

**City of Arlington, Texas**  
**Wireless Services (Small Cells) Design Manual**  
**Amendment - 2**

**I.**  
**Purpose**

**1.1. Purpose.**

- A. The City of Arlington (City) encourages the deployment of state-of-the-art small cell wireless technology within the City for the many benefits it promises the citizens of Arlington, including increased connectivity and reliable networks and services.
- B. The City recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public.
- C. As expressly allowed by Chapter 284 of the Texas Local Government Code and pursuant to its police power authority reserved in Section 284.301, the City adopts this *Wireless Services Design Manual* (Design Manual) to meet its fiduciary duty to the citizens of the City; protect the health, safety and welfare of the public by minimizing and reducing impacts to public safety within the City's Right-of-Way; and to give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe, and aesthetically pleasing installation of technologically competitive equipment.
- D. The Federal Communications Commission, by Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84, released on September 27, 2018, *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Development* (FCC Order), adopted new rules affecting the City's review of wireless facility siting applications, located at 47 C.F.R. §§ 1.6001-1.6003. The FCC's Order recognizes the appropriateness of the imposition of municipalities of aesthetic standards on small wireless facilities that are reasonable, no more burdensome than those applied to other types of infrastructure deployments, and published in advance. This Design Manual meets the guidelines stated by the FCC, and is for the purpose of furthering the public health, safety, and welfare of the citizens of the City of Arlington by establishing aesthetic standards for the installation of facilities in the public rights-of-way that are reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments in the public rights-of-way. All of the provisions herein, whether specifically stated or not, are for the furtherance of this public purpose.
- E. Due to the increasing number of facilities in the City's Right-of-Way, the City has adopted the "Right-of-Way Management" Chapter which is applicable to all public service providers including Wireless Service Providers or Network Providers

(collectively, “Providers”) as defined by Chapter 284 of the Texas Local Government Code.

- F. In addition, the City has adopted this *Wireless Services Design Manual* to provide technical criteria and details necessary for Providers seeking to install and construct Network Nodes and Node Support Poles in the City’s Right-of-Way.
- G. Providers shall adhere to the requirements found in the “Right-of-Way Management” Chapter, Public Right-of-Way Permitting and Construction Manual and this *Wireless Services Design Manual* for the placement of their facilities within the City’s Right-of-Way.
- H. To the extent of any conflict with the Public Right-of-Way Permitting and Construction Manual, this *Wireless Services Design Manual* shall control with regard to a Provider.
- I. This *Design Manual* is for siting and criteria for the installation of Wireless Facilities, including Micro Network Nodes, Network Nodes, Node Support Poles, and related ground equipment being installed pursuant to Chapter 284 of the Texas Local Government Code. This Design Manual shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Network Nodes, Node Support Poles, Micro Network Nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.
- J. The provisions of this Design Manual are adopted to further the public health, safety, and welfare of the citizens of the City of Arlington by establishing aesthetic standards for the installation of facilities in the public right-of-way that are reasonable, are technically feasible, and are reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments. The provisions of this Design Manual are further adopted in order to avoid congestion of the right-of-way caused by multiple pole installations, minimize the hazard of poles adjacent to roadways, minimize the effect on property values, and protect, maintain, and promote the appearance of natural surroundings in public parks and certain residential areas and in areas designated as underground areas.

## **II. Definitions**

For purposes of this *Wireless Services Design Manual* the following terms shall have the same meanings herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular include the plural. The word "shall" is always mandatory and not merely permissive.

**“Abandon”** and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, Network Nodes and Node Support Poles, or portion thereof) that have been left by a Network Provider in an unused or non-functioning condition for more than one hundred twenty (120) consecutive days unless, after notice to a Network Provider, a Network Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

**“ADA”** means the Americans with Disabilities Act as codified at 42 U.S.C. 12101 et seq.

**“Applicable codes”** means:

- A. uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- B. local amendments to those codes to the extent not inconsistent with Chapter 284.

