

FACT SHEET

CITY OF SHREVEPORT, LOUISIANA

<u>TITLE</u> AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 105 OF THE CITY OF SHREVEPORT, LOUISIANA, CODE OF ORDINANCES RELATIVE TO WIRELESS TELECOMMUNICATIONS FACILITIES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.	<u>DATE</u> April 23, 2021	<u>ORIGINATING DEPARTMENT</u> Department of Engineering and Environmental Services <u>COUNCIL DISTRICT</u> City-wide <u>SPONSOR</u>
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PURPOSE
To amend certain sections of Chapter 105 of the Code of Ordinances in order to establish a properly functioning permit system.

BACKGROUND INFORMATION
When the current legislation was drafted, the Department of Engineering and Environmental Services (DEES) was told that that staff would have minimal involvement in working with the permits. The approved legislation required heavy involvement from City staff and a consultant but there were no accommodations made to support such resources. DEES identified the issue and determined the solution was to hire a consultant to handle the permitting. This amendment removes the MPC from the permitting process and will allow for the utilization of permitting fees in the support of the resources necessary to manage and operate a more efficient and effective permitting system.

<u>TIMETABLE</u> Introduction: April 27, 2021 Final Passage: May 11, 2021	<u>ATTACHMENTS</u>
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SPECIAL PROCEDURAL REQUIREMENTS
None

<u>FINANCES</u> NA	<u>SOURCE OF FUNDS</u> NA
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ALTERNATIVES
(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION
It is recommended that the City Council adopt the ordinance.

FACT SHEET PREPARED BY: Stephen Terese
Deputy Director
Department of Engineering and Environmental Services

ORDINANCE NO. _____ OF 2021

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF
CHAPTER 105 OF THE CITY OF SHREVEPORT,
LOUISIANA, CODE OF ORDINANCES RELATIVE TO
WIRELESS TELECOMMUNICATIONS FACILITIES AND
TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

BY COUNCILMEMBER:

WHEREAS, the Shreveport City Code Chapter 105 is in need of revisions in order to establish a properly functioning permit system; and

WHEREAS, the Shreveport Department of Engineering and Environmental Services has identified the means to develop and implement a more efficient permitting system and;

WHEREAS, amendment of this ordinance will allow for the utilization of permitting fees in the support of the resources necessary to operate a permitting system of this nature.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in due, legal and regular session convened, that Chapter 105 of the City of Shreveport, Louisiana, Code of Ordinances shall be modified as follows:

Chapter 105 - WIRELESS TELECOMMUNICATIONS FACILITIES (WTFs)¹¹

Footnotes:

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Editor's note— Ord. No. [131 of 2018](#), Exh. B, adopted January 8, 2019, amended chapter 105 in its entirety to read as herein set out. Formerly, chapter 105 pertained to similar subject matter, and derived from Ord. No. 33 of 2018, adopted April 24, 2018.

ARTICLE I. - IN GENERAL

Sec. 105-1. - Purpose.

The purpose of this chapter is to establish a comprehensive set of zoning and siting requirements for antennas and wireless telecommunications facilities. These regulations are intended to provide for the managed development of antennas and wireless telecommunications facilities in a manner that recognizes and enhances the community benefits of wireless telecommunications technology and reasonably accommodates the needs of citizens and wireless telecommunications service providers in accordance with federal and state rules and regulations. At the same time, these regulations are intended to minimize any potential adverse impacts of such facilities, including but not limited to noise, traffic, aesthetic and other impacts over which the city has purview, and to preserve the visual character of the established community through appropriate design, siting, screening, maintenance and location standards. (La. Const. Art. VI, § 17).

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-2. - Abbreviations and definitions.

The following abbreviations may be used within this chapter, the Shreveport Unified Development Code, and city policies, procedures and applications:

"FCC" is an abbreviation for the "Federal Communications Commission."

"MPC" is an abbreviation for the Shreveport "Metropolitan Planning Commission" of Caddo Parish.

"NRHP" is an abbreviation for the "National Register of Historic Places."

"ROW" is an abbreviation for city public "right-of-way" and/or "rights-of-way."

"RF" is an abbreviation for "radio frequency."

"SUP" is an abbreviation for "special use permit."

"SWF" is an abbreviation for "small wireless facility."

"SWFs" is an abbreviation for "small wireless facilities."

"UDC" is an abbreviation for the Shreveport "Unified Development Code."

"WTF" is an abbreviation for "wireless telecommunications facility."

"WTFs" is an abbreviation for "wireless telecommunications facilities."

"WTFP" is an abbreviation for "wireless telecommunications facility permit."

"WTFPs" is an abbreviation for "wireless telecommunications facility permits."

The following words, terms, phrases and abbreviations associated with wireless telecommunications facilities may be used in this chapter, the Shreveport Unified Development Code, city policies, procedures, and applications and shall have the meaning given below unless the context indicates otherwise. These meanings shall apply whether a word is in italics or not, capitalized or not, or is singular or plural.

