


A Model Municipal Ordinance

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Overview

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Why is a Municipal Ordinance Needed?

Regulatory issues go beyond the jurisdiction of any one municipal department.

Long term relationship with service providers requires inter-departmental coordination.

Licensing, staffing and town-wide policy considerations are best covered by a municipal ordinance.

Municipal elected officials are best positioned to establish a comprehensive strategy.

Jurisdictional Authorities

Key Players in 5G Deployment	Authority	Primary Role
Federal Communications Commission	47 USC 332	Licenses RF Spectrum, Broadband licenses, Safety
National Telecom & Info. Admin.	P.L. 102-538	Licenses Federal RF Spectrum, Internatl. negotiations
Public Utility Regulatory Authority	16-235 CGS	Regulates placement of antennas on utility poles
Connecticut Siting Council	16-50gg CGS	Regulates Antennas on Towers and Buildings
State Historic Preservation Office	54 USC 300101	Sect. 106 Reviews of Federal permits/funding
CT Department of Transportation	13b-17 CGS	State Road Encroachment Permits
Municipal Public Works/Engineering	7-148(c)6	Local Road Encroachment Permits
Municipal Zoning	8-2 CGS	Guidance on Viewsheds; Design Districts; Non-CSC sites
Local Historic Districts	7-147c CGS	Regulate SWF in "Areas of Potential Effect"
Local Building Departments	29-260 CGS	Regulates Bldg. Electric/Plumbing/Construction
Tree Warden	23-59 CGS	Regulates Tree Pruning/Cutting/Planting
Municipal Chief Elected Officials	7-163c	Municipal Telecommunications Plan
Municipal government	16-233	Use of Public Utility Poles or below ground duct system

Structure of the Municipal Ordinance (Based on Fairfax California Model)

Purpose and Definitions



Location and Configuration Preferences for 5G installations



Design and Development standards



Conditions of Approval



Eligible Facility Requests



Business License



Operation and Maintenance Standards



Permit Expiration



Authorization for Departmental Rules and Regulations

Siting and Location Preferences for Municipally Regulated Small Wireless Facilities

Zoning Ordinance – to control Land Use Impacts

Municipal Ordinance – to control a wide range of fiscal, administrative, and policy issues

Design & Historic Preservation Guidelines – to protect community & historic character

Environmental Assessment – to address sensitive and protected environmental resources

License Agreement – to manage bilateral responsibilities with Broadband services

Do Nothing – to avoid the “bleeding edge” of over-responsive strategies

Siting Preference: A Proposed Format

Description of Small Wireless Facility Installation Rules	Private Property			Public Right of Way
	Residential Zones where restrictions exist	Protected Zones (Floodplain, Wetland, Park, Open Space)	All Other Zoning Districts	Non Residential Zones
Roof or Bldg. Mounted SWF & not subject to CSC**	Not Permitted	Not Permitted	Conditional Use Permit	Not Applicable
Mounted on Light Pole & not subject to CSC or PURA**	Not Permitted	Not Permitted	Conditional Use Permit	Conditional Use Permit
Mounted on a Decorative Pole & Not subject to CSC**	Not Permitted	Not Permitted	Conditional Use Permit	Conditional Use Permit
Applications on electric distribution pole pursuant to PURA	Permitted	Not Permitted***	Permitted	Permitted
Applications on an electric transmission pole or other free standing structure pursuant to CSC regulations*	Permitted	Not Permitted***	Permitted	Permitted

Design Considerations

Western Connecticut has some of the most sophisticated design and community character standards in New England. Small Wireless Facilities (SWF) will have varied Impacts on:

Design of
Municipally Owned
Poles

Design and Use of
Decorative Poles

Street Corner
Designs and
Intersection Layout
Plans

Appearance of
Municipal Buildings
Currently Used for
Broadband

The Region's 85
Historic Districts
and 35 Village
Districts

Community
Character Outside
of Design/Historic
Districts

Tree Canopies in
Urban Landscapes

Design Considerations & Standards

Design Principles	Design Standards
Co-Locate SWF to Minimize Visual Clutter	SWF Size & Appearance standards
Establish Screening & Camouflage Guidance	Architectural Design Guidelines
Establish SWF Design/Appearance Principles	Color, Texture and location standards
Minimize Sidewalk/Roadway Interference	Traffic Safety standards
Long Term Community Character	Maintenance standards
Uniform Pole Designs	Decorative, Lighting & Utility Pole Stds.
Uniform Approach to Building Mounted SWF	Architectural Design Guidelines

Public Right of Way Controls

- ❑ Right of Way Controls: A Key element of the Model Ordinance
- ❑ Small Wireless Facilities in the ROW are subject to:
 - ❑ Design & Development Standards
 - ❑ Road Encroachment and Construction standards
 - ❑ Safety Standards
- ❑ State Right of Way versus Municipal Right of Way Issues
 - ❑ CONNDOT is responsible for state highway ROW approvals
 - ❑ Municipalities are responsible for local highway ROW approvals

Open Issues to be Resolved

Issues	Proposed Solution
Who Should Administer the Ordinance?	Town Planner/City Planner
Max. Height of Bldg. Mounted SWF Antennas?	Same Height as Town's Maximum Bldg. Height
Max. Height of Pole Mounted SWF Antennas?	Keep compatible with existing poles & FCC guidance
Require Independent Expert Review?	Yes – as Needed – by Ordinance Administrator
What should be the Preferred Sites for SWF?	Hierarchy of choices from most to least preferred
How to limit size of Pole Mounted SWF equipment?	Limit total size to 6 Cubic Feet
Should Decorative Poles have Ancillary Equipment?	No. Only small antennas compatible with pole design
Limit how close new poles are installed?	Yes – Install at least 90 feet apart (90-140)
Limit how far apart new poles are installed	Yes – Install at least 1,500 feet apart (500-1,500)
Limit Dimensions of Accessory Equipment in ROW?	Yes – limit to 5 feet tall and 15 square foot footprint
Should New Technology be required when Available?	Yes – require upgrades when technology changes

Questions?