**“City”** means the City of Arlington, Texas, and the City’s officers and employees.

**“City Manager”** means City Manager of the City or their designee.

**“Collocate” and “collocation”** means:

- A. the installation, mounting, maintenance, modification, operation, or replacement of Network Nodes in a public right-of-way on or adjacent to a pole or pre-existing structure; and
- B. modifying a structure for the purpose of mounting or installing an antenna facility on that structure

**“Concealment” or “Camouflaged”** means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Section 284.105 in Historic or Design Districts. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

**“Decorative pole”** means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory City codes.

**“Design District”** means an area that is zoned, or otherwise designated by City code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

**“Distributed Antenna System” or “DAS”** shall be included as a type of “Network Node.”

**“Dual-Purpose Pole”** means a Service Pole that is constructed to contain a network node and is capable of containing other City infrastructure or equipment.

**“Easement”** means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

**“Highway right-of-way”** means right-of-way adjacent to a state or federal highway.

**“Historic district”** means an area that is zoned or otherwise designated as a historic district under city, state, or federal law.

**“Law”** means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

**“Local”** means within the geographical boundaries of the City.

**“Location”** means the City approved and lawfully permitted location for the Network Node.

**“Macro tower”** means:

- A. a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas; and
- B. a facility requiring antenna structure registration under Federal Communications Commission regulations.

**“Micro Network Node”** means a Network Node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

**“Midspan Pole”** means a stand-alone pole that solely supports a transport facility connected to a network node that is collocated or mounted on a separate pole.

**“Municipal park”** means an area that is zoned or otherwise designated by City code as a public park for the purpose of recreational activity.

**“Municipally owned utility pole”** means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

**“Network Node”** means equipment at a fixed location that enables wireless communications between user equipment and a communications network.

- A. The term includes:
  - 1. equipment associated with wireless communications; and
  - 2. a radio transceiver, an antenna, a battery-only backup power supply, and

- comparable equipment, regardless of technological configuration; and
- 3. coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and
- 4. small wireless facilities as defined in 47 C.F.R. § 1.6002(l)
- B. The term does not include:
  - 1. an electric generator;
  - 2. a pole; or
  - 3. a macro tower.

***“Network provider”*** means:

- A. a wireless service provider; or
- B. a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
  - 1. Network Nodes; or
  - 2. Node Support Poles or any other structure that supports or is capable of supporting a Network Node.

***“Node Support Pole”*** means a pole installed by a network provider for the primary purpose of supporting a Network Node.

***“Permit”*** means a written authorization for the use of the public right-of-way or collocation on a service pole required from the City before a network provider may perform an action or initiate, continue, or complete a project over which the City has police power authority.

***“Pole”*** means a service pole, municipally owned utility pole, Node Support Pole, or utility pole.

***“Private easement”*** means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

***“Provider”*** has the same meaning as “Network Provider.”

***“Public Right-of-Way”*** means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest. The term does not include a private easement or the airwaves above a public right-of-way with regard to wireless telecommunications.

***“Service pole”*** means a pole, other than a municipally owned utility pole, owned or operated by the City and located in a public right-of-way, including:

- A. a pole that supports traffic control functions;
- B. a structure for signage;
- C. a pole that supports lighting, other than a decorative pole; and

- D. a pole or similar structure owned or operated by the City and supporting only Network Nodes.

**“Small cell”** shall be included as a type of “Network Node.”

**“Street”** means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a “Street” does not. A “street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

**“SWPPP”** shall mean Storm Water Pollution Prevention Plan.

**“TAS”** means Texas Accessibility Standards.

**“Traffic Signal”** means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

**“Underground Requirement Area”** means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to City ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

**“User”** means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

**“Utility pole”** means a pole that provides:

- A. electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- B. services of a telecommunications provider, as defined by Section 51.002, Texas Utilities Code.

**“Wireless service”** means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a Network Node.

**“Wireless service provider”** means a person that provides wireless service to the public.

**“Wireless facilities”** mean “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles” as defined in Texas Local Government Code, Chapter 284, and “small wireless facilities” as defined in 47 C.F.R. § 1.6002(l)

The definitions as used in Texas Local Government Code, Chapter 284, Section 284.002, and 47 C.F.R. § 1.6002 shall be used in this Design Manual.

**III.**  
**Locations of Wireless Facilities and Related Ground Equipment.**

**3.1. Prohibited and Preferred Locations For Network Nodes, Node Support Poles and Related Ground Equipment for Certain Wireless facilities, except with Separate City Agreement or Subject to Concealment Conditions.**

**A. Municipal Parks and Residential Areas.**

1. In accordance with Chapter 284, Section 284.104(a), a Network Provider shall not install a **Node Support Pole** in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way in a Municipal Park or is adjacent to a street or thoroughfare that is:
  - a. not more than fifty (50) feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and
  - b. adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
2. In accordance with Chapter 284, Section 284.104(b), a Network Provider installing a Network Node or Node Support Pole in a public right-of-way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
3. Each permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.