Action or *to act* on a siting application means a siting authority's grant of a siting application or issuance of a written decision denying a siting application. *Action* or *to act* has the same meaning as provided in 47 C.F.R. § 1.6002(a), as may be amended.

Antenna means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission (FCC) authorization, for the provision of personal wireless services and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under Part 15 of Title 47. *Antenna* has the same meaning as provided in 47 C.F.R. § 1.6002(b), as may be amended.

Antenna equipment means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna. *Antenna equipment* has the same meaning as provided in 47 C.F.R. § 1.6002(c), as may be amended.

Antenna facility means an antenna and associated antenna equipment. *Antenna facility* has the same meaning as provided in 47 C.F.R. § 1.6002(d), as may be amended.

Antenna, building- or structure-mounted means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank or structure, other than a telecommunication tower.

Antenna, ground-mounted means an antenna with its support structure placed directly on the ground.

Antenna structure, monopole means a ground-mounted antenna structure, often tubular in shape, made of metal, reinforced concrete or wood, which is at least 17 feet in height. A retractable monopole is a monopole antenna structure which is capable of being lowered, either manually or electronically, a vertical distance of at least 30 percent of its fully extended height.

Applicable codes means generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety.

Applicant means a person or entity that submits a siting application and the agents, employees, and contractors of such person or entity. Upon approval of any application the applicant will become the "permittee". *Applicant* has the same meaning as provided in 47 C.F.R. § 1.6002(e), as may be amended.

Application or *siting application* means a written submission to a siting authority (e.g. City of Shreveport) requesting authorization for the deployment of a personal wireless service facility at a specified location. *Application* or *siting application* has the same meaning as provided in 47 C.F.R. § 1.6002(j), as may be amended.

Attacher, existing attacher means any entity with equipment on a utility pole. *Existing attacher* has the same meaning as provided in 47 C.F.R. § 1.1411(a)(3), as may be amended.

Attacher, new attacher means a cable television system or telecommunications carrier requesting to attach new or upgraded facilities to a pole owned or controlled by a utility. *New attacher* has the same meaning as provided in 47 C.F.R. § 1.1411(a)(2), as may be amended.

Attachment means any attachment by a cable television system or provider of telecommunications service to a pole owned or controlled by a utility. *Attachment* has the same meaning as provided in 47 C.F.R. § 1.1411(a)(1), as may be amended.

Authorization means any approval that a siting authority must issue under applicable law prior to the deployment of personal wireless service facilities, including, but not limited to, zoning approval and building permit. *Authorization* has the same meaning as provided in 47 C.F.R. § 1.6002(f), as may be amended.

Batched submittal (for small wireless facility permits) means a type of application process for a small wireless facility (SWF) permit, issued pursuant to chapter 105 of this Code, when certain small wireless facilities (SWFs) are proposed to be located in the city's public right-of-way (ROW). The batched submittal process allows an applicant to combine individual applications (that are for a single project but that would otherwise be processed as separate individual applications) into a single batched submittal containing the individual applications to be processed at the same time. Up to ten individual applications, for SWF permits, involving an eligible facilities request and/or a Section 6409(a) modification (to be located in the city's public ROW) may be combined into a single batched submittal. No more than two batched submittals, for a maximum total of 20 locations or permits, shall be submitted by, for or on behalf of a single person or entity in any 30 calendar-day period.

Base station has the same meaning as provided in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as follows:

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless telecommunications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower.

- (1) The term includes, but is not limited to, equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (2) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
- (3) The term includes any structures other than a tower that, at the time the relevant application is filed under this section, supports or houses equipment described in subsections (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

- (4) The term does not include any structure that, at the time the relevant application is filed under this section, does not support or house equipment described in subsections (1) and (2) of this definition.

City means the City of Shreveport, Louisiana.

Collocation has the same meaning as provided in 47 C.F.R. § 1.6002(g), as may be amended.

Collocation means:

- (1) Mounting or installing an antenna facility on a pre-existing structure, and/or
- (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

Communications space means the lower usable space on a utility pole, which typically is reserved for low-voltage communications equipment. *Communications space* has the same meaning as provided in 47 C.F.R. § 1.1402(r), as may be amended.

Complex make-ready means transfers and work within the communications space that would be reasonably likely to cause a service outage(s) or facility damage, including work such as splicing of any communication attachment or relocation of existing wireless attachments. Any and all wireless activities, including those involving mobile, fixed, and point-to-point wireless communications and wireless internet service providers, are to be considered complex. *Complex make-ready* has the same meaning as provided in 47 C.F.R. § 1.1402(p), as may be amended.

Coverage requirement or *coverage gap* means a current or anticipated gap in the coverage or capacity of a wireless provider's own personal wireless service that can be demonstrated through reasonable supporting evidence submitted by the applicant.

