

Attachment A

15.14.130.M. Small Wireless Facilities - Purpose.

The provisions of this chapter shall be known as the Small Wireless Facilities Regulations. It is the purpose of these provisions to delineate restrictions, development standards and siting criteria, and establish procedures in order to protect the City from the uncontrolled siting of wireless communication facilities in locations that have significant adverse effects and cause irreparable harm. It is further the purpose of these provisions:

1. To protect the community’s visual quality and safety while facilitating the reasonable and balanced provision of wireless communication services. More specifically, it is the City’s goal to minimize the visual impact of wireless communication facilities on the community, particularly in and near Residential Districts, Downtown Commercial District and in and along highly visible corridors and entrances to the community;
2. To promote the public health, safety and welfare, preserve the aesthetic character of the Laramie community, and to reasonably regulate the development and operation of wireless communication facilities within the City to the extent permitted under State and federal law;
3. To minimize the impact of wireless communication facilities by establishing standards for siting design and screening;
4. To preserve the opportunity for continued and growing service from the wireless industry;
5. To accommodate the growing need and demand for wireless communication services;
6. To establish clear guidelines and standards and an orderly process for review intended to facilitate the deployment of wireless transmission equipment, to provide advanced communication services to the City, its residents, businesses and community at large;
7. To ensure City zoning regulations are applied in a competitively neutral and non-discriminatory basis consistently with federal and State telecommunications laws, rules, regulations and controlling court decisions; and
8. To provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of wireless services, (2) discriminate among functionally equivalent service providers, or (3) regulate wireless communication facilities and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

Commented [DT1]: No Purpose section is provided in the Model Code. A purpose section is common code writing practice and is found throughout all of Laramie Municipal Code.

15.14.130.N. Definitions And Abbreviations.

As used in sections 15.14.130.M - EE, the following terms shall have the meanings set forth below:

1. “Administrative review” Review of an application by the City relating to the issuance of a permit to determine whether the issuance of a permit is in conformity with the applicable provisions of this Chapter.
2. “Antenna” Any exterior transmitting or receiving device mounted on a tower, pole, building or structure and used in communications that sends or receives wireless digital signals, wireless analog signals, radio frequencies or wireless communication signals.
3. “Antenna array” A single or group of antenna elements, not including small cell antennas, and associated mounting hardware, transmission lines, remote radio units, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving wireless communication signals.
4. “Applicable codes” Uniform building, fire, safety, electrical, plumbing or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the City, including any amendments.
5. “Applicant” Any person engaged in the business of providing wireless communication services or the wireless communications infrastructure required for wireless communications services and who submits an application.
6. “Application” A written request, on a form provided by the City, for a permit.
7. “City Council” A council or group of elected individuals as defined by W.S. § 15-1-101(a)(vi) with the powers and duties as defined by Wyoming Statutes.
8. “Collocation” The mounting or installation of equipment on a tower, pole, building or other structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
9. “Decorative pole” A pole that is specially designed and placed for aesthetic purposes.
10. “Distributed Antenna System (DAS)” A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.
11. “FAA” The Federal Aviation Administration.

Commented [DT2]: The Model Code (section 1.2) has a definitions section and includes most of the same definitions and similar language. Most additional definitions or changes are to align definitions with existing definitions in code or are tailored to be Laramie specific.

12. "FCC" The Federal Communications Commission.
13. "Laws" Collectively, any and all Federal, State, or local law, statute, common law, code, rule, regulation, order, resolution or ordinance.
14. "Macro cell" An antenna or antennas mounted on or in a tower, ground-based mast, rooftops or structures, at a height that provides coverage to the surrounding area and exceeds the volumetric dimensional limits applicable to Small Wireless Facilities.
15. "Ordinary maintenance and repair" Inspections, testing or repair that maintain functional capacity, aesthetic and structural integrity of a wireless communication facility and the associated structure, pole or tower, and that does not involve damaging any portion of the ROW.
16. "Permit" A permit issued and described in accordance with laws, which is used to regulate, monitor and control improvement, construction or excavation activities, or other work or activity, occurring in or otherwise affecting the ROW.
17. "Permittee" An applicant that has received a permit under this chapter.
18. "Pole" A legally constructed pole, such as a utility, lighting or similar pole made of wood, concrete, metal or other material, located or to be located within the Right-of-Way.
19. "Provider" A wireless services provider or wireless infrastructure provider and includes any person that owns or operates wireless communication facilities within the ROW.
20. "Right-of-Way (ROW)" The surface of and the space above and below the public roads, streets and alleys, and public utility easements or other public ways of any type whatsoever, now or hereafter located and existing within the City limits, whether or not improved.
21. "Replace or Replacement" In connection with wireless communication facilities and a corresponding pole, structure or tower, to replace (or the replacement of) the same with something that is substantially similar in design, size, color and scale to the existing facilities or structure and in conformance with this chapter and any other applicable City regulations.
22. "Small wireless facilities" Equipment that meets the following criteria: (1) the facilities -
- (i) are mounted on structures fifty (50) feet or less in height including their antennas, or
- (ii) are mounted on structures no more than ten percent (10%) taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater; (2) each antenna associated with the deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume; (3) all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty eight (28)