**B. Historic District and Design Districts.**

1. In accordance with Chapter 284, Section 284.105, a Network Provider must obtain advance written approval from the City before collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District. The City has designated the following areas as Design Districts:
  - a. The Downtown Business District as defined by Unified Development Code § 2.3.8, as amended;

- b. The Downtown Neighborhood Overlay as defined by Unified Development Code § 2.4.3, as amended;
  - c. The Entertainment District Overlay as defined by Unified Development Code § 2.4.5, as amended; and
  - d. The Viridian Planned Development as established by Tax Increment Financing (TIF) District #6, as amended.
- 2. As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. The City requests that a Network Provider explore the feasibility of using Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in a Historic District.
  - 3. A Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.
  - 4. Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

C. Historic Landmarks.

A Network Provider is discouraged from installing a Network Node or Node Support Pole within three hundred (300) feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government (*see, for example, and not limited to* § 442.001(3) of the Texas Government Code, and 16 U.S.C. § 470), as of the date of the submission of the permit. It is recommended that each permit application disclose if it is within three hundred (300) feet of such a structure.

D. Compliance with Undergrounding Requirements.

- 1. In accordance with Chapter 284, Section 284.107, a Network Provider shall comply with nondiscriminatory undergrounding requirements, including City ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.



2. Areas may be designated from time to time by the City as Underground Requirement Areas in accordance with filed plats, and or conversions of overhead to underground areas, as may be allowed by law.
3. Each permit application shall disclose if it is within an area that has undergrounding requirements.

### **3.2. Least Preferable and Prohibited Locations.**

#### **A. Residential Areas and Parks.**

1. A Network Provider is discouraged from installing a Network Node on an existing pole located within the public right-of-way if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
2. In accordance with Chapter 284, Section 284.104(b) a Network Provider installing a Network Node in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

#### **B. Historic Districts and Design Districts.**

A Network Provider may not install a **Network Node** or a **Node Support Pole** in the public right-of-way in any area designated by the City as a Design District or in an area of the City zoned or otherwise designated as a Historic District, unless the Network Provider has the advance written approval of the City under Section 3.1.

### **3.3. Most Preferable Locations.**

- A. *Industrial areas* if not adjacent to a Municipal Park, Residential Area, Historic District or Design District.
- B. *Highway Rights-of-Way areas* if not adjacent to a Municipal Park, Residential Area, Historic District or Design District.
- C. *Retail and Commercial areas* if not adjacent to a Municipal Park, Residential Area, Historic District or Design District.

### **3.4 Designated Areas.**

- A. The City Council may designate an area as a Historic District or a Design District under Chapter 284.105 at any time.

- B. The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.
- C. While not required under Chapter 284 to designate Underground Compliance Areas to prohibit above ground Wireless facilities, the City may also, from time to time, also designate Underground Compliance Areas. In these areas, a Network Provider shall neither allow nor install overhead lines connecting to Network Nodes or Node Support Poles. All overhead lines connecting to the pole where other overhead telecommunications or utility lines are or planned to be buried below ground as part of a project shall be buried below ground.

### **3.5. Exceptions.**

The City by its discretionary consent and agreement may grant exception to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by Chapter 284, Sections 284.109 and 284.110.

### **3.6. Order of Preference regarding Network Node attachment to existing facilities and New Node Support Poles.**

- A. *Existing telephone or electrical lines between existing utility poles.* Micro Network Nodes shall only be lashed on existing telephone or electrical lines between existing utility poles (electric poles or telephone poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.
- B. *Existing Utility Poles* (electric poles or telephone poles), shall be the preferred support facility for Network Nodes and related ground equipment.
- C. *Municipal Service Poles:*
  - 1. *Non-decorative street lights* with a height of more than 20 feet.
  - 2. *Traffic signal structures* when such installation will not interfere with the integrity of the facility and will not interfere with the safety of the public and in accordance with an agreement as allowed by Chapter 284, Sections 284.056 and 284.101(a)(3) and (b).
  - 3. *Street signage* shall be a low priority use for attachment of a Network Node.
  - 4. *Other municipal Service pole* use is discouraged.
- D. *New Node Support Poles* shall be the least preferred type of allowed facility for attachment of Network Nodes.

