
AMENDMENT NO. 1 TO ORDINANCE NO. 33 OF 2018

ORDINANCE NO. 33 OF 2018

AN ORDINANCE TO ADD NEW CHAPTER 105 TO THE CITY OF SHREVEPORT, LOUISIANA, CODE OF ORDINANCES, RELATIVE TO WIRELESS TELECOMMUNICATIONS FACILITIES, SPECIFICALLY ADDING ARTICLE I AND ARTICLE II RELATIVE TO GENERAL PROVISIONS AND SMALL WIRELESS FACILITIES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

AMENDMENT PROPOSED BY:

City Attorney's Office

INSTRUCTIONS:

Delete Exhibit "A" and substitute the attached Exhibit "A".

EXPLANATION OF THE AMENDMENT:

This amendment replaces proposed Chapter 105 as outlined in Exhibit "A".

Chapter 105 – WIRELESS TELECOMMUNICATIONS FACILITIES (WTFs)

ARTICLE I. – IN GENERAL

- Sec. 105-01. Purpose.
- Sec. 105-02. Abbreviations and Definitions.
- Sec. 105.03. Chapter Applicability, Severability and Conflicts.

Secs. 105-04. – 105.19. Reserved

ARTICLE II. – SMALL WIRELESS FACILITIES

- Sec. 105-20. Permit Required; Application; Batched Submittals.
- Sec. 105-21. Fees.
- Sec. 105-22. Action on Permit Applications.
- Sec. 105-23. Zoning and Land-Use; Waivers; Other Approvals.
- Sec. 105-24. Concealment.
- Sec. 105-25. Height and Size; Undergrounding; Utility Poles.
- Sec. 105-26. Effect of Permit and Duration.
- Sec. 105-27. Construction of Facility; Notice of Final Completion Date.
- Sec. 105-28. Removal, Relocation or Modification of Small Wireless Facility.
- Sec. 105-29. Attachment to City Owned Utility Poles or Other City-Owned Structures in the ROW.
- Sec. 105-30. Liability, Insurance and Indemnification.

Secs. 105-31. – 105.49. Reserved

ARTICLE III. – Reserved.

Chapter 105 – WIRELESS TELECOMMUNICATIONS FACILITIES (WTFs)

ARTICLE I. – IN GENERAL

Sec. 105-01. – 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).

Sec. 105-02. – Abbreviations and Definitions.

The following abbreviations are used within this Chapter:

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

“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.”

“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 in this Chapter and as may be referenced in the Shreveport Unified Development Code 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.

Antenna. Any system of wires, poles, rods, panels, reflecting discs or similar devices used for the transmission or reception of radio frequency electromagnetic waves when such system is external and attached to the exterior of a structure or pole.

Antenna, building – or structure – mounted. 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. An antenna with its support structure placed directly on the ground.

Antenna structure, monopole. 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% 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.

Batched Submittal (for Wireless Telecommunications Facility Permits) means a type of Application process for a Wireless Telecommunications Facility Permit (WTFP), issued pursuant to Chapter 105 of the Shreveport City Code, when certain Wireless Telecommunications Facilities (WTFs) are proposed to be located in the City's public right-of-way (PROW). 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 (10) individual Applications, for Wireless Telecommunication Facility Permits (WTFPs) for small wireless facilities, 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 (2) Batched Submittals, for a maximum total of twenty (20) locations or WTFs, shall be submitted by, for or on behalf of a single person or entity in any thirty (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.

Co-location has the same meaning as provided in 47 C.F.R. §1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for transmitting and/or receiving radio frequency signals for communications purposes.”

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.

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 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) [c]ollocation of new transmission equipment; (ii) [r]emoval of transmission equipment; or (iii) [r]eplacement 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.”

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.

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.

Personal wireless service facilities has the same meaning as provided in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended, which defines the term as “facilities for the provision of personal wireless services.”

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.

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."

Small Wireless Facility means a wireless facility that meets both of the following qualifications: (i) each wireless provider's antenna could fit within an enclosure of no more than six (6) cubic feet in volume; and (ii) all other wireless equipment associated with the wireless facility, whether ground or pole-mounted, is cumulatively no more than twenty-one (21) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, vertical cable runs for the connection of power and other services.

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).

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 co-location or modification increases the overall height more than ten percent (10%) or the height of one additional antenna array not to exceed twenty (20) feet (whichever is greater); or
 - b. The proposed co-location or modification increases the width more than twenty (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); or
 - c. The proposed co-location 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 co-location 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 co-location or modification increases the overall height more than ten percent (10%) or ten (10) feet (whichever is greater); or
 - b. The proposed co-location or modification increases the width more than six (6) feet from the edge of the wireless tower or base station; or
 - c. The proposed co-location or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or

- d. The proposed co-location or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted equipment cabinets; or
 - e. The proposed co-location 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 co-location or modification would defeat the existing concealment elements of the support structure as determined by the City Engineer; or
 - b. The proposed co-location or modification violates a prior condition of approval; provided, however, that the co-location 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), and if applicable, utility poles associated with small wireless facilities, in accordance with the requirements of this Chapter 105 of the Shreveport City Code.