cubic feet in volume; (4) the facilities do not require antenna structure registration under federal law; (5) the facilities are not located on Tribal land as defined under federal law; and (6) the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under federal law.

23. “State” The State of Wyoming.
24. “Stealth” A design that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending into the surrounding environment. Examples of stealth design include but are not limited to facilities disguised as trees (monopines), flagpoles, utility and light poles, bell towers, clock towers, ball field lights and architecturally screened roof-mounted antennas or flush-mounted antennas that are either painted to match or enclosed in an architecturally-applicable box.
25. “Tower” Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.
26. “Transmission equipment” Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, microwave dishes, coaxial or fiber-optic cable, and regular and backup power supplies. The term includes equipment associated with wireless communication services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
27. “Utility support structure” Utility poles or utility towers supporting electrical, telephone, cable or other similar facilities.
28. “Wireless Communication Facilities (WCF)” An unstaffed facility or equipment for the transmission or reception of radio frequency (RF) signals or other wireless communications or other signals (including, but not limited to cellular and Internet services) for commercial communications purposes, typically consisting of a group of antennas, a pole, tower or base station, transmission cables and other transmission equipment, backup power supplies, power transfer switches, cut-off switches, electric meters, coaxial cables, fiber optic cables, wires, telecommunications demarcation boxes and related materials and equipment and equipment cabinets, and including small wireless facilities.
29. “Wireless infrastructure provider” A person or entity, other than a wireless services provider, that builds or installs towers, wireless transmission equipment, wireless facilities poles or wireless support structures.

- 30. “Wireless services” Any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.
- 31. “Wireless services provider” A person or entity who provides wireless services.

15.14.130.O. Access to Right-of-Way.

1. Agreement

Prior to installing in the ROW any small wireless facility, or any pole built for the sole or primary purpose of supporting a small wireless facility, a person shall enter into an Agreement with the City expressly authorizing use of the ROW for the small wireless facility or pole proposed to be installed. The Agreement shall provide for the attachment to City-owned Poles or structures in the Right-of-Way in addition to poles or structures owned by unrelated third parties in the Right-of-Way, provided that the applicant secures the written consent of the third party for such attachment.

2. General Terms

- a. The initial term of an Agreement shall be for up to ten (10) years. The Agreement may be renewed for an additional term subject to the mutual written agreement of the City and provider.
- b. The Agreement authorizes the provider’s non-exclusive use of the ROW for the sole purpose of constructing, installing, maintaining, modifying and operating small wireless facilities, including any pole built for the sole or primary purpose of supporting the small wireless facilities to provide the services expressly authorized in the Agreement, subject to applicable laws and this chapter. The Agreement authorizes use only of the ROW in which the City has an actual interest. It is not a warranty of title or interest in any ROW and it does not confer on the provider any interest in any particular location or to a superior or preferred location within the ROW. Nothing herein shall authorize the use of the City’s other structures in the ROW. All use of other structures in the ROW shall require a separate attachment agreement and include the payment of fees for such use.
- c. The provider shall, at its sole cost and expense, keep and maintain its small wireless facilities and poles in the ROW in a safe condition and in good order and repair per the agreement between the City and provider.
- d. In the event of an emergency regarding the provider’s small wireless facilities or related poles, the provider shall, as soon as reasonably possible, notify the City Manager’s Office of the nature of the emergency and the implemented or planned response to the emergency.

3. Permit Required

Commented [DT3]: This same section is found in the Model Code (section 2.1). Overall this section is generally same, with main differences being different titles and additional language tailored for Laramie. Some of the information found in this section, for instance Batching is found in another section of the Model Code, but have moved it to this location for organizational reasons.