Deployment means placement, construction, or modification of a personal wireless service facility. *Deployment* has the same meaning as provided in 47 C.F.R. § 1.6002(h), as may be amended.

Distributed antenna system or *DAS* means a network of one or more antennas and related fiber optic nodes typically mounted to or located at streetlights poles, utility poles, sporting venues, arenas or convention centers which provide access and signal transfer for wireless service providers. A distributed antenna system also includes the equipment location, sometimes called a "hub" or "hotel" where the DAS network is interconnected antenna nodes of the DAS system and/or with one or more wireless service provider's facilities to provide the signal transfer service.

Eligible facilities request has the same meaning as provided in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as "[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment."

Eligible support structure has the same meaning as provided in 47 C.F.R. § 1.40001(b)(4), as may be amended, which defines that term as "[a]ny tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the state or local government under this section."

Enclosure building, shed, or shelter means a building, shed, fence, or other enclosure used to house equipment associated with a wireless telecommunications facility.

Equipment cabinet means a cabinet used to house equipment associated with a wireless telecommunications facility.

Existing has the same meaning as provided in 47 C.F.R. § 1.40001(b)(4), as may be amended, which provides that "[a] constructed tower or base station is existing for purposes of [the FCC's Section 6409(a) regulations] if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition."

Existing attacher means any entity with equipment on a utility pole. *Existing attacher* has the same meaning as provided in 47 C.F.R. § 1.1411 (a)(3), as may be amended.

Federal Communications Commission ("FCC") is an independent United States government agency responsible for the regulation of interstate and international communications by radio, television, wire, satellite, and cable.

Height of a wireless telecommunications facility means the vertical distance measured from the natural undisturbed ground surface below the center of the base of said facility to the top of the facility itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted facilities the height of the facility includes the height of the portion of the building on which it is mounted. In the case of crank-up or other similar towers whose height can be adjusted, the height of the facility shall be the maximum height to which it is capable of being raised.

Make-ready means the modification or replacement of a utility pole, or of the lines or equipment on the utility pole, to accommodate additional facilities on the utility pole. *Make-ready* has the same meaning as provided in 47 C.F.R. § 1.1402(o), as may be amended.

Make-ready, complex make-ready means transfers and work within the communications space that would be reasonably likely to cause a service outage(s) or facility damage, including work such as splicing of any communication attachment or relocation of existing wireless attachments. Any and all wireless activities, including those involving mobile, fixed, and point-to-point wireless communications and wireless internet service providers, are to be considered complex. *Complex make-ready* has the same meaning as provided in 47 C.F.R. § 1.1402(p), as may be amended.

Make-ready, simple make-ready means make-ready where existing attachments in the communications space of a pole could be transferred without any reasonable expectation of a service outage or facility damage and does not require splicing of any existing communication attachment or relocation of an existing wireless attachment. *Simple make-ready* has the same meaning as provided in 47 C.F.R. § 1.1402(q), as may be amended.

Monopole means a single freestanding pole, post, or similar non-lattice structure used to support antennas and equipment associated with a wireless telecommunications facility.

Mount means to attach, fix, or otherwise place antenna(s) to or on a structure or building.

Necessary or *necessity* or *need* all mean what is reasonably required or recommended for the equipment to function as designed by the manufacturer.

New attacher means a cable television system or telecommunications carrier requesting to attach new or upgraded facilities to a pole owned or controlled by a utility. *New attacher* has the same meaning as provided in 47 C.F.R. § 1.1411(a)(2), as may be amended.

Notification of final completion is a document the permittee is required to send notifying the city in writing of the final completion date of the facility and said notification shall be received by the city no later than 30 days after final completion. Said notification shall contain a statement from the permittee that the facility was constructed as approved and permitted in accordance with the issued permit.

Personal wireless service facility means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services. *Personal wireless service facility* has the same meaning as provided in 47 C.F.R. § 1.6002(i), as may be amended.

Personal wireless services has the same meaning as provided in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services."

Public right-of-way means the area on, below, or above a roadway, highway, street, sidewalk, alley, utility easement, or similar property, but not including a federal interstate highway.

Public safety facilities mean facilities used for public safety functions such as police, fire and emergency operations.

Radio frequency ("RF") is a rate of oscillation, which corresponds to the frequency of radio waves, and the alternating currents which carry radio frequency, electromagnetic, or other wireless signals.

Related equipment means all equipment ancillary to the antenna used for transmission and reception of radio frequency, electromagnetic, or other wireless signals. Such equipment may include, but is not limited to, cable, conduit and connectors.

Roof-mounted or building-mounted antenna means an antenna directly attached or affixed to the roof of, on the facade, or elsewhere on an existing building, tank or similar structure other than a wireless telecommunications facility or utility pole.

