

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL ENACTING SECTION 12.61 AND AMENDING SECTION 3.11 OF THE SOUTH SALT LAKE MUNICIPAL CODE TO ENACT STANDARDS REGARDING THE SITING OF WIRELESS FACILITIES, AND WIRELESS SUPPORT STRUCTURES WITHIN CITY OWNED RIGHTS-OF-WAY, TO CONFORM THE SOUTH SALT LAKE CITY CODE WITH RECENT MANDATES IN STATE LAW AND TO ADJUST THE CONSOLIDATED FEE SCHEDULE TO ADDRESS NEW FEES RELATING TO WIRELESS FACILITIES.

WHEREAS, the South Salt Lake City Council (the “City Council”) is authorized by law to enact ordinances for the health safety and welfare of City of South Salt Lake (the “City”);

WHEREAS, the City Council is authorized by law to enact, amend and repeal ordinances establishing regulations for land use for the City; and

WHEREAS, City staff has drafted new standards for siting Wireless Communications Facilities within the City Right of Way creating Section 12.61 and modifying Section 3.11 of the South Salt Lake City Municipal Code to enhance clarity and transparency in the land use and development process; and

WHEREAS, the Planning Commission held a legally notified public hearing on April 7, 2022, to consider amendments to sections of the City’s municipal code; and

WHEREAS, the Planning Commission found that the proposed Code language was consistent with State Code and provided clear and predictable standards for regulating wireless facilities within the City’s Rights of Way and forwarded a recommendation of approval to the City Council; and

WHEREAS, the City Council finds that the recommended language and amendment, will enhance the clarity on the land use development process;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION I. Enactment. Section 12.61 of the South Salt Lake City Code is hereby enacted and Section 3.11 is hereby amended as shown in “Exhibit A.”

SECTION II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION IV. Effective Date. This ordinance shall become effective upon Mayor’s signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(Signatures appear on separate page)

DATED this _____ day of _____ 2022.

BY THE CITY COUNCIL:

Sharla Bynum, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Bynum	_____
Huff	_____
Mila	_____
Pinkney	_____
Siwik	_____
Thomas	_____
Williams	_____

Transmitted to the Mayor's office on this _____ day of _____ 2022.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2022.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

New ordinance proposal

12.61.010 Declaration of Finding and Intent, Purpose and Goals -- Scope, Applicability, and Regulations

1. Findings Regarding Rights-of-Way. The City finds that public rights-of-way within the City:
 - a. are critical to the travel and transport of persons and property in the business and social life of the City;
 - b. are intended for public uses and must be managed and controlled consistent with that intent;
 - c. can be partially occupied by the facilities of Wireless Service providers, for the enhancement of the health, welfare, and general economic wellbeing of the City and its residents; and
 - d. are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation, and maintenance in the rights-of-way.
2. Finding Regarding Compensation. The City finds that the right to occupy portions of the public rights-of-way for limited times for the business of providing Wireless Services is a valuable use of a unique public resource that has been acquired and is maintained at great expense to the City and its taxpayers, and, therefore, the taxpayers of the City should receive fair and reasonable compensation for use of the rights-of-way, subject to state law.
3. Finding Regarding Local Concern. The City finds that while Wireless Facilities are in part an extension of interstate commerce, their operations also involve public rights-of-way, municipal zoning, and vital business and community service, which are of local concern. The City also finds that it has the right to determine what persons and entities are granted permission to use City rights-of-way, and to determine the terms and conditions of such use.
4. Finding Regarding Promotion of Wireless Services. The City finds that it is in the best interests of its taxpayers and residents to promote the development of Wireless Services, on a nondiscriminatory basis, responsive to community and public interest, and to ensure availability for municipal, educational, and community services.
5. Findings Regarding Minimization of Impacts. The City finds that towers and other supporting Structures present aesthetic and land use concerns that should be dealt with by protecting residential, commercial, and agricultural uses, encouraging collocation whenever possible, and minimizing the number of Structures in a manner that does not discourage market access or competition.
6. Findings Regarding License Agreement Standards. The City finds entering a License Agreement with Providers:
 - a. fairly and reasonably compensates the City on a competitively neutral and nondiscriminatory basis as provided herein subject to Utah state law;
 - b. encourages competition by establishing terms and conditions under which providers may use valuable public property to serve the public;