Sec. 105.03. – 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 Ordinance 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 Ordinance, 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.

Secs. 105-04. – 105.19. Reserved

ARTICLE II. – Small Wireless Facilities

Sec.105-20. – Permit Required; Application; Batched Submittals.

- A. **Permit Required.** No person shall place a small wireless facility or associated utility pole 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 Wireless Telecommunications Facilities Permit (WTFP) therefor, except as otherwise provided in this Chapter. A Wireless Telecommunications Facilities Permit (WTFP) for a small wireless facility (including associated utility poles for the purpose of installing a small wireless facility) placed in the City’s public right-of-way issued pursuant to this Chapter also shall be deemed to be the authorization and the facility permit referenced in Shreveport City Code Sec. 78-121, and no further authorization or permit shall be required pursuant to Shreveport City Code Sec. 78-121.
- B. **Permit Application.** An application shall be required to be filed for all small wireless facilities involving new facilities (including associated utility poles for the purpose of installing a small wireless facility) and non-Section 6409(a) modifications (i.e. a substantial change). Applications are not required for routine maintenance on small wireless facilities or for a Section 6409(a) Modification (Non-Substantial Change), but notice of a Section 6409(a) Modification (Non-Substantial Change) is required pursuant to Section 105-20.F below. The application is required to ensure all conditions of approval related to concealment or reasonably related to public safety are met. All small wireless facility permit applications for WTFPs 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 Metropolitan Planning Commission (MPC).

- C. **Application Requirements.** The small wireless facility permit application shall be made by the wireless provider or its duly authorized representative and shall contain the following:
1. The applicant's name, address, office telephone number, cellular telephone number, and email address.
 2. The names, addresses, office and cellular telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
 3. The wireless provider's name, address, telephone number, and e-mail address.
 4. A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed. The description shall include the type of equipment, number of antennas, height to top of antenna(s), statement of compliance with FCC requirements, and description and/or depiction of concealment elements.
 5. The applicant may designate portions of its application materials that it reasonably believes contains proprietary or confidential information.
 6. A small wireless facility shall comply with all applicable federal, state and local codes, laws, and regulations. Failure to comply with same shall be grounds for permit revocation following applicable notice and an opportunity to cure.
 7. Site plan with sufficient detail to show the proposed small wireless facility and related equipment, including elevations.
 8. Vicinity map depicting proposed small wireless facility as it relates to adjacent roads and highways.
 9. The latitude and longitude coordinates of the subject small wireless facility included in each application.
 10. Written evidence of approval of the owner of any utility pole, building, structure and/or light pole to which a small wireless facility or any of its associated equipment is proposed to be attached. The application may be accepted without this attached document but shall not be approved without the executed agreement authorizing said approval.
 11. Certificate of Insurance including the City as an additional insured if the small wireless facility is to be installed on property owned by the City or in the City's public right-of-way.
- D. **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 (10) individual Applications, for Wireless Telecommunication Facility Permits (WTFPs) 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 (2) Batched Submittals, for a maximum total of twenty (20) locations or WTFs, shall be submitted by, for or on behalf of a single person or entity in any thirty (30) calendar day period.
 3. The application processing fees and WTFP Permit Fees for Batched Submittals are set forth in the City's Schedule of Fees.
- E. **Information Updates.** Any amendments to information contained in a pending permit application shall be submitted in writing to the City within thirty (30) days after the change necessitating the amendment.
- F. **Section 6409(a) Modification (Non-Substantial Change).** No person may perform a Section 6409(a) Modification (Non-Substantial Change) to a small wireless facility (or associated utility pole 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 MPC 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 MPC. Any such notice must be submitted at least ten (10) days prior to commencement of the proposed work, except that a shorter notice period shall be allowed in event of emergency.

Sec. 105-21 - Fees.

Applicants shall submit, to the Office of the MPC, 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 and are located in the Shreveport UDC Schedule of Fees. The City and Office of the MPC may, at their discretion, utilize a third-party reviewer and shall pay for said services from the application processing fees paid by the applicant.

A. New Facilities – Individual Application.

1. **Application Processing Fee.** All individual applications for WTFPs for small wireless facilities shall be accompanied by the required application processing fee made payable to the Office of the MPC.
2. **Permit Fee.** Upon notification of a decision for approval for the permit, applicants may obtain the permit, from the Office of the MPC, upon payment of the one-time WTFP fee (made payable to the City of Shreveport).

B. Batched Submittals for New Facilities.

1. **Application Processing Fee.** All individual applications contained in a single batched submittal for WTFPs shall be accompanied by the required application processing fee(s) made payable to the Office of the MPC. The first application, in a batched submittal, shall be charged at the same fee for an individual application. The additional individual applications contained in a batched submittal shall then be charged at a reduced rate in accordance with the Schedule of Fees.
2. **Permit Fee.** Upon notification of a decision for approval for each permit, applicants may obtain the permit(s), from the Office of the MPC, upon payment of the WTFP fee(s) for each facility (made payable to the City of Shreveport).

C. Non-Section 6409(a) Modifications (Substantial Change).

1. **Application Processing Fee.** All individual WTFP 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 made payable to the Office of the MPC.
2. **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 MPC.