Section 6409(a) means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended from time to time.

Section 6409(a) modification means any eligible facilities request that does not cause a substantial change and submitted for approval pursuant to Section 6409(a) and the FCC's regulations at 47 C.F.R. § 1.40001 et seq.

Simple make-ready has the same meaning as provided in 47 C.F.R. § 1.1402(q), as may be amended. *Simple make-ready* means make-ready where existing attachments in the communications space of a pole could be transferred without any reasonable expectation of a service outage or facility damage and does not require splicing of any existing communication attachment or relocation of an existing wireless attachment.

Site has the same meaning as provided in 47 C.F.R. § 1.40001(b)(6), as may be amended, which provides that "[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground."

Siting application or application means a written submission to a siting authority (e.g. City of Shreveport) requesting authorization for the deployment of a personal wireless service facility at a specified location. *Siting application or application* has the same meaning as provided in 47 C.F.R. § 1.6002(j), as may be amended.

Siting authority means a state government, local government (e.g. City of Shreveport), or instrumentality of a state government or local government, including any official or organizational unit thereof, whose authorization is necessary prior to the deployment of personal wireless service facilities. *Siting authority* has the same meaning as provided in 47 C.F.R. § 1.6002(k), as may be amended.

Small wireless facility ("SWF") and *small wireless facilities ("SWFs")* have the same meaning as provided in 47 C.F.R. § 1.6002(l), as may be amended. *Small wireless facility ("SWF")* and *small wireless facilities ("SWFs")* are facilities that meet each of the following conditions:

- (1) The facilities:
 - a. Are mounted on structures 50 feet or less in height including their antennas;
 - b. Are mounted on structures no more than ten percent taller than other adjacent structures; or
 - c. Do not extend existing structures on which they are located to a height of more than 50 feet tall or by more than ten percent in height, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet (3 ft³) 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 28 cubic feet (28 ft³) in volume;
- (4) The facilities do not require antenna structure registration under C.F.R. Title 47, Chapter 1 Federal Communications Commission, Part 17;

- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.

Small wireless facility (SWF) permit means the official document or permit by which an applicant is approved to construct and use a small wireless facility (SWF), and if applicable, associated utility poles or other support structures, in accordance with this chapter and any other applicable requirements contained in the City Code.

Stealth facility means any wireless telecommunications facility which is designed to blend into the surrounding environment (including other similar facilities) or support structure by means of screening, concealment, design (such as monopole), or camouflage (including being of comparable color to any support structure and/or to the immediate environment where applicable).

Structure means a pole, tower, base station, other building, or other structure used to accommodate one or more personal wireless facilities, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services). *Structure* has the same meaning as provided in 47 C.F.R. § 1.6002 (k), as may be amended.

Substantial change has the same meaning as provided in 47 C.F.R. § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular facility type and location. For clarity, the definition in this chapter organizes the FCC's criteria and thresholds for a substantial change according to the facility type and location.

- (1) For towers outside the public rights-of-way, a substantial change occurs when:
 - a. The proposed collocation or modification increases the overall height more than ten percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater);
 - b. The proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater);
 - c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
 - d. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
- (2) For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
 - a. The proposed collocation or modification increases the overall height more than ten percent or ten feet (whichever is greater);
 - b. The proposed collocation or modification increases the width more than six feet from the edge of the wireless tower or base station;
 - c. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets;
 - d. The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent larger in height or volume than any existing ground-mounted equipment cabinets; or
 - e. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- (3) In addition, for all towers and base stations wherever located, a substantial change occurs when:
 - a. The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the city engineer; or

- b. The proposed collocation or modification violates a prior condition of approval; provided, however, that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.
- (4) As to all measurements set forth herein, the following principles shall govern:
- a. The thresholds for height increases are cumulative limits.
 - b. For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to wireless equipment not included in the original design.
 - c. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012, the date of passage of Section 6409(a).

Tower has the same meaning as provided in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as "[a]ny 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 telecommunications 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." Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

Transmission equipment has the same meaning as provided in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as "[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless telecommunications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless telecommunications services including, but not limited to, private, broadcast, public safety services, as well as fixed wireless services, such as microwave backhaul."

Utility pole means a pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting. Such term shall not include structures supporting only wireless facilities.

Wireless infrastructure provider means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

Wireless provider means a wireless infrastructure provider or a wireless services provider.

Wireless services means any services, whether at a fixed location or mobile, provided to the public using wireless facilities.

Wireless services provider means a person who provides wireless services.

Wireless telecommunications facility ("WTF") means an unstaffed facility, generally consisting of antennas, an equipment cabinet or enclosure building, shed, or shelter, and related equipment, which receives and/or transmits radio frequency, electromagnetic, or other wireless signals for the purpose of transmitting voice or data.