No person may construct or install in the ROW any small wireless facilities without first receiving a Type III Site Plan, Street Closure Permit, right-of-way Obstruction Permit, Excavation Permit, or combination of permits as required by City Code or Ordinance. Notwithstanding the foregoing, in the event of an emergency, a provider or its duly authorized representative may work in the ROW prior to obtaining a permit, provided that the provider shall contact the City prior to commencing the work and shall apply for a permit as soon as reasonably possible, but not later than twenty-four (24) hours after commencing the emergency work. For purposes of this subsection 15.14.130.O, an “emergency” means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

4. **Ordinary Maintenance and Repair**

A permit shall not be required for ordinary maintenance and repair. The provider or other person performing the ordinary maintenance and repair shall obtain any other permits required by applicable laws and shall notify the City in writing at least forty-eight (48) hours before performing the ordinary maintenance and repair.

5. **Application Fees and Bonds**

All applications pursuant to this chapter shall be accompanied by the requisite fees required by the City. Unless otherwise provided in an agreement or agreed to in writing by the City, a performance or construction bond or other form of surety acceptable to the City equal to at least one hundred twenty-five percent (125%) of the estimated cost of the work within the ROW shall be provided before the applicant commences work. The bond shall be released after City inspection and completion of construction to the City’s satisfaction.

6. **Effect of Permit**

A permit from the City authorizes an applicant to undertake only the activities in the ROW specified in the application and permit, and in accordance with this chapter. A permit does not authorize attachment to or use of existing poles or other structures in the ROW. A permittee or provider must obtain all necessary written approval from the owner of any pole or other support structure prior to any attachment or use and such written approval shall be submitted with the permit request. A permit does not create a property right for the applicant. The applicant shall not interfere with other uses or users of the ROW.

7. **Duration**

Any permit for construction issued under this chapter shall be valid for a period of one (1) year, provided that the one (1) year period may be extended for up to an additional one (1) year upon approval by the governing body or its designee upon the written request of the applicant (made prior to the end of the initial one [1] year period) if the failure to complete construction is as a result of circumstances beyond the reasonable control of the applicant.

8. **Batching**

An applicant may simultaneously submit no more than ten (10) sites for small wireless facilities in a single, consolidated application, provided that the proposed small wireless facilities are to be deployed on the same type of pole or structure, using similar equipment within the City.

9. **Collocation**

It is the policy of the City to minimize the number of wireless communication support structures and to encourage the collocation of antennas of more than one wireless service provider on a single pole to the extent technically feasible.

15.14.130.P. Applicability.

1. **New Poles, Antennas, Distributed Antenna Systems (DAS) and Small Wireless Facilities**

All new poles, antennas, DAS and small wireless facilities in zoning districts shall be subject to these regulations.

- a. New poles exceeding the maximum height limitation of the affected zoning district require a conditional use permit.
- b. New antenna arrays meeting the requirements of 15.14.130.R.12 are permitted with a building permit.
- c. DAS and small wireless facilities are permitted pursuant to 15.14.130.Q.
- d. Antennas attached to utility poles and street lights in the Right-of-Way shall not extend more than ten (10) feet above the highest point of the pole structure and may be installed:
 - (i) when permitted by the pole owner’s franchise or license; or
 - (ii) by amendment to the pole owner’s franchise, license or Right-of Way use agreement and consent of the City upon payment of reasonable compensation for use of the Right-of-Way.

Commented [DT4]: Although a separate section in the proposed code, the Model Code (section 2.1) includes the same general information found in the Model Code.

2. **Design Standards**

Subject to the height limitation set forth above, all poles built for the sole or primary purpose of supporting small wireless facilities may be approved through administrative review subject to the wireless provider complying with reasonable and technically feasible considerations for the:

- a. Height, shape, design and color for poles and related equipment.
- b. Number, location and styles of poles that may be installed or used.