- c. fully protects the public interests and the City from any harm that may flow from such commercial use of its public rights-of-way;
 - d. protects the police powers and proprietary authority of the City with respect to its rights-of-way, in a manner consistent with federal and state law;
 - e. otherwise protects the public interests in the development and use of the City infrastructure; and
 - f. protects the public's investment in improvements in the public rights-of-way.
7. The purpose of this Chapter is to establish requirements for the siting and use of Wireless Facilities in City-owned rights-of-way in a manner that facilitates the delivery of Wireless Services within the City, while minimizing associated adverse impacts. The goals of this Chapter are to:
 - a. provide for the managed development and installation, maintenance, modification, and removal of Wireless Services infrastructure in the City with the fewest number of Wireless Facilities and Structures to provide adequate wireless communications coverage, without unreasonably discriminating against Providers of functionally equivalent services including those who install, maintain, and operate Wireless Facilities;
 - b. promote and protect the public health, safety, and welfare, and specifically, protecting aesthetic values, by reducing the visibility of Wireless Facilities and Structures to the fullest extent possible through techniques including, but not limited to, camouflage or concealment, and design techniques, and undergrounding of Wireless Facilities and the equipment associated therewith where reasonably possible;
 - c. encourage the deployment of smaller, less intrusive Wireless Facilities to supplement existing telecommunications facilities where possible;
 - d. encourage the location of Structures in non-residential areas, in a manner that minimizes the total number of Structures needed throughout the community;
 - e. encourage owners and users of antennas and Structures to locate them, to the extent possible, in areas where the adverse impact on the community is minimized;
 - f. enhance the ability of Providers to provide such Wireless Services to the community quickly, effectively, and efficiently; and
 - g. effectively manage Wireless Facilities in the public right-of-way.
8. This Chapter provides the basic local scheme for providers of Wireless Services and systems that require the use of City-owned rights-of-way, including providers of both the system and service, and those providers of the system only.
9. The requirements set forth in this Chapter apply to all Wireless Facilities and Structures located within City-owned right-of-way, and to all applications to locate or modify Wireless Facilities and Structures within City-owned right-of-way.
10. This Chapter shall apply to all future Providers and to all Providers in the City prior to the effective date hereof, whether operating with or without a site license agreement.
11. This chapter does not apply to video systems, wireline services, or macro wireless facilities.
12. In addition to the requirement set forth in this chapter, the City may adopt rules and regulations that the City deems necessary to accomplish the purpose of this chapter. The City shall make any applicable rules and regulations publicly available.

12.61.020 Definitions

For purposes of this chapter, all terms, phrases, words, and their derivatives shall have the meaning set forth in this section and as defined in Utah Code Ann. §54-21-101 et seq. as amended, or its successor provisions. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

1. **City-owned Pole** means a light pole, utility pole, or similar Structure that is owned by the City.
2. **Collocate** means to install, mount, maintain, modify, operate, or replace a Wireless Facility on a Wireless Support Structure or Utility Pole, or, for ground-mounted equipment, adjacent to a Wireless Support Structure or Utility Pole or City-owned Pole.
3. **Decorative Pole** means a City-owned Utility Pole that is specially designed for an aesthetic purpose.
4. **Discretionary Right-of-way or Discretionary ROW** means any ROW that is adjacent to single-family residential lots, other multifamily residents, or undeveloped land that is designated for residential use by zoning or deed restrictions, and is adjacent to a street or thoroughfare that is 60 feet wide or less.
5. **Discretionary Use** means:
 - (i) the Collocation of a Large Wireless Facility in any ROW;
 - (ii) the installation of a Wireless Support Structure in any ROW;
 - (iii) the installation of a new Utility Pole in a Discretionary ROW, or
 - (iv) any use that is not a Permitted Use.
6. **Large Wireless Facility** means any Wireless Facility that does not qualify as a Small Wireless Facility or a Micro Wireless Facility.
7. **License Agreement** means an agreement between a Provider and the City that sets forth the general terms and conditions pursuant to which the Provider may install and operate Wireless Facilities in City-owned ROW.
8. **Micro Wireless Facility** means a type of Small Wireless Facility that only provides Wi-Fi service, that does not have an exterior antenna longer than 11 inches, and that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, not including the exterior antenna.
9. **Permitted Right-of-way or Permitted ROW** means any ROW that is not a Discretionary ROW.
10. **Permitted Use** means:
 - (i) the Collocation of a Small Wireless Facility in any ROW, or
 - (ii) the installation of a new Utility Pole in Permitted ROW.
11. **Provider** means a person that provides Wireless Services to customers or a person that builds or installs Wireless Facilities.
12. **Right-of-Way (“ROW”)** means the surface of and the space above and below any public street, road, sidewalk, alley, or other way of any type whatsoever dedicated to public pedestrian or vehicular use, now or hereafter existing as such within the City. ROW does not include federal interstate highways or fixed guideways for public transit.
13. **Site License** means a license, approved pursuant to this Chapter, that authorizes a Provider to install and operate Wireless Facilities in a ROW, subject to the terms of this Chapter and a License Agreement.
14. **Small Wireless Facility** means a type of Wireless Facility:

- a. on which each wireless Provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and
 - b. for which all wireless equipment associated with the Wireless Facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any:
 - i. electric meter,
 - ii. concealment element,
 - iii. telecommunications demarcation box,
 - iv. grounding equipment,
 - v. power transfer switch,
 - vi. cut-off switch,
 - vii. vertical cable run for the connection of power or other service,
 - viii. wireless Provider antenna, or cable that is immediately adjacent to or directly associated with a particular Collocation, unless the cable is a wireline backhaul facility in which case the cable should be included in calculating the total volume of the associated equipment.
- 15. (a) Utility Pole** means a pole or similar structure that is in a right-of-way and is or may be used for: wireline communications, electric distribution, lighting, traffic control, signage, or the Collocation of a Small Wireless Facility.
- (b)** Utility Pole does not include a Wireless Support Structure, a structure that supports electric transmission lines, or City-owned poles.
- 16. (a) Wireless Facility** means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or backup power supply, or comparable equipment.
- (b)** Wireless Facility does not include the structure or an improvement on, under, or within which the equipment is Collocated, or a coaxial or fiber-optic cable that is (i) between Wireless Support Structures or Utility Poles, (ii) not immediately adjacent to or directly associated with a particular antenna, or a (iii) wireline backhaul facility.
- 17. Wireless Service** means any service using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public using a Wireless Facility. Wireless Service includes the use of Wi-Fi.
- 18. (a) Wireless Support Structure** means an existing or proposed structure that is:
- (i)** in a Right-of-Way; and
 - (ii)** designed to support or capable of supporting a Wireless Facility, including a monopole, tower, billboard, or building.
- (b)** Wireless Support Structure does not include a structure designed solely for the Collocation of a Small Wireless Facility, Utility Poles, or electric power poles owned by the City or by an interlocal entity.

12.61.030 License Applications and Other Requirements for Use of the Right-of-Way

1. Before a Provider may construct or install a Wireless Facility or Structure in the ROW, the Provider shall obtain a Site License from the City as described in this Chapter, except to the extent this requirement is preempted by federal or state law.

2. The City shall create an application for a Site License, which shall include a copy of the City's standard License Agreement.
3. The application must, at a minimum, include the following information:
 - (A) The type of Site License sought, e.g., Collocation of Small Wireless Facility, Collocation of Large Wireless Facility, installation of new Utility Pole, or installation of new Wireless Support Structure. If the Site License is for a Collocation, the application must designate the type of Utility Pole or Wireless Support Structure on which the Wireless Facility will be mounted, e.g., existing Utility Pole or Wireless Support Structure, an existing City-owned Pole, etc.
 - (B) The location of the proposed Wireless Facility, Utility Pole, or Wireless Support Structure, including the designation of the proposed ROW as Permitted or Discretionary.
 - (C) A scaled site plan, rendering or photo simulation, scaled elevation view and other supporting drawings and calculations, showing the location and dimension of all improvements. The submittal must include sufficient information to determine compliance with the standards and requirements of this Chapter, specifically including information concerning Utility Pole or Wireless Support Structure height and location within the ROW, compliance with the City's intersection and driveway sight distance standards, and compliance with the Americans with Disabilities Act.
 - (D) If applicable, an industry-standard pole load analysis indicating that the Utility Pole or Wireless Support Structure on which the Wireless Facility will be mounted will safely support the load.
4. A Provider shall indicate on the application whether the Provider believes the application to be for Discretionary Use or Permitted Use.
5. If a Provider desires to be exempt from the Site License Fee, the Provider must submit evidence that the Provider is subject to the Municipal Telecommunications License Tax pursuant to Utah Code Ann. § 10-1-401 et seq.
6. An applicant for a Site License shall submit to the Community Development Department a complete application and, if the applicant does not already have a previously executed License Agreement with the City, a signed License Agreement.
7. The City may require an applicant to submit additional information for any application for a Site License for a Discretionary Use before considering the Application complete.
8. The City shall process applications as described in Section 12.61.060. and 12.61.060
9. The City will not issue any Site Licenses to a Provider until the Provider and the City have executed a License Agreement, as described in Section 12.61.050.
10. The grant of a Site License to a Provider does not excuse the Provider from obtaining:
 - (i) any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City;
 - (ii) any other permit, agreement or authorization required in connection with the use of property or facilities owned by third parties; or
 - (iii) any other permit or authorization required in connection with excavating or performing other work in or along the ROW.