Wireless telecommunications facility permit ("WTFP") means the official document or permit by which an applicant is approved to construct and use a wireless telecommunications facility (WTF) in accordance with the requirements of chapter 105 of this Code, any other applicable requirements contained in the City Code, or the Shreveport Unified Development Code.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-3. - Chapter applicability, severability and conflicts.

- (a) *Territorial and general applicability.* This chapter applies to property within the City of Shreveport, Louisiana. In its interpretation and application, the provisions of this chapter, unless waived by the city, are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.
- (b) *Severability.* If any word, phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- (c) *Conflicts with other chapters.* This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- (d) *Conflicts with state and federal laws.* In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the wireless provider shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Secs. 105-4—105-17. - Reserved.

ARTICLE II. - SMALL WIRELESS FACILITIES (SWFs)

Sec. 105-18. - Application.

The city engineer is authorized to request all information necessary in the application for a small wireless facility (SWF) permit in the city's public rights-of-way for the review and issuance of all needed city approvals, in accordance with this chapter and any other applicable laws, rules and regulations. Said application shall be published on-line and made available for distribution at the office of the city engineer.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-19. - Other approvals; applicability of other Code provisions.

- (a) *Other approvals.* The permittee is responsible for obtaining all applicable permits, approvals, and agreements necessary to install and operate any small wireless facility in conformance with federal, state, and local laws, rules, and regulations.
- (b) *Applicability of other Code provisions.* To the extent possible, the city engineer shall combine all required Code authorizations associated with installation of a small wireless facility into the small wireless facility permit application and review process.
 - (1) *Cables, conduit, fiber optic lines or wires.* In accordance with chapter 78, any cables, conduit, fiber optic lines or wires making the connections between small wireless facilities and/or towers or other facilities and/or equipment within the city's public rights-of-way shall be required to have a facility permit.

Cross reference— Chapter 78, article II, division 6.

- (2) *Electrical permits.* In accordance with chapter 22, an electrical permit issued by the permits and inspections division of public works shall be required in addition to the SWF permit. The electrical permit shall only be issued to an electrical contractor that is registered with the city as a master electrician.

Cross reference— Chapter 22.

- (3) *Historic preservation overlay districts (HPODs)*. The installation of small wireless facilities and associated utility poles or other support structures, equipment and wires, within the city's public right-of-way, in a historic preservation overlay district (HPOD) are not regulated by the Shreveport UDC. The Shreveport UDC generally does not contain regulations for the city's public rights-of-way.
- (4) *Historic districts*. Chapter 37 "Shreveport Local Register" identifies, in part, the city's historic districts listed on the National Register of Historic Places (NRHP). The city has an interest in maintaining the special character of the rights-of-way in NRHP-listed historic districts. There shall be no separate application or review process for the installation of small wireless facilities or the associated utility poles or other support structures, within the city's public rights-of-way, in said historic districts. However, installations of small wireless facilities and associated utility poles or other support structures, equipment and wires, within the city's public rights-of-way, shall be harmonious with the special character of any said historic district.

Cross reference— Chapter 37, article VI, division 2.

- (5) *Poles*. Installation of new or replacement poles or other support structures associated with small wireless facilities shall not be contrary to established Code provisions regarding poles located in chapter 78. Installation of new or replacement poles or other support structures shall be reviewed in connection with the small wireless facility permit application and review process. There shall be no separate application required or permit issued for the installation of new or replacement poles associated with the installation of small wireless facilities. However, a separate contractual pole attachment agreement with the city and/or other third-party providers may be required.

Cross reference— Chapter 78, article II, division 3.

- (6) *Zoning and land-use*. Zoning and land-use approvals of the Shreveport Metropolitan Planning Commission of Caddo Parish in accordance with the Shreveport UDC do not apply to the city's public rights-of-way. Small wireless facilities and associated utility poles or other support structures permitted for placement in the city's public rights-of-way shall be permitted in accordance with this chapter.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-20. - Permit required; application; batched submittals.

- (a) *Permit required*. No person shall place a small wireless facility or associated utility pole or other support structure for the purpose of installing a small wireless facility in the city's public rights-of-way without first filing a small wireless facility application and obtaining a SWF permit for said facility, except as otherwise provided in this chapter.
- (b) *Application*.
 - (1) The SWF permit application shall be made by the applicant, or its duly authorized representative, on a form approved by the city engineer. All small wireless facility permit applications filed pursuant to this chapter shall be on a form, paper or electronic, provided by the city and made available for distribution at the office of the city engineer.
 - (2) An application shall be required to be filed for all small wireless facilities involving new facilities (including associated utility poles or other support structure for the purpose of installing a small wireless facility) and non-Section 6409(a) modifications (i.e. a substantial change).
 - (3) Applications are not required for routine maintenance on small wireless facilities.
 - (4) Applications are not required for a Section 6409(a) modification (non-substantial change), but notice of a Section 6409(a) modification (non-substantial change) is required as herein described. No person may perform a Section 6409(a) modification (non-substantial change) to a small

wireless facility (or associated utility pole or support structure that was installed for a small wireless facility) located in the city's public rights-of-way without first submitting written notice to the office of the city engineer describing in reasonable detail the work to be performed and the location of the work. The written notice shall be on a form, paper or electronic, provided by the city and made available for distribution at the office of the city engineer. Any such notice must be submitted at least ten days prior to commencement of the proposed work, except that a shorter notice period shall be allowed in event of emergency.