Commented [DT5]: Organized differently than the Model Ordinance, but design standards found in the Model Ordinance (section 2.3)

- c. Aesthetic approach for different types of poles and related equipment using the most recent guidance provided by the FCC and decisions of Federal Courts interpreting that guidance.
- d. Construction of each small wireless facility, including powering and metering.
- e. Structural integrity.
- f. Set-backs for poles and ground-mounted equipment.
- g. Ground-mounted equipment for small wireless facilities may be used only to house equipment in support of the operation of the facilities.
- h. Lighting, marking and noise requirements.
- i. Fencing/landscaping/screening/signage requirements as required by Title 15.14 of the Laramie Municipal Code outside of the right-of-way.
- j. Collocation analysis.
- k. Use of decorative or stealth poles, where necessary.
- l. A written report will be prepared, signed and sealed by a professional engineer which assesses whether the proposed small wireless facility demonstrates compliance with the Radio Frequency emissions limits established by the FCC.

3. **Pre-existing Antennas**

Pre-existing antennas shall not be required to meet the requirements of this chapter unless modified as described by this chapter, with the exception of Eligible Facilities Requests (as they are defined in 47 U.S.C. Section 1455(a)(2)).

4. **Exempt Facilities**

The following are exempt from this chapter:

- a. FCC licensed amateur (ham) radio facilities;
- b. Satellite earth stations, dishes and/or antennas used for private television reception;
- c. A WCF installed upon the declaration of a state of emergency by the federal, State or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and State requirements. The WCF shall be exempt from the provisions of this chapter for up to three months after the duration of the state of emergency;

Commented [DT6]: Not specifically found in the Model Ordinance, however this section provides latitude related to Laramie specific exemptions and aligns this section of code with other sections of LMC (15.14.130) and adds clarity if someone was looking in this section of code related to one of these items.

- d. A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to any required approvals by the City. The WCF shall be exempt from the provisions of this chapter for up to two weeks before and one week after the duration of the special event;
- e. Other temporary, commercial WCFs installed for a period of up to ninety (90) days, subject to the City's discretion and required approvals; provided that such temporary WCF will comply with applicable setbacks and height requirements;
- f. Antennas attached to existing structures (such as commercial buildings, houses or apartments) for Internet purposes and used solely for occupants of the building for which the antennas are attached as long as the height limitations of the zoning district are not exceeded and the antenna design meets the design guidelines;
- g. Routine maintenance and repair of antennas and poles. Applicable building permits may be required for equipment replacement;
- h. City facilities, equipment and services, including, but not limited to, those involving police, fire, public health and safety, and Information Technology; and
- i. Fixed wireless broadband service.

15.14.130.Q. Distributed Antenna Systems and Small Wireless Facilities.

1. Distributed Antenna Systems and small wireless facilities are allowed in all zones per the Table of Allowed Uses, Table 15.10-1, provided the applicant complies with all federal laws (such as the Americans with Disabilities Act) and State laws and requirements and the stealth requirements of this chapter.
2. Distributed Antenna Systems (DAS) and small wireless facilities in all zones are subject to approval via permits and administrative review by the Planning Manager unless their installation requires the construction of a new pole or structure exceeding the maximum height limitation of the affected zoning district (in which instance a conditional use permit is required). A permit is required for replacement utility support structures.
3. A single permit application may be used for multiple distributed antennas that are part of a larger overall DAS network. A single permit application may also be used for multiple small wireless facilities. A single license agreement may be used for multiple node locations in DAS and/or small wireless facilities networks.
4. At the time of filing an application, an applicant shall also provide all of the following:
 - a. Design Justification: A clear and complete written analysis that includes design drawings that explains how the proposed design complies with the applicable design standards under this chapter to the maximum extent feasible. A complete

Commented [DT7]: Organized differently than the Model Ordinance but generally the same information is found the Model Ordinance (section 2.1 and 2.2)

design justification must identify all applicable design standards under this chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.

- b. Noise Study: A noise study shall be conducted if requested by the City, and the proposed site is in or within two hundred feet (200') of a Residential District or in the Downtown Commercial District. The small wireless facility shall not impede upon the peaceful and quiet enjoyment of the surrounding area and shall not create a nuisance to pedestrian or vehicular traffic. If such occurs, the facilities may be declared a nuisance and subject to abatement.

15.14.130.R. General Requirements.

Commented [DT8]: Found in the generally in the Model Ordinance (section 2.3)

1. Color

To the extent technically feasible, antennas shall be placed and colored to reasonably blend into the architectural detail and coloring of the host structure. Non-wooden poles shall be painted a color that best allows them to blend into the surroundings. The use of grays, blues, greens, bronze, browns or other site-specific colors are encouraged and may be appropriate; however, each case should be evaluated individually.