11. Before offering or providing any services pursuant to the License Agreement, a Provider shall obtain any and all regulatory approvals, permits, authorizations or licenses for the offering or provision of such services from the appropriate federal, state and local authorities, if required, and shall submit to the City upon the written request of the City evidence of all such approvals, permits, authorizations or licenses.
12. Consolidated Applications.
 - a. A Provider may submit to the City Community Development Department a consolidated application for Site Licenses to collocate up to 25 Wireless Facilities, so long as the Wireless Facilities are of substantially the same type and proposed for Collocation on substantially the same types of structures.
 - b. A Provider may submit a consolidated application for site license to cover the installation, modification, or replacement of up to 25 Utility Poles or Wireless Support Structures.
 - c. In any 30-day period, a Provider may not file more than (i) one consolidated application, or (ii) multiple applications that collectively seek Site Licenses for a combined total of more than 25 Wireless Facilities and Structures.

12.61.040 Nature of License

1. A Site License granted under this Chapter does not convey legal title or equitable title in the ROW.
2. A Site License is only the right to occupy the ROW on a nonexclusive basis for the limited purposes and for the limited period stated in the license.
3. The right described in Paragraph 2 may not be subdivided, assigned, or subleased except as may be expressly provided in a License Agreement.
4. A Provider's use of the ROW pursuant to a Site License shall be subject to the prior and continuing right of the City to use any and all parts of the ROW exclusively or concurrently with any other person or entity, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect the ROW.

12.61.050 License Agreements

1. The City is authorized to issue nonexclusive licenses governing the installation, construction, operation, use, and maintenance of Wireless Facilities, Utility Poles, or Wireless Support Structures in the ROW, in accordance with the provisions of this Chapter. Any such licenses will be granted through an executed License Agreement entered into between the City and Provider, and subsequent Site Licenses that apply and extend the terms of the License Agreement to specific locations in the ROW.
2. License Agreements shall include exhibits detailing the locations and technical specifications of Wireless Facilities, Utility Poles, and Wireless Support Structures.
3. Non-Discrimination: The City shall enter into License Agreements with Providers on a non-discriminatory basis. Notwithstanding the foregoing, the City may negotiate additional or different terms with different Providers, in the exercise of the City's reasonable discretion and pursuant to the City's reserved police powers and the City's rights in the ROW.

4. Term: License Agreements will be for a term of ten (10) years. Individual Site Licenses will be for a term of ten (10) years and will be subject to all the terms and conditions of the License Agreement, as such License Agreement may be renewed and amended from time to time.
5. Compensation: The License Agreement will require the Provider to pay fair and reasonable compensation to the City for (i) the administrative expenses associated with entry into the License Agreement and individual Site Licenses, (ii) the Provider's use of ROW, including the City's expenses associated with maintenance and management of the Provider's use of ROW, and (iii) other applicable fees.
 - a. Application Fee: In order to offset the cost to the City to review applications, Providers shall pay a non-refundable Application Fee, as applicable to the type of application, in an amount established in the Consolidated Fee Schedule. The Application Fee must be paid at the time the application is submitted to the City.
 - b. Site License Fee: In order to offset the cost to the City of inspecting and managing licensed Wireless Facilities, and to compensate the City for the use of the ROW, the License Agreement will require Providers to pay an annual fee for each Site License, as established in the Consolidated Fee Schedule.
 - c. Other Fees: Providers must also pay all other applicable fees established in the City Code, specifically including but not limited to fees for building permits, right-of-way permits, and business licensing.
6. Insurance, Indemnity, and Security: Prior to the execution of a License Agreement, a Provider shall:
 - a. deposit with the City an irrevocable, unconditional letter of credit, cash security, or bond as required by the terms of the License Agreement;
 - b. obtain and provide proof of the insurance coverage required by the License Agreement; and
 - c. indemnify the City as set forth in the License Agreement.
7. A Provider desiring to remove, replace, or otherwise modify an existing Wireless Facility in the public way shall first enter into an amendment to the Provider's License Agreement with the City such that exhibits reflect the removal, replacement, or modification of the Wireless Facility.