- (5) Any amendments or updates to information contained in a pending SWF permit application shall be submitted in writing to the city within ten days after the request was made for said information and/or within ten days after a change necessitating the amendment occurred.
- (c) *Batched submittals.* The batched submittal process allows an applicant to combine individual applications for new small wireless facilities (that are for a single project that would otherwise be processed as separate individual applications) into a single batched submittal containing the individual applications to be processed at the same time.
- (1) Up to ten individual applications, for new small wireless facilities, involving an eligible facilities request and/or a Section 6409(a) substantial modification (to be located in the city's public rights-of-way) may be combined into a single batched submittal.
 - (2) No more than two batched submittals, for a maximum total of 20 locations or permits, shall be submitted by, for or on behalf of a single person or entity in any 30 calendar-day period.
 - (3) The application processing fees and SWF permit fees for batched submittals are set forth in Sec. 105-21.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-21. - Fees.

Applicants shall submit, to the office of the city engineer, all documents and fees. An application shall not be accepted if the accompanying fees are not included. All associated fee amounts described in this chapter for small wireless facilities have been adopted by ordinance. The city may, at their discretion, utilize a third-party reviewer and shall pay for said services from the fees paid by the applicant.

- (1) *New facilities—Individual application.*
 - a. *Application processing fee.* All individual applications for small wireless facilities shall be accompanied by the required application processing fee of \$2,000.00 (made payable to the City of Shreveport). If resubmittal of the application is required at the fault of the applicant as determined by the City, the resubmittal shall be accompanied by the required application processing fee of \$300.00.
 - b. *Permit fee.* Upon notification of a decision for approval for the permit, applicants may obtain the permit, from the office of the city engineer, upon payment of the one-time SWF permit fee of \$1,500.00 (made payable to the City of Shreveport).
- (2) *Batched submittals for new facilities.*
 - a. *Application processing fee.* All individual applications contained in a single batched submittal shall be accompanied by the required application processing fee(s) made payable to the City of Shreveport. Each individual application in the batch shall be charged at the same fee for an individual application, \$2,000. If resubmittal any of the applications is required at the fault of the applicant as determined by the City, the resubmittal shall be accompanied by the required application processing fee of \$300.00 for each application.
 - b. *Permit fee.* Upon notification of a decision for approval for each permit, applicants may obtain the permit(s), from the office of the city engineer, upon payment of the SWF permit fee(s) of \$1,500.00 for each facility (made payable to the City of Shreveport).
- (3) *Non-Section 6409(a) modifications (substantial change).*

- a. *Application processing fee.* All individual applications for small wireless facilities purporting to make non-Section 6409(a) modifications (modifications that cause a substantial change) shall be accompanied by the required application processing fee of \$2,000.00 (made payable to the City of Shreveport).
 - b. *Permit fee.* Upon notification of a decision for approval for the permit, applicants may obtain the permit (at no charge) from the office of the city engineer.
- (4) *Routine maintenance.* Applications and any associated fees are not required for routine maintenance on small wireless facilities or for Section 6409(a) modifications (modifications that do not cause a substantial change), but written notice of Section 6409(a) modifications (non-substantial change) is required pursuant to section 105-20 above.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-22. - Action on permit applications.

(a) *Standard of review for applications.*

- (1) The city shall review the application for a small wireless facility (including any associated new, replacement or modified utility pole or other support structure) and shall issue a permit on nondiscriminatory terms and conditions only if the proposed SWF is in conformity with applicable provisions of this chapter and any other applicable Code sections.
- (2) The city may deny a proposed collocation of a small wireless facility or construction of an associated new, replacement or modified utility pole or other support structure only if the proposed application:
 - a. Interferes with the safe operation of traffic control equipment.
 - b. Interferes with sight lines or clear zones for transportation or pedestrians.
 - c. Interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 - d. Fails to comply with reasonable and nondiscriminatory spacing requirements that apply to other communications service providers and electric utilities in the ROW and that concern the location of ground-mounted equipment and new utility poles. Such spacing requirements shall not prevent a small wireless facility from serving any location.
 - e. Fails to comply with applicable local, federal and state laws, regulations and codes.
 - f. Fails to comply with the requirements of this article.