2. Lighting

Security lighting for the equipment shelters or cabinets and other on the ground ancillary equipment is permitted, as long as it complies with LMC 15.14.110- Lighting.

3. Landscaping and Screening

Equipment shelters and cabinets and other on the ground ancillary equipment shall be screened with landscaping (except for those in the right-of-way) or with another design as required by 15.14.050.I. Alternatively, where technically feasible, the applicant shall incorporate the cabinet and other equipment into the base of a new pole (for example, for a small wireless facility) provided there is adequate space in the right-of-way and that ADA sidewalk accessibility requirements can be met. All provisions of the ADA (including, but not limited to, clear space requirements) shall be met by the applicant.

4. State or Federal Requirements

All poles and antennas must meet current standards and regulations of the FAA, the FCC and any other agency of the State or federal government with the authority to regulate poles and antennas.

5. Site Development

All small wireless facilities shall be subject to the site development standards, building permits and Site Plan applications, or other permits as prescribed herein. A site development application shall contain the following information:

Commented [DT9]: Found in the Model Ordinance (section 2.2)

- a. Construction drawings showing the proposed method of installation;

- b. The manufacturer’s recommended installations, if any; and
- c. A diagram to scale showing the location of the small wireless facility, property and setback lines, easements, power lines, all structures, and the required landscaping, if applicable.
- d. A photo simulation that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view, including all equipment and cabling.

6. **Applicable Codes**

To ensure the structural integrity of poles, the owner of a pole shall ensure that the pole is maintained in compliance with industry standards and applicable codes.

7. **Public Notice**

For purposes of this chapter, and if applicable to other infrastructure providers for their use of the Right-of-Way, any application for a small wireless facility which includes a new or replacement pole, variance or appeal of a request for a permit requires public notice to all adjacent property owners and all owners of surrounding properties in the manner described in the Municipal Code in 15.06.030.D – Step 4: Public Notice Requirements.

Commented [DT10]: Not found in the Model Ordinance. Notice to the public is good planning practice and aligns this section of code with other notice procedures used by the City for other applications.

8. **Signs**

No facilities may bear any signage or advertisement(s) other than signage required by law or expressly permitted/required by the City.

9. **Visual Impact**

All small wireless facilities in Residential Districts and within three hundred feet (300’) of Residential Districts or the Downtown Commercial District shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the small wireless facilities. Such facilities and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such facilities shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be reasonably compatible with the built environment, through matching and complementary existing structures and specific design considerations such as architectural designs, height, scale, color and texture or be reasonably consistent with other uses and improvements permitted in the relevant zone.

10. **Use of Stealth Design**

The applicant shall use stealth design to the maximum extent feasible unless otherwise approved by the Planning Manager. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to

substantially conform to surrounding building designs or natural settings. Stealth design that relies on screening small wireless facilities in order to reduce visual impact must screen all substantial portions of the facilities from view.

11. Building-mounted WCFs

- a. All transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be as proportional as possible to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.
- b. All roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible consistent with the need for “line-of-sight” transmission and reception of signals.
- c. To the extent technically feasible, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting or host structure.

Commented [DT11]: This section is generally found in the Model Code (section 2.3) as part of the general design standards.

12. Antenna Arrays

Antenna arrays are permitted in any zone as long as they are located upon an existing structure (except on single family houses or duplexes) that provides sufficient elevation for the array’s operation without the necessity of constructing a tower, pole or other apparatus to extend the antenna array more than fifteen feet (15’) above the structure. Installation on City property requires the execution of necessary agreements as provided in subsection 13(b) below. However, if any tower or pole exceeding the height extension of fifteen feet (15’) is needed to achieve the desired elevation, then a conditional use permit is required.

Commented [DT12]: The same general information is found in the Model Code (section 2.3), mainly related to height and adding on an existing building.

13. WCFs in the Right-of-Way

- a. Pole-mounted equipment: All pole-mounted transmission equipment shall be mounted as close as technically possible to the pole so as to reduce the overall visual profile to the maximum extent feasible subject to applicable safety codes.
- b. License or Agreement: For all WCFs to be located within the right-of-way, prior to submitting for a permit, the applicant must have a valid municipal agreement, license, franchise agreement, Right-of-Way use agreement, encroachment permit or exemption otherwise granted by applicable law. Prior to the installation or construction of a WCF within the right-of-way or a utility easement, the applicant

Commented [DT13]: Found generally in the Model Code (section 2.1).

or provider must notify all utilities located within such right-of-way regarding the use of the right-of-way or easement.

