

**CITY OF BELLE PLAINE
ORDINANCE 19-08**

**AN ORDINANCE AMENDING CHAPTER SIX OF THE CITY CODE PERTAINING TO STREETS,
SIDEWALKS, AND PUBLIC WAYS BY ADDING SECTION 606 PROVIDING FOR SMALL CELL
WIRELESS FACILITY AESTHETIC REQUIREMENTS AND CONSTRUCTION CRITERIA**

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. Chapter Six of the City Code pertaining to streets, sidewalks, and public ways is hereby amended to provide for small cell wireless facility aesthetic requirements and construction criteria:

SECTION 606.00 SMALL CELL WIRELESS FACILITY AESTHETIC REQUIREMENTS AND CONSTRUCTION CRITERIA.

606.01 PURPOSE AND INTENT.

In order to provide for the health, safety, and welfare of its citizens, and to ensure the integrity of and appropriate use of the rights-of-way, the City strives to keep rights-of-way in a state of good repair and free from unnecessary or disorderly encumbrances. This Section imposes reasonable aesthetic requirements and construction criteria for small cell wireless facilities. This Section is not to be construed to supersede rules or regulations of other governmental entities, including but not limited to those controlling rights-of-way within the City.

606.02 SCOPE.

The installation or attachment of an antenna or other wireless communications equipment utilizing small cell technology (the "wireless equipment") to poles or other structures in public rights-of-way in the City of Belle Plaine shall be subject to criteria set forth herein.

606.03 DEFINITIONS.

The following definitions apply in this Section of the City Code.

ABOVE GROUND UTILITY STRUCTURE – "Above Ground Utility Structure" means any structure, equipment cabinet, electric meter, or other appurtenance, other than a pole or device attached to a pole that is owned by a utility company, cable company, or telecommunications provider to provide service and that extend above the ground upon which it is placed or built.

MICRO WIRELESS FACILITY – "Micro Wireless Facility" means a Small Wireless Facility that is no larger than twenty-four (24) inches long, fifteen (15) inches wide, and twelve (12) inches high, and whose exterior antenna, if any, is no longer than eleven (11) inches.

SMALL CELL WIRELESS FACILITY – "Small Cell Wireless Facility" means a wireless facility that meets the following qualifications:

- a. Antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and,

- b. All other wireless equipment associated with the Small Wireless Facility excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than twenty-eight (28) cubic feet in volume; or
- c. A Micro Wireless Facility.

SECTION 606.04 PERMIT REQUIRED.

Subd. 1. All street light fixtures and poles installed in conjunction with Small Cell Wireless facility equipment within the City of Belle Plaine shall be reviewed and approved by the Public Works Superintendent or his/her designee prior to installation. This includes approval of wireless facility equipment installed on City property as well as privately owned street lights, including those owned by Xcel Energy and Minnesota Valley Electric Cooperative.

Subd. 2. A right of way permit shall be required for installation within the public right of way.

Subd. 3. When a permit application is received, the City shall work with the applicant to provide information on the desired pole, fixture, mounting, and base for requested locations. The City reserves the right to require plans associated with permit application are signed and sealed by a Professional Civil and Electrical Engineer.

SECTION 606.05 REQUIRED STANDARDS.

Subd. 1. The City of Belle Plaine reserves the right to reject any Small Cell Wireless facility proposed to be located on City owned, maintained, or installed infrastructure based solely on its appearance and consistency with existing City owned infrastructure and/or city equipment and maintenance capabilities.

Subd. 2. The City reserves the right to require collocation agreements for each Small Cell Wireless facility proposed on City owned infrastructure.

Subd. 3. The City shall not allow small cell wireless facility equipment to be installed on City maintained decorative street lights.

Subd. 4. Small Cell Wireless facilities affixed to light poles, monopoles, traffic signals, and other existing rights of way structures or assets shall be integrated to the structure to which they are attached resulting in minimal intrusion into the right of way and a viewshed that is largely undisturbed by Small Cell Wireless facilities. Exposed elements or cables are not allowed.

Subd. 5. Small Cell Wireless facilities and equipment shall be mounted no more than six (6) inches off the pole or other structure to which they are affixed.

Subd. 6. Antenna shall be limited to snug-mount, canister-mount, and concealed antennas.

Subd. 7. The color and surface treatment of poles and Small Cell Wireless facility equipment shall match the surrounding area.

Subd. 8. No signage is permitted, except to the extent required by local, state, or federal law or regulations.

Subd. 9. Attached Small Cell Wireless equipment must be a minimum of ten (10) feet from sidewalk elevation.

Subd. 10. All ground-based wireless equipment, including, but not limited to, equipment cabinets or power pedestals, shall be placed at the back of the right of way.

Subd. 11. All cables or wires for attached wireless equipment shall be located inside the pole structure, except where cables or wires attach to the antenna.

Subd. 12. Above Ground Utility Structures.

- a. Permit applications to place or install above ground structures shall provide the following information:
 1. Documentation the above ground structure's proposed location meets required sight triangle locations referenced in Chapter 11 of the City Code.
 2. Documentation the structure will be placed on the same side of the right of way as utility poles.
 3. Three color photographs of the proposed structure one of which is from a perspective perpendicular to the street and the other two from differing angles.
 4. Structural detail including all dimensions.
- b. Above ground utility structures shall not exceed thirty-six inches in height in any area planned or currently zoned for residential purposes.
- c. Above ground utility structures shall comply with the height and development standards of the underlying zoning classification.
- d. Above ground utility structures with air-conditioning shall be enclosed by walls and setback a minimum of twenty (20) feet from lots where the existing or planned use is low or medium density residential.
- e. Associated equipment shall be reviewed administratively by the City for each location, and screening will be required in a reasonable manner as approved by the City.
- f. No more than one equipment cabinet and/or power pedestal shall serve any one Small Cell Wireless facility pole structure

Section 2. This Ordinance shall become effective upon publication in the official newspaper of the City.

Passed and duly adopted by the City Council of the City of Belle Plaine this 15th day of April, 2019.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:

Dawn Meyer, City Administrator