The city's denial of any individual application for a site within a single batched submittal shall not affect other individual applications for sites submitted in the same batched submittal. The city shall grant a permit for any and all individual applications for sites in a single batched submittal that it does not deny subject to the requirements of this section, or other applicable law.

- (b) *Timeframes for review.* An application for a SWF shall be reviewed by the city within the applicable timeframes in accordance with federal regulations or law, as may be applicable and as may be amended.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-23. - Waivers.

Any applicant may seek a waiver of the requirements in this chapter, which may be granted by the city council, upon good cause shown. Such waivers shall be granted in a nondiscriminatory manner.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-24. - Aesthetics.

- (a) *Aesthetic design guidelines.* The city engineer is authorized to publish design guidelines regarding aesthetics and appearance for small wireless facilities. Said design guidelines shall be published on-line and made available for distribution at the Office of the City Engineer on or before April 15, 2019. Thereafter, the city reserves its rights to amend said design guidelines, as necessary, in the future.
- (b) *Concealment.*
 - (1) *Design.* Small wireless facilities shall be designed to blend into the surrounding environment and complement existing streetscape elements or structures through the use of color, camouflaging and architectural treatment. Any equipment mounted to the support structures shall also match the support structure in color and general design unless a different color is needed for public safety or service reliability reasons. All antennas and related equipment mounted to existing utility poles, light structures, or traffic signals shall be camouflaged, screened and/or obscured. If new monopoles, utility poles, light structures, or traffic signals are installed for the purpose of small wireless facilities, the antennas and related mounted equipment shall be camouflaged, screened and/or obscured.
 - (2) *Undergrounding.*
 - a. To the extent permitted under applicable regulations or law the city retains its rights to require undergrounding of antenna equipment or any other associated equipment, other than the antennae, for small wireless facilities.
 - b. To the extent doing so would not result in an effective prohibition under federal law, the applicant shall comply with requirements that prohibit communications service providers from installing structures or antenna equipment aboveground in the public right-of-way in areas designated solely for underground or buried cable and utility facilities where the city has required all cable and utility facilities, other than city poles and attachments, to be placed underground by a date certain that is three months prior to the submission of the application. The city engineer may authorize the replacement of city poles in the designated area upon good cause shown, as determined by the city engineer.

(Ord. No. [28, 2019](#), 4-9-19)

Editor's note— Ord. No. [28 of 2019](#), adopted April 9, 2019, amended section 105-24 in its entirety to read as herein set out. Formerly, section 105-24 pertained to concealment, and derived from Ord. No. [131 of 2018](#), Exh. B, adopted January 8, 2019.

Sec. 105-25. - Height and size; collocation required; utility poles and other support structures.

- (a) *Height and size.* The small wireless facility must conform to the height and size limitations as defined for a small wireless facility in this chapter.
- (b) *Collocation required.* In an effort to reduce visual clutter in the city's public rights-of-way, applicants are required to practice collocation of small wireless facilities when practicable as determined by the city engineer, to the extent permitted under applicable regulations or law, and to the extent doing so will provide the best concealment and aesthetics possible.
- (c) *Utility poles and other support structures.*
 - (1) *New utility poles and other new support structures.* Small wireless facilities shall be located such that they do not interfere with public health or safety facilities, such as, but not limited to a fire hydrant, fire station, fire escape, water valve, underground vault, or valve housing structure. New utility poles and other support structures for small wireless facilities shall not be installed directly over any water, sewer, or reuse main or service line.
 - (2) *Collocations on existing utility poles and other existing support structures.* Utility pole and other support structure modifications relating to small wireless facility collocations shall be fabricated

from material having a degree of strength capable of supporting the small wireless facility and shall be capable of withstanding wind forces and ice loads in accordance with applicable standards. A modification shall be securely bound in accordance with applicable engineering standards.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-26. - Effect of permit and duration.

- (a) *Authority granted; no property right or other interest created.* A permit for a small wireless facility and the associated utility pole or other support structure from the city authorizes an applicant to undertake only certain activities in accordance with this chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.
- (b) *Approval of application.* Approval of an application and issuance of the permit for a small wireless facility authorizes the applicant to:
 - (1) Install, modify or collocate a facility as described in the permit application.
 - (2) Operate and maintain the small wireless facility in accordance with this Chapter after construction and/or modification and upon the city's receipt of the written notification of final completion date of such facility.
- (c) *Duration.* Any approved and issued SWF permit will automatically expire at 12:01 a.m. local time exactly ten years from the issuance date. Provided that the subject small wireless facilities are being operated in accordance with the requirements of this chapter and that the wireless provider has not elected to remove the subject facilities, the SWF permit automatically will renew at 12:01 local time for an additional ten-year period every ten years from the issuance date.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-27. - Construction of facility; notification of final completion date.