12.61.060. Processing Applications.

1 (a) Within 30 days of the day on which when an application is submitted to the City, the City shall determine whether the application is complete, and shall notify the Provider of that determination in writing.

(b) If the City determines that an application is incomplete, the City shall specifically identify the missing information in the written notification to the Applicant and the rule or regulation creating the obligation to submit the information.

(c) The processing deadline will be tolled from the date when the City sends the written notification until the date when the Provider submits the missing information.

(d) If the Provider does not submit the missing information within 90 days after the date of the written notification, the application will expire.

2. The City shall approve or deny applications in accordance with the following deadlines:

(a) Applications for the Collocation of Small Wireless Facilities shall be approved or denied within 60 days after the day when the City receives a complete application.

(b) The City may extend the deadline described in Paragraph (2)(a) by a single additional period of 10 days by sending the applicant written notice of the extension before the applicable deadline.

(c) Applications for new, modified, or replacement Utility Poles shall be approved or denied within 105 days after the day when the City receives a complete application. The City may extend this deadline by a single additional period of 10 days by sending the applicant written notice of the extension before the applicable deadline.

3. (a) If the City denies an application, the City shall provide the applicant with a written decision that documents the basis for the denial, and shall send that decision to the applicant on the next business day that the City denies the application.

(b) If the City denies an application for one or more Utility Poles, or one or more Small Wireless Facilities in a consolidated application, the City shall not use that denial as a basis to delay the application process for any other Utility Pole or Small Wireless Facility in the same consolidated application.

4. (a) Within 30 days after the day on which the City denies an application, the applicant may cure the deficiencies noted in the denial and resubmit the application without paying an application fee.

(b) The City shall approve or deny the resubmitted application within 30 days of receipt and shall limit its review to the deficiencies noted in the original denial unless the applicant has changed another portion of the application.

12.61.070 License Application Approval or Denial

1. The Community Development Director, in consultation with the City Engineer, has authority to approve an application for a Site License according to the timelines established in Section 12.61.060.

2(a) The Community Development Director may deny an application for a Permitted Use that does not comply with the requirements of this Chapter, specifically including but not limited to Standards Applicable to Wireless Facilities in Rights-of-way and any design standards that were promulgated pursuant to this chapter and publicly available on the day the application was submitted.

(b) A denial under this Paragraph (2) shall be made in writing and shall enumerate the ways in which the application failed to comply with this Chapter.

3. As established by state law, the Community Development Director may deny an application if the application seeks to place a new Utility Pole in a ROW if the ROW is adjacent to a street or thoroughfare that is:

(a) not more than 60 feet wide; and

(b) adjacent to single-family residential lots, multifamily residences, or undeveloped land that is designated for residential use by zoning or deed restrictions.

4. If the Community Development Director denies an application for a Site License pursuant to Paragraph (3), the Community Development Director shall do so on a nondiscriminatory basis and provide a written denial of the application, including the rationale for the denial.

5. Upon approval of an application, the City shall issue a Site License to the Provider and inform the Provider if any other City permits are required before the Provider may proceed with construction and installation.

6. (a) An approved Site License will expire 270 days after approval if the licensed Small Wireless Facility or Utility Pole is not installed and operational.

(b) The deadline described in Paragraph (6)(a) will be tolled for any period of time during which the lack of commercial power or communications facilities delays completion, if the Applicant keeps the City reasonably apprised of the reasons for delay.

12.61.080 Standards Applicable to Wireless Facilities in Rights-of-Way

The following standards, requirements, and prohibitions apply to all Wireless Facilities licensed pursuant to this Chapter.