- D. **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.

Sec. 105-22 - Action on Permit Applications.**A. Review of Applications.**

1. The City shall review the WTFP application for a small wireless facility (including any new, replacement or modified utility pole for the purpose of installing a small wireless facility) in light of its conformity with applicable provisions of this Chapter, and shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:
 - a. Within thirty (30) days of receiving an application, the City must determine and notify the Applicant whether the application is complete; or if an application is incomplete, the City must specifically identify the missing information. If, within thirty (30) days of receiving an application, the City does not notify the applicant that specific information is missing from the application, then the application shall be deemed complete as of the date of its submission;
 - b. Make its final decision to approve or deny the application within sixty (60) days of submission of a complete application; and
 - c. Advise the applicant in writing of its final decision, and in the final decision document the basis for a denial, including specific code provisions on which the denial was based. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days of receipt of the amended application. The subsequent review by the City shall be limited to the deficiencies cited in the original denial.
 2. If an application is complete or deemed complete and the City fails to act on an application within the sixty (60) day review period, the applicant may provide notice that the time period for acting has lapsed and the application shall then be deemed approved.
 3. **Batched Submittals.** 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.
- B. The City may deny a proposed collocation of a small wireless facility or construction of a new, replacement or modified utility pole (for the purpose of installing a small wireless facility) only if the proposed application:
1. Interferes with the safe operation of traffic control equipment.
 2. Interferes with sight lines or clear zones for transportation or pedestrians.
 3. Interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 4. 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.
 5. Fails to comply with applicable federal and State laws, regulations and codes.
 6. Fails to comply with the requirements of this Article.

Sec. 105-23. – Zoning and Land-Use; Waivers; Other Approvals.

- A. **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 (for the purpose of installing a small wireless facility) permitted for placement in the City's public rights-of-way shall be permitted in accordance with this Chapter.

- B. **Waivers.** Any applicant may seek a waiver of the requirements in this Chapter, which may be granted by the City Engineer, upon good cause shown, as determined by the City Engineer. Such waivers shall be granted in a nondiscriminatory manner.
- C. **Other approvals.** The permittee shall obtain all other applicable permits, approvals, and agreements necessary to install and operate the small wireless facility in conformance with federal, state, and local laws, rules, and regulations.

Sec. 105-24. – Concealment.

- A. **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.

Sec. 105-25. – Height and Size; Undergrounding; Utility Poles.

- A. **Height and Size.** Small wireless facilities, and new, replacement, or modified utility poles and wireless support structures for the collocation of small wireless facilities may be placed in the City's public rights-of-way and on other property as a permitted use subject to the following requirements:
 - 1. New small wireless facilities may not extend: (a) more than ten (10) feet above an existing utility pole in place as of the effective date of this Chapter; or (b) for small wireless facilities on a new utility pole, above the height permitted for a new utility pole under this Chapter.
 - 2. Each new, replacement, or modified utility pole shall not exceed the greater of: (a) ten (10) feet in height above the tallest existing utility pole in place as of the effective date of this Chapter located within five hundred (500) feet of the new pole in the same ROW; or (b) Fifty (50) feet above ground level.
 - 3. The small wireless facility must conform to the size and height limitations as defined for a small wireless facility in this Chapter.
- B. **Undergrounding Provisions.** 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 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.
- C. **Utility Poles.**
 - 1. 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 small wireless facilities shall not be installed directly over any water, sewer, or reuse main or service line.
 - 2. Utility pole 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.

Sec. 105.26. – Effect of Permit and Duration.

- A. **Authority Granted; No property Right or Other Interest Created.** A WTFP for a small wireless facility and/or associated utility pole installed for a small wireless facility 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 for a WTFP 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 WTFP will automatically expire at 12:01 am local time exactly ten (10) 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 WTFP automatically will renew at 12:01 local time for an additional ten (10) year period every ten (10) years from the issuance date.

Sec. 105.27. – Construction of Facility; Notice of Final Completion Date.

- A. Construction pursuant to a permit under this Chapter must commence no later than twelve (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. Permittee shall notify the City in writing of the final completion date of the facility and said notification shall be received by the City no later than thirty (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 WTFP permit.

Sec. 105.28. – Removal, Relocation or Modification of Small Wireless Facility.

- A. **Notice.** Within ninety (90) days following written notice from the City, wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities whenever the City has determined that such removal, relocation, 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 does 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 ninety (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.

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 fifty dollars (\$50) 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 thirty (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 sixty (60) days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within sixty (60) days of written acceptance of the good faith estimate by the wireless provider.

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 One Million U.S. Dollars (\$1,000,000.00) per occurrence (combined single limit), including bodily injury and property damage, and Two Million U.S. Dollars (\$2,000,000.00) annual aggregate, and Two Million U.S. Dollars (\$2,000,000.00) for each personal injury liability; and
 2. Statutory workers' compensation and employer's liability insurance of One Million U.S. Dollars (\$1,000,000.00) 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 thirty (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 million 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.

Secs. 105-31. – 105.49. Reserved

ARTICLE III. – Reserved