14. Accessory Uses

Accessory uses shall be limited to such structures and equipment that are necessary for transmission or reception functions and shall not include equipment storage.

Commented [DT14]: Not found in the Model Code. This language was included for clarification to other uses that may be requested and only allows for specific small wireless facility use and nothing else.

15. Accessory Equipment

In Residential Districts or the Downtown Commercial District, all accessory equipment located at the base of a small wireless facility shall be located or placed (at the applicant's choice) in an existing building, underground, or in an equipment cabinet that is:

Commented [DT15]: This section found in the Model Code (section 2.1 and 2.2). This was reorganized to specifically discuss requirements for equipment associated with the antennas.

- a. Designed to blend in with existing surroundings, using architecturally compatible construction and colors; and
- b. Located so as to be unobtrusive as reasonably possible consistent with the proper functioning of the facilities.

16. Site Design Flexibility

Individual WCF sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the WCF and supporting equipment may be installed so as to best camouflage, disguise them, or conceal them, to make the WCF more closely compatible with and blend into the setting or host structure, upon approval by the City.

Commented [DT16]: Not found in the Model Code. This flexibility was added to allow for staff the ability to address some situations that did not rise to the level of a Variance, but instead were more circumstantial based on a specific site or location.

17. General Standards and Construction Provisions

- a. All structures shall be constructed and installed to manufacturer's specifications and constructed to withstand wind speed as required by the City's currently adopted Building Code.
- b. Structures shall be permitted and constructed to meet applicable code requirements.
- c. All structures shall conform to FCC and FAA regulations, as applicable.
- d. If any setback as prescribed within the Laramie Municipal Code or a Master Plan requires a greater distance than required of this chapter, the greater distance shall apply.
- e. To the extent technically feasible, new poles must be designed to match the existing light fixtures and other poles, and they shall serve a dual purpose (for example, a new light fixture, flag pole or banner display or clips).

Commented [DT17]: Found generally in the Model Ordinance (section 2.1)

18. **As-Builts and Maps**

The provider shall furnish to the City paper and electronic maps showing the location of its equipment in the ROW and as-builts after construction is completed.

15.14.130.S. Decorative Poles and Compliance

Commented [DT18]: Found generally in the Model Code (section 2.6)

1. Notwithstanding anything to the contrary in this chapter, an applicant may not install a small wireless facility on a decorative pole, or replace a decorative pole with a new decorative pole unless the City has determined, in its sole discretion, that each of the following conditions has been met:
 - a. The application qualifies for issuance of a permit; and
 - b. The attachments and replacement pole are in keeping with the design and color of the existing decorative pole.
2. An applicant may not install a small wireless facility on a decorative pole, replace a decorative pole with a new decorative pole, or install new above-ground facilities in any Historic District unless the City has determined, in its sole discretion, that each of the following conditions has also been met:
 - a. The application qualifies for issuance of a permit; and
 - b. The attachment and replacement pole are in keeping with the design and color of the existing decorative pole and Historic District.

3. General Safety and Compliance with Laws

The permittee shall employ due care during the installation, maintenance or any other work in the ROW, and shall comply with all safety and construction requirements of applicable laws, City guidelines, standards and practices and any additional commonly accepted safety standards.

Commented [DT19]: Found generally in the Model Code (section 2.5)

4. Traffic Control

Unless otherwise specified in the permit, the permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be as described within a traffic control plan. Before any work can begin in the right-of-way, a traffic control plan shall be submitted that meets the City's requirements. The permittee shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is restored to a safe condition or as required by the City.

Commented [DT20]: Found generally in the Model Code (section 2.1)

5. Work in the Right-of-Way

Commented [DT21]: Found generally in the Model Code (section 2.5)

Any work conducted within the right-of-way, including the street and/or sidewalk, shall be required to submit for a Street Closure Permit or Right-of-Way Obstruction Permit issued by the Engineering Division. All excavation within the right-of-way shall also be required to submit for an Excavation Permit. All work performed in the right-of-way shall also be in accordance with MUTCD Standards and must be reviewed and approved by the Engineering Division before any work can begin.

6. Interference

The permittee shall not interfere with any existing facilities or structures in the ROW, and shall locate its lines and equipment in such a manner as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abut any ROW.