1. Height. The maximum height of new or modified Utility Pole or Wireless Support Structure, including the antenna and any part of the mounted Small Wireless Facility, is 50 feet above ground level at the point of installation. The antenna of a Wireless Facility may not extend more than 10 feet above the top of an existing Utility Pole or Wireless Support Structure. All equipment mounted on new or existing Utility Poles or Wireless Support Structures must be mounted at least 8 feet above ground level.
2. Placement. Wireless Facilities and new Utility Pole or Wireless Support Structures must be placed in locations that will not:
 - (i) obstruct or hinder the usual travel or public safety on the ROW;
 - (ii) create a public health or safety hazard;
 - (iii) obstruct, damage, or interfere with another utility facility in the ROW, or the use of such other utility facilities;
 - (iv) materially interfere with the safe operation of traffic control equipment;
 - (v) materially interfere with a sight line or a clear zone for transportation or pedestrians;
 - (vi) materially interfere with compliance with the Americans with Disabilities Act; or
 - (vii) violate applicable laws or legal obligations.

3. Design Requirements. (a) The design of Wireless Facilities and new Utility Poles or Wireless Support Structures must comply with all design standards adopted by the City, and be architecturally integrated with existing buildings, structures and landscaping, including considerations of height, color, style, massing, placement, design and shape, such that they do not stand out when viewed with the naked eye.
 - (b) For all applications:
 1. exposed cabling will not be permitted;
 2. horizontal protrusions from the Utility Pole or Wireless Support Structure may not exceed 2 feet;
 3. new Utility Pole or Wireless Support Structure must be of monopole design;
 4. lattice Utility Poles or Wireless Support Structures will not be permitted; and
 5. wooden Utility Poles or Wireless Support Structures will not be permitted.
 - (c) The City may promulgate more additional design standards for Wireless Facilities and Utility Poles or Wireless Support Structures that comply with this chapter and shall make them publicly available.
4. Additional Design Requirements in Historic Zone. In order to maintain the historic character of the Zone, all Wireless Facilities and new Utility Poles or Wireless Support Structures in the Zone must employ screening, concealment, camouflage, or other techniques to minimize visual impacts.
5. Electrical Service. (a) Except as provided in Subsection (5)(b), Providers will be solely responsible for establishing electrical power services for their Wireless Facilities and for the payment of all electrical utility charges to the applicable electric service provider based upon applicable tariffs.
 - (b) If a Provider collocates on a City-owned pole, the Provider shall ensure it has a separate service and meter for electrical service. Otherwise, the City shall establish an equitable method of determining the Provider's share of payment for applicable electrical utility charges, including but not limited to installing a separate power meter.
6. Undergrounding of Lines. All communication and electrical power lines serving Wireless Facilities must be located underground, unless the Wireless Facility is Collocated on an existing Utility Pole or Wireless Support Structure that already features above-ground lines, and the owner of the existing Utility Pole or Wireless Support Structure agrees to provide communication or power service to the Wireless Facility through those existing lines. The City may require that the new electrical power line be overlashed on the existing electrical power line.
7. Compliance with Law. All Wireless Facilities must comply with all applicable federal, state, and local building codes and safety codes and regulations.
8. Additional Requirements: Wireless Facilities will be subject to any additional requirements set forth in the applicable License Agreement and Site License.
9. Decorative Poles. New or replacement Utility Poles must be designed to reasonably conform to the design aesthetic of Decorative Poles in the vicinity, if any.

12.61.090 Modifications of Wireless Facilities

1. A Provider may not alter, modify, or enlarge a licensed Small Wireless Facility or Utility Pole without prior written consent from the City. To obtain such consent, the Provider must submit an application in accordance with Section **12.61.050**.
2. Applications for modifications to Wireless Facilities and Utility Poles or Wireless Support Structures will be subject to the same standards, requirements, and processing deadlines as applications for Collocations.
3. Notwithstanding the foregoing, a Provider is not required to submit an application or obtain consent from the City for the following activities:
 - (a) routine maintenance on a Small Wireless Facility or Utility Pole,
 - (b) replacement of a Small Wireless Facility with a Small Wireless Facility that is substantially similar or smaller in size, and
 - (c) the installation, placement, maintenance, operation, or replacement of a Micro Wireless Facility that is strung on a cable between existing Utility Poles in compliance with the National Electrical Safety Code.
4. A Provider shall provide the City with 30-day advance notice of any such activity described in Paragraph 3.
5. A Provider must apply for a building permit or ROW permit in accordance with City Code for any work that requires excavation or the closure of sidewalks or vehicular lanes. The requirement to obtain a permit applies even for work that is exempted from the application process pursuant to Subsection C, above.
6. Any approved modifications will be documented in a new or amended Site License.

