscaping, barriers, strategic placement in a less visible location and placement within existing street furniture.
- (3) Landscaping. Landscape screening may be required around ground mounted equipment enclosures. The planting quantity and size must insure that 100% screening is achieved within three (3) years of installation and must be noted in the permit application to be reviewed by the Town. All maintenance of the landscaping, after planting, is the responsibility of the Town. Any proposed pruning or removal of existing trees, shrubs or other landscaping in the right-of-way for installation must be noted in the permit application to be reviewed by the Town.

C. Colors.

- (1) All colors must match the background of any wireless support structure which facilities are attached. In the case of existing wood poles, finishes of conduit shall be zinc, aluminum or stainless steel. Equipment attached to metal poles must match the pole finish and color. Equipment cabinets and other encasements shall be finished using a Town approved method and color.

D. Signage/Lights/Logos/Decals.

- (1) Signage. The operator shall post the name, location identifying information, and emergency telephone number in an area on the cabinet of the small cell facility visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law. If no cabinet exists, the signage shall be placed at the base of the pole.

- (2) Lights. New small cell facilities and wireless support structures shall not be illuminated, except to meet State, Federal or Local requirements.
- (3) Logos/Decals. The operator shall remove or paint over unnecessary equipment manufacturer decals. New small cell facilities and wireless support structures shall not include advertisements and may only display information required by Federal, State or Local code.

Section VIII: General Provisions.

- A. Tree Maintenance. The operator and its agents shall obtain written permission from the Town before trimming or removing vegetation in the right-of-way adjacent to a small cell facility or wireless support structure. When trimming trees on private property, the operator or its agents shall notify the Town and obtain written permission from the property owner. The Town shall not be liable for any damages, injuries, or claims arising from operator action under this section.
- B. Nuisances. All facilities shall be designed and located to be resistant to unauthorized access, vandalism and graffiti. As soon as practical, but not later than fifteen (15) calendar days from the date an operator receives notice, the operator shall remove or repair all graffiti on or damage to any of its small cell facilities or wireless support structures located in the right-of-way. The Town may grant the operator an extension of time when necessitated by weather or the need to order replacement equipment.
- C. Safety. Applicant must provide certified analysis showing that the proposed facility satisfies the Federal Communication Commission's radio frequency exposure guidelines on an individual and cumulative basis.
- D. Minor Technical Waivers. The Town recognizes that strict compliance with these guidelines may result in an undesirable aesthetic outcome or may effectively prohibit the provision of wireless service. The Town Planning Commission may permit minor deviations from these guidelines when the need arises based on existing site conditions or situations outside applicant control.
- E. Facility Maintenance. The operator shall be responsible for maintaining the appearance of each small cell facility in accordance with Town code and guidelines.
- F. Disposition. The operator shall remove any wireless facility (including any housings, antenna, and support structures) that is no longer in use within ninety (90) days of its decommissioning. The Town may grant the operator an extension of time when necessitated by weather or other situations outside of the operator's control.

- G. Images. Pictures or details of desirable design and placement of wireless facilities may be included in these design guidelines as deemed appropriate by the Town.