## IV. Guidelines on Placement

### 4.1. Generally.

- A. In accordance with Chapter 284, Section 284.102, a Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:
  - 1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way nor obstruct the view of a traffic signal or traffic sign;
  - 2. obstruct the legal use of a public right-of-way by other utility providers;
  - 3. violate nondiscriminatory applicable codes;
  - 4. violate or conflict with the City's publicly disclosed public right-of-way management ordinance or this *Design Manual*; or
  - 5. violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).
- B. Node support poles must be at least twenty-five (25) feet or greater from any traffic signal or traffic sign.

### 4.2. Permitting.

- A. Prior to installation or modification of Wireless Facilities, a Network Provider shall complete and submit to the City a Small Cell Right-of-Way Permit application. Along with standard required documents, the following items will be required for the Permit application:
  - 1. *Permit fee.* A Network Provider shall submit the permit fee as set forth in Chapter 284 and the FCC Order. Permit fees are also adopted by the City in the form of a Fee Resolution.
  - 2. *Map.* Aerial Map showing the location of the proposed or existing pole to which the Network Node is proposed to be attached, and a current street view image.
  - 3. *Distance Analysis.*
    - a. Node Support Pole. Analysis showing that the proposed new Node Support Pole is spaced:

- i. at least one hundred fifty (150) linear feet from a pole supporting a Network Node, unless otherwise approved by the City in writing; and
  - ii. at least three hundred (300) linear feet from another Node Support Pole, unless otherwise approved by the City in writing.
- b. Network Nodes. Analysis showing that the proposed Network Node is spaced at least one hundred fifty (150) linear feet from a pole supporting another Network Node, unless otherwise approved by the City in writing.

4. *Size Limits and Height Requirements.*

- a. A Network Provider shall provide scaled dimensioned drawings or pictures with calculations to show strict conformity to the size and height limitations as set forth in Chapter 284, in accordance with, but not limited to Section 284.002, size of a Micro Network Node, Section 284.003, Size of Network Nodes, and Section 284.103, maximum pole height, with each application and with each request for a permit for each location.
- b. The maximum dimension measured for the antenna components of the installation shall not exceed twenty-four (24) inches wide or thirty-six (36) inches tall, for a maximum of six (6) cubic feet in volume. Antenna components shall not be more than three (3) feet above the existing structure or pole and both antenna components, including radios, must not protrude out from the outer circumference of the existing structure or pole by more than two (2) feet. The drawings or pictures shall indicate the spacing from existing curb, driveways, sidewalk, light poles, official traffic control devices, and any other poles or appurtenances.
- c. A Network Provider must include with the application a before-and-after street view image. The after-image needs to include the proposed pole and all proposed attachments and associated standalone equipment.

- d. For Dual-Purpose Poles under Section 4.8(G), the scaled dimensioned drawings and pictures required under this Subsection must also show strict conformity with Appendix A of this Manual, unless otherwise approved in writing by the City.
- 5. *Plans.* Applicant must submit the following with an application:
  - a. traffic control plan,
  - b. SWPPP,
  - c. trench safety plan,
  - d. sealed and final construction plans, as required by the *Public Right-of-Way Permitting and Construction Manual*, and
  - e. electrical plans, if applicable, demonstrating the route of any electrical lines as well as the proximity of electrical lines to adjacent City infrastructure.
- 6. *Confirmation of non-interference with City Safety Communication Networks.* A Network Provider must provide analysis that the proposed Network Node shall not cause any interference with City public safety radio system, traffic signal light system, or other City communications components in accordance with Chapter 284, Section 284.304. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and the Network Provider's proposed Network Node. A Network Node shall not be installed in a location that causes any interference. Network Nodes shall not be allowed on City's public safety radio infrastructure.
- 7. *State and Federal Rights-of-way permit.* If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.
- 8. *Utility Poles.* If the applicant proposes to collocate a network node on a utility pole, the applicant must provide a letter or other statement from the utility provider with authority over the pole approving the proposed collocation.
- 9. *Locates.* Upon approval of the permit, a Network Provider shall complete the "Utility Line Locates" process in order to identify all City utility lines, including water, sewer, fiber, and electrical, within the right-of-way prior

to performing construction in the right-of-way. The “Utility Line Locates” process is available online at <<http://www.arlington-tx.gov/contact/ask>> and through the “Ask Arlington” application for cellular phones and tablets.