12.61.100 Lighting

(1) Except as provided in Subsection (2), only lighting as is necessary to satisfy FAA requirements is permitted on a Utility Pole or Wireless Support Structure. White strobe lighting will not be allowed, unless specifically required by the FAA. Security lighting for the equipment shelters or cabinets and other on the ground ancillary equipment is permitted, as long as it is appropriately down shielded to keep light within the boundaries of the site and utilizes a below-grade junction box.

(2) Nothing in this section prohibits the collocation of a wireless facility on an existing light pole.

12.61.110 Maintenance

1. Provider shall maintain:
 - a. all parts of its wireless communication system in a non-dangerous condition, as determined by the City; and

- b. its system in accordance with standard prudent engineering practices and shall conform with all applicable codes and all applicable standards.
2. The City is not responsible for any impact that one wireless communication system has on another wireless communication system, regardless of whether the City has approved one wireless communication system for collocating with another wireless communication system.

12.61.120 Enforcement and Remedies

1. The City is responsible for enforcing and administering this chapter, and the Mayor or the Mayor's designee, is authorized to give any notice required by law or under any wireless site license agreement.
2. In the event that an individual or entity violates this chapter, the City will notify the violating party of the violation and provide 30 days for the party to cure the violation.
3. If the violation is not cured within 30 days, the City may:
 1. fine the violating party \$500 per day until the violation is cured; and
 2. terminate or suspend any franchises, permits, or licenses held by the violating party.
4. If the violation is not cured within 180 days of the City's notice, the City may remove and impound the grantee's equipment until the violation has been cured.
5. The violating entity may appeal the City's notice of violation within 10 days of the date of the notice of violation in accordance with section **12.61.130**.

12.61.130 Appeal of Decisions

1. A party may appeal a denial of an application to the administrative law judge. A complete notice of appeal shall be filed within ten (10) business days of the decision which is appealed, including the following information:
 - (A) the name, address and telephone number of the applicant and the applicant's agent, if any;
 - (B) the decision appealed;
 - (C) grounds for the appeal; and
 - (D) a description of the action claimed by the applicant to be incorrect.
2. The hearing will be conducted pursuant to and subject to the processes and standards set forth in Chapter 2.22.

3.11.040 Building, Planning, and Zoning.

- A. Building Permits and Fees. Total Building Permit Fees (Building Fee + Plan Check Fee + State Surcharge Fee) are calculated based upon the most current International Code Council Building Valuation Data (ICCBVD), updated semi-annually. The Building Permit Fee is the sum of the applicable Building Fee (B), Plan Check Fee (P) and State Surcharge Fee (Y). The Building Fee (B), is calculated by multiplying the Gross ICCBVD Valuation (GIV) by the local multiplier (μ). The Plan Check Fee (P) is calculated by multiplying the Building Fee (B) by .65. The State Surcharge Fee (Y) is calculated by multiplying the Building Fee (B) by .01.

Building Permit Fee = B + P + Y

$B = \mu \times \text{GIV}$

$P = B \times .65$

$Y = B \times .01$

$\text{GIV} = \Sigma [(\text{gross square footage of each ICCBVD building valuation type})(\text{ICCBVD value for that building valuation type}) + (\text{gross square footage of that ICCBVD building valuation type})(\text{ICCBVD value of that building valuation type}) + \dots (\text{same calculation for gross square footage of each separate building valuation type})]$

Building Fees and Plan Check Fees entitle the applicant to an initial review and two subsequent reviews without additional charge. Plan Check Fees are due at time of building permit application. Building Fees and State Surcharge Fee are due prior to issuance of permit. All fees are non-refundable.

Certain routine or simple projects are eligible for an over-counter flat fee, in lieu of a calculated fee, as detailed in the chart below.