Commented [DT22]: Found generally in the Model Code (section 2.5)

7. Utility Locates

Before beginning any excavation in the ROW, the permittee shall comply with One Call of Wyoming.

Commented [DT23]: Found generally in the Model Code (section 2.5)

8. Compliance with Permit

All construction practices and activities shall be in accordance with the permit and approved final plans and specifications. The City and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements. All equipment that does not comply with the permit, the approved plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee. The City may stop work in order to assure compliance with the provisions of this chapter.

Commented [DT24]: Found generally in the Model Code (section 2.5)

15.14.130.T. Location of New Facilities.

1. The Provider shall not locate or maintain its wireless communication facilities so as to interfere with the use of the ROW by the City, by the general public or by other persons authorized to use the ROW.
2. Whenever any existing electric utilities, natural gas, water or sewer lines (or other public improvements including sidewalks, trails or beautification) and communications facilities are located underground within a ROW, the Provider with permission to occupy the same portion of the ROW shall locate its wireless communication facilities underground at its own expense. The City may, in its sole discretion, approve above-ground placement of equipment cabinets, pedestals and similar equipment. For facilities or equipment such as wireless communication facilities that cannot, by their nature, operate unless located above-ground, the provider shall work to find a suitable location for such facilities or equipment, which may be outside of the ROW.

Commented [DT25]: Found generally in the Model Code (section 2.1)

3. The provider, or its agent or contractor, shall restore, repair and replace any portion of the ROW that is damaged or disturbed by the provider's wireless communication facilities or work in or adjacent to the ROW as required in this chapter and all other applicable laws and City policies.
4. If the provider fails to timely restore, repair or replace the ROW as required in this subsection, the City or its contractor may do so and the provider shall pay the City's costs and expenses in completing the restoration, repair or replacement including reasonable attorneys' fees and expenses.

15.14.130.U. Conditional Use Permits.

In addition to the approval criteria found in 15.06.060.E.3.e.(ii), the Planning Commission shall consider the following additional approval criteria in determining whether to recommend approval of a conditional use permit:

1. Nature of uses on adjacent and nearby properties.
2. Surrounding tree coverage and foliage.
3. Design of the pole that has the effect of reducing or eliminating visual obtrusiveness.
4. No existing structures are located within the geographic area which meet the applicant's engineering requirements.
5. Existing structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
6. The applicant demonstrates that there are other limiting factors not enumerated herein that render existing poles and structures unsuitable.

15.14.130.V. Variance to Standards.

1. **Applicability**
 Except as otherwise provided in this chapter (under Site Design Flexibility), no small wireless facility shall be used or developed contrary to any applicable development standard unless a Variance has been granted pursuant to this chapter. These provisions apply exclusively to conditional use permits; provided this chapter does not provide a Variance from visual impacts and stealth design.
2. **Procedure Type**
 A Variance is subject to approval by the Board of Adjustment.

Commented [DT26]: Both the Conditional Use Permit and Variance section not found in the Model Code, however it is recommended by the Model Code to include processes that allow for flexibility and evaluation of antennas that do not or cannot follow the regulations. In addition to the minor flexibility section found above in 15.14.130.R 16, the CUP process allows for taller poles based on the specified criteria within this section and establishes a Variance procedure for all other requests for exception to the code. This process is a similar process for any other requests the city receives not just for small wireless facilities and allows for review by a board and public notice.

3. **Submittal Requirements**

An application for a small wireless facility Variance shall include:

- a. A Variance Application and all associated materials and fees.
- b. A written statement demonstrating how the request would meet the Variance Review criteria.
- c. A site plan that includes:
 - i. Description of the proposed facility’s design and dimensions, as it would appear with and without the Variance.
 - ii. Elevations showing all components of the facility, as it would appear with and without the Variance.
 - iii. Color simulations of the facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the Variance.

4. **Criteria**

An application for a small wireless facility Variance shall be considered if the following criteria are met:

- a. Finding that the small wireless facility meets the requirements of the Variance Review criteria found in LMC 15.06.060.D.2.e.(ii).
- b. Based on a visual analysis, the design minimizes the visual impacts to Residential Districts, Downtown Commercial District and in and along highly visible corridors and entrances to the community through mitigating measures, including, but not limited to, height, bulk, color and landscaping.
- c. The applicant demonstrates the following:
 - i. The development standard materially limits or inhibits the ability of the applicant to compete in a fair and balanced legal and regulatory environment;
 - ii. The situation can only be addressed through a Variance to one or more of the standards in this chapter; and
 - iii. The Variance is narrowly tailored such that the small wireless facility conforms to this chapter’s standards to the greatest extent possible.