10. *Arlington Airport Overlay I*. If Wireless Facilities are proposed within the Arlington Airport Overlay District, a Network Provider shall provide documentation that shows compliance with the Federal Aviation Administration rules, codified at 14 C.F.R. Part 77. If the proposed Wireless Facilities will increase the overall height of an existing structure within the Arlington Airport Overlay District, the Network Provider shall provide a 7460-1 Determination from the Federal Aviation Administration (FAA). A Network Provider may access the following FAA link to ascertain whether a 7460-1 Determination is needed: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. A Network Provider shall provide a 7460-1 Determination or a printout that shows that a 7460-1 Determination is not required upon submission of the permit application.

**B. Electrical Permit.**

1. A Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. A Network Provider’s electrical supply shall be separately metered from the City and must match City infrastructure voltage.
2. A Network Provider shall provide the City with the electrical permit and provide sealed engineered drawings for conduit size, circuit size, calculations for Amp, distances running, etc.
3. There may be times when the City must conduct maintenance on street lights without notice. As a result, power will be de-activated during this activity without notice. Therefore, the City shall not be liable to a Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or a Network Provider of the structure, or for any other cause beyond the control of the City.
4. A Network Provider shall not allow or install generators or back-up generators in the Right-of-Way in accordance with Chapter 284, Section 284.002(12)(B)(1).
5. A Network Provider shall use 240 voltage when connecting to any City infrastructure and provide a key to meter upon inspection.

- C. *Construction.* Network Providers must notify the City's Right-of-Way Management Division two (2) days prior to construction commencing on the installation of a network node, node support pole, or dual-purpose pole.

**4.3. Improperly Located Network Node facilities, Node Support Poles and related ground equipment.**

- A. Improperly Located Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Public Right-of-Way. If any Network Node facilities, Node Support Poles or ground equipment is installed in a location that is not in accordance with the plans approved by the City Manager and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then a Network Provider shall promptly remove the Network Node facilities, Node Support Poles or ground equipment.
- B. Notice to Remove unauthorized facilities and relocate and penalty: After thirty (30) days' notice to remove Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect permitted location, if not relocated the Network Provider shall be subject to a penalty of \$500 per day until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City Public Rights-of-way Management ordinance and other applicable ordinances concerning improperly located facilities in the rights-of-way. Upon assessment of a penalty under this section, the City shall provide written notice to the Network Provider. The Network Provider may request administrative review of the penalty assessment in writing within ten (10) days of the City providing notice.
- C. *Identifying Marks.* Each Network Node shall have identifying marks to identify the owner and unique number to identify the unit. These should be as non-intrusive as possible, while still being legible when viewed from ground level. The identification must be weather proof and fade resistant to assure continued readability over time. If a Network Node is composed of several components, each separate component shall have the identifying marks.
- D. *Damaged or Deteriorating Components.* Components that pose a safety risk to the public due to damage or deterioration, shall be corrected within forty-eight (48) hours of notification by the City.

**4.4. Underground Requirement Areas.**

- A. In accordance with Chapter 284, Section 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including City ordinances,

zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

- B. If a location is designated by the City to transition to an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked ninety (90) days after the designation, with removal of said Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within ninety (90) days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.

#### **4.5. Network Node facilities placement.**

- A. *Right-of-Way:* Network Node facilities, Node Support Poles and related ground equipment shall be placed, as much as possible, within two (2) feet of the outer edge of the Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way.
- B. *Height above ground.* Network Node attachments to a pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Section 284.108, and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground, except in circumstances where a lesser height would be consistent with safety and protection of the public and vehicular traffic and it is not possible to locate the attachment in compliance with this requirement. Electrical meter bases may be lower than eight (8) feet above the ground, as long as they are in compliance with applicable electrical codes but must be positioned as not to encroach into a walkway, sidewalk, or ramp. The grounding rod and connection point must be configured to prevent encroachment into a walkway, sidewalk, or ramp, and to prevent becoming a trip hazard.
- C. *Protrusions.* In accordance with Chapter 284, Section 284.003(a)(1)(C), Section 284.003(a)(2)(C) and Section 284.003(a)(3)(B), no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet. All pole-mounted components (existing and included with the permit) on the exterior of a Pole must not encumber more than one-half of the circumference of the Pole at any location on the Pole. The pole and all attachments to the pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with TAS, ADA, and shall not obstruct an existing or planned sidewalk or walkway.
- D. *Network Node Spacing.* Network Nodes shall be spaced apart from other poles supporting Wireless Facilities by a minimum of one hundred fifty (150) feet to minimize visual clutter and distractions to vehicular traffic; and to minimize the effect on property values and aesthetics of the area.