Other fees:

Consultant fees (expedited, complicated, or unusual structures or projects)	City's actual cost
Additional hourly fees (beyond three reviews)	\$56.00/hour
Inspection re-fee	\$56.00
Commencing construction prior to issuance of permit	additional 100% of Building Fee

Over the Counter Flat Fees:

Demolition permit (per building)	
Commercial demolition	\$60.00
Two-family or more	\$60.00
Single family/accessory building	\$30.00
Interior demo (plans and inspection required)	\$20.00
Sign permits (not including electrical work, if needed)	
Building mounted	\$100.00
Freestanding (ground, pole, monument, etc.)	\$200.00
Billboard (off-premises sign)	\$500.00
Other fees	
3 rd and subsequent business license inspection	\$50.00/appointment
Certificate of Occupancy inspection	\$300.00/occurrence

B. Impact Fees. Impact fees are applicable if construction attributable to new growth is taking place within the specific fee's service area.

Culinary water impact fee	
¾" meter	\$733.00
1" meter	\$1,557.00
1.5" meter	\$5,690.00
2" meter	\$7,611.00
3" meter	\$16,664.00
4" meter	\$28,558.00
6" meter	\$46,676.00
Other meter connection	\$733.00/ERC, determined by director

Sanitary sewer impact fee (meter size)	City multiplier	Impact fee
¾" meter	1.00	\$1,063.00
1" meter	2.12	\$2,259.00
1.5" meter	7.76	\$8,252.00
2" meter	10.38	\$11,038.00
3" meter	22.73	\$24,167.00
4" meter	38.96	\$41,417.00
6" meter	63.68	\$67,694.00

Parks impact fee	Fee per household
Single-family	\$1,677.00
Multi-Family	\$1,608.00

C. Fire Marshal Inspections.

Automatic sprinkler systems	
Up to 8,000 square feet	\$150.00
Over 8,000 square feet	\$300.00
Third and any subsequent submittal	40% of prior fee
Clean agent systems/hood systems/paint booths	\$200.00
Fire alarm systems	
Up to 5,000 square feet	\$120.00
Over 5,000 square feet	\$300.00
Tent and membrane structures	
Up to 700 square feet	\$120.00
Over 700 square feet	\$120.00 + (\$0.02/additional square feet)
State licensed healthcare	
Day care facility (6 or less children)	\$29.00
Day care facility (7 or more children)	\$58.00
Group homes, offices	\$58.00
Counseling services/group therapy	\$58.00
Nursing home facility	\$116.00
Greater than 10,000 square feet	Additional \$300.00
Fuel tanks	
1–2 tanks installed/removed	\$250.00/site
Additional tanks (3+)	\$200.00/tank
Re-inspection fee	\$100.00

D. Planning and Zoning Fees.

Allowed Use Applications	\$150.00
Conditional Use Applications	\$600.00 + \$10.00/unit
Subdivision and Platting	
Predevelopment review	\$50.00
Plat	\$1000.00 + \$20.00/lot
Recording fees	At City's cost
Vacating, altering, or amending a subdivision plat	\$1000.00
Development Review	\$500.00

Concept review	\$50.00
Design review—Planning Commission	\$500.00
Historic and Landmark Commission review	\$400.00
Design review—Design review committee	\$400.00
Other	
Zoning/Ordinance change request	\$1000.00
Variance	\$300.00
Non-conforming use determinations	\$500.00
General plan amendment	\$1000.00
Consultant fees (expedited, complicated, or unusual projects)	City's actual cost
Documents	
Zoning map	\$10.00
General plan	\$20.00

E. Small Wireless Facilities and Associated Fees.

<u>Application Fee for Collocating a Small Wireless Facility on an Existing or Replacement Utility Pole or Wireless Support Structure</u>	<u>\$100.00 per wireless facility</u>
<u>Application Fee for Installing a New Utility Pole</u>	<u>\$250.00 per pole</u>
<u>Application Fee for Discretionary Use Utility Pole</u>	<u>\$1000.00</u>
<u>Site License Fee</u>	<u>The greater of 3.5% of all gross revenue related to the Provider's use of the ROW or \$250 per year*</u>
<u>Site License Fee For Collocation on a City-owned Pole</u>	<u>\$50 per year</u>

*** No Site License Fee will be charged to a Provider that is also subject to the Municipal Telecommunications License Tax, pursuant to Utah Code Ann. 10-1-401 et seq.**