15.14.130.W. Independent Technical and Legal Review.

Although the City intends for City staff to review applications to the extent feasible, the City may retain the services of an independent technical expert and attorney of its choice to provide technical and legal evaluations of permit applications for small wireless facilities, when they are subject to Conditional Use Permits, Variances or administrative review. The third-party expert shall have recognized qualifications in the field of wireless communication facilities engineering or wireless communication facilities regulations. The expert's review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed small wireless facilities comply with the applicable approval criteria set forth in this chapter. The applicant shall pay the reasonable cost for any independent consultant fees through a deposit, estimated by the City, within ten (10) days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines until the deposit is received. In the event that such costs and fees do not exceed the deposit amount, the City shall refund any unused portion within thirty (30) days after the final permit is released or, if no final permit is released, within thirty (30) days after the City receives a written request from the applicant. The independent consultant(s) shall provide an itemized description of the services provided and related fees and charges, such fees and charges not to exceed \$3,500 per application.

Commented [DT27]: This section is not found in the Model Code. This section provides ta City the ability to hire technical expertise if needed in evaluation of a project.

15.14.130.X. Final Inspection.

1. The small wireless facilities must be installed in substantial compliance with the approved plans and photo simulations.
2. If it is found that the installation does not substantially comply with the approved plans and photo simulations, the applicant shall make any and all such changes required to bring the installation into compliance within thirty (30) days.

Commented [DT28]: Found generally throughout the whole Model Code related to inspecting and making sure construction was done correctly.

15.14.130.Y. Standards and Maintenance.

1. All wireless communication facilities must comply with all standards and regulations of the FCC and any State or other federal government agency with the authority to regulate wireless communication facilities.
2. The site and wireless communication facilities, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
3. All graffiti on provider-owned equipment must be removed at the sole expense of the permittee after notification by the City to the owner/operator of the WCF.

Commented [DT29]: Found generally in the Model Code (section 2.2)

4. If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

15.14.130.Z. Indemnification.

Each permit issued for a small wireless facility located on City property shall be deemed to have as a condition of the permit a requirement that the applicant and provider defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers and contractors (“City Indemnitees”) from any and all liability, damages, or charges (including attorneys’ fees and expenses) arising out of claims, suits, demands, or causes of action as a result of the permit process, a granted permit, installation, construction, location, performance, operation, maintenance, repair, replacement, removal or restoration of the small wireless facility, except to the extent such claims, suits, demands, or causes of action arise from the sole negligence or willful misconduct of the City.

Commented [DT30]: Found in the Model Code (section 2.1)

15.14.130.AA. Compliance with Laws.

These Small Wireless Facilities Regulations shall be subject to all applicable laws. If State or Federal law conflicts with these Small Wireless Facilities Regulations in a material respect, and if such law preempts a provision in these Small Wireless Facilities Regulations, then the City shall amend these Small Wireless Facilities Regulations to comply with such law.

Commented [DT31]: Found throughout the Model Code.

15.14.130.BB. Municipal Code Conflicts.

These Small Wireless Facilities Regulations are in addition to other regulations in the Municipal Code. In case of a conflict between regulations, the most restrictive shall apply.

Commented [DT32]: Local Codes referenced through the Model Code. Additionally this language aligns this section of code with other procedures outlined by LMC.

15.14.130.CC. Venue.

Venue for any judicial dispute between the City and provider shall be in the District Court, 2nd Judicial District, in Albany County, Wyoming.

Commented [DT33]: Not found in the Model Code, however this is fairly standard practice to alert any applicant of proper appeals procedure if not covered generally by code.

15.14.130.DD. Severability.

The various parts, sentences, paragraphs, sections and clauses of this chapter are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Commented [DT34]: Not found in the Model Code, however similar language is found in LMC 15.02.080 and is commonly found in codes related to language and the potential that it could be challenged in court.

15.14.130.EE. Violations of this Chapter.

A violation of any of the provisions of this chapter shall be subject to LMC 15.26 Enforcement and Penalty and may be punishable with a fine of up to \$750 a day for each violation. Each day that a violation occurs or is allowed to exist by the provider constitutes a separate offense.