- (a) *Construction of facility.* Construction pursuant to a permit under this chapter must commence no later than 12 months after issuance of the permit and thereafter be diligently pursued to completion, provided that the deadline to commence construction shall be extended for any delays attributable to the lack of commercial power or communications facilities at the site or by mutual agreement of the applicant and the city.
- (b) *Notification of final completion.* Permittee shall notify the city in writing of the notification of final completion date of the facility and said notification shall be received by the city no later than 30 days after final completion. Said notification shall contain a statement from the permittee that the facility was constructed as permitted in accordance with the issued SWF permit.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-28. - Removal, relocation, or modification of small wireless facility; abandonment.

- (a) *Notice.* Within 90 days following written notice from the city, wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, modify, change, or alter the position of any small wireless facilities and associated utility poles or other support structures if applicable whenever the city has determined that such removal, relocation, modification, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any city improvement in or upon the city's public rights-of-way, or the operations of the city in or upon the city's public rights-of-way, or whenever the city has determined the small wireless facility or associated utility poles or other support structures do not conform to the permits granted by the city.

- (b) *Emergency removal or relocation of facilities.* The city retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the city shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider after cutting or removing a small wireless facility.
- (c) *Abandonment of facilities.* Upon abandonment of a small wireless facility, the wireless provider shall notify the city within 90 days. Following receipt of such notice the city may direct the wireless provider to remove all or any portion of the small wireless facility if the city or any of its departments determines that such removal will be in the interest of the public health, safety and welfare.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-29. - Attachment to city-owned utility poles or other city-owned structures in the right-of-way.

- (a) *Application.* Applications proposing to collocate small wireless facilities on city-owned poles or other city-owned structures in the city's public rights-of-way shall be submitted and processed in accordance with the application provisions outlined in this chapter.
- (b) *Causes for denial.* Applications proposing to collocate small wireless facilities on city-owned poles or other city-owned structures in the city's public rights-of-way shall not be denied unless they fail to meet the requirements of this chapter and unless there is insufficient capacity that cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the city to be reimbursed by the wireless provider.
- (c) *Annual rate.* The rate to place a small wireless facility on a city-owned pole or other city-owned structure in the right-of-way shall be \$50.00 per year for all city-owned poles and structures.
- (d) *Cease payment.* A wireless provider is authorized to remove its facilities from the rights-of-way upon providing the city with at least 30 days written notice and cease paying the city compensation for use of the rights-of way after removal of its facilities.
- (e) *Make-ready.* For city-owned utility poles in the city's public rights-of-way, the city shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested small wireless facility, including pole replacement if necessary, within 60 days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within 60 days of written acceptance of the good faith estimate by the wireless provider.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

Sec. 105-30. - Liability, insurance and indemnification.

- (a) *Liability.* Applicant hereby assumes all risk with respect to the city for liability for damages that may occur to persons or property on account of the proposed work, whether completed by applicant or applicant's agent or contractor completing, installing, or maintaining the work on applicant's behalf. Applicant shall procure and maintain liability insurance to protect the city from liability and damages on account of injuries to workers, as provided by law, and to protect the city from liability and damages occasioned by the proposed work.
- (b) *Insurance.* Applicant shall procure and maintain in continuous effect, during the pendency of the encroachment, "certificates of insurance" or other satisfactory evidence to show applicant carries:
- (1) Commercial general liability insurance and commercial automobile liability insurance covering the city against claims, injury or damage to persons or property, both real and personal, caused by the proposed work, in amounts of \$1,000,000.00 U.S. dollars per occurrence (combined single limit), including bodily injury and property damage, and \$2,000,000.00 U.S. dollars annual aggregate, and \$2,000,000.00 U.S. dollars for each personal injury liability; and
 - (2) Statutory workers' compensation and employer's liability insurance of \$1,000,000.00 U.S. dollars per accident/per disease, per employee/per disease, policy limits.
 - (3) All required liability insurance coverages shall include the city as an additional insured. Applicant shall notify the city at least 30 days in advance of any cancellation of any required insurance that is not replaced.
 - (4) Applicant may self-insure any required coverage as long as it or its affiliated parent maintains a net worth of at least \$200,000,000.00 as evidenced in annual certified financials.
- (c) *Indemnification.* Applicant shall defend, indemnify, and hold harmless the city, its council, boards, commissions, officials, officers, agents, contractors, volunteers, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, including court costs and reasonable attorney's fees resulting from the alleged acts or omissions of permittee, applicant's officers, agents, or employees in connection with the permitted work. This indemnity provision shall be applicable regardless of the merit or outcome of such claim or suit.

(Ord. No. [131, 2018](#), Exh. B, 1-8-19)

BE IT FURTHER ORDAINED that the remainder of Chapter 105, of the City of Shreveport Code of Ordinances shall remain unchanged and in full force and effect.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective in accordance with the provisions of [Shreveport City Charter Section 4.23](#).

THUS DONE AND ORDAINED by the City Council of the City of Shreveport,
Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office