E. *Height of Small Wireless Facilities.* In order to meet the definition of a small wireless facility under federal regulations, the facilities:

1. must be mounted on structures fifty (50) feet or less in height, including their antennas; or
2. must be mounted on structures no more than ten (10) percent taller than other adjacent structures; or
3. may not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater.

For purposes of this paragraph, “structure” means a pole or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether or its own or comingled with other types of services).

#### **4.6. New Node Support Poles.**

A. *New Node Support Poles Spacing.* New Node Support Poles shall be spaced:

1. at equal distances between existing adjacent Poles and street lights;
2. at least twenty-five (25) feet from all official traffic control devices; and
3. at the distances specified in Section 4.2(A)(3)(a).

B. *Height of Node Support Poles or modified Utility Pole.* In accordance with Chapter 284, Section 284.103 a Node Support Pole or modified Utility Pole may not exceed the lesser of:

1. ten (10) feet in height above the tallest existing utility pole located within five hundred (500) linear feet of the new pole in the same public right-of-way; or
2. fifty-five (55) feet above ground level.

C. A modified Utility Pole must be at least be seventy-five (75) feet from an existing pole when in line with other Poles or when on the opposite side of the public right-of-way, unless the pole is on the opposite side of an alley and has thirteen (13) feet of clearance from the face of one Pole to the face of the other Pole. Poles should be placed as close to the outside of the public right-of-way as possible and as close to property lot lines as possible.

- D. The City reserves the right to deny a certain type of pole due to its differences.
- E. All Node Support Poles must comply with the standards in Appendix B of this Manual.

#### **4.7. Ground Equipment.**

- A. Ground equipment for network nodes is prohibited, unless otherwise approved in writing by the City. Any approved ground equipment shall comply with the standards of this section and other applicable provisions of this Design Manual.
- B. *Ground Equipment near street corners and intersections:* Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102(1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within the intersection visibility triangle as defined by Arlington Streets and Sidewalks Chapter Article 9, as amended.
- C. *Ground Equipment near Municipal Parks.* For the safety of Municipal Park patrons, particularly small children, and to allow full line of sights near Municipal Park property, a Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within two hundred fifty (250) feet of the boundary line of a Park, unless approved by the City Manager and Parks Director in writing.

#### **4.8. Municipal Service Poles.**

- A. *In accordance with Agreement:* Installations on all Service Poles shall be in accordance with an agreement as allowed by Chapter 284, Section 284.056 and Section 284.101(a)(3) and (b).
- B. *Required industry standard pole load analysis:* Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the City with each permit application indicating that the Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.
- C. *Height of attachments:* All attachments on all Service Poles, other than electrical meter bases, shall be at least 8 feet above grade, in accordance with Chapter 284, Section 284.108(a)(1)-(2) and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground. Electrical meter bases may be less than eight (8) feet above the ground as long as they are in compliance with applicable electric codes but must be positioned as not to encroach into a walkway, sidewalk, or ramp. The grounding rod and connection

point must be configured to prevent encroachment into walkway, sidewalk, or ramp and to prevent it from becoming a trip hazard.

- D. *Installations on Traffic Signals:* Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Section 284.056 and Section 284.101(a)(3) and (b). Installation of Network Node facilities on any traffic signal structures shall:
1. Be encased in a separate conduit than the traffic light electronics;
  2. Have a separate electric power connection than the traffic signal structure; and
  3. Have a separate access point than the traffic signal structure.
- E. *Installations on Street Signage:* Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that has electrics shall:
1. Be encased in a separate conduit than any City signage electronics;
  2. Have a separate electric power connection than the signage structure;
  3. Have a separate access point than the signage structure.
- F. The Network Provider shall provide a standard key or other means of access for the electrical meter on all locations where a Network Node is mounted or collocated on a municipal service pole or other City-owned pole.
- G. *Dual-Purpose Poles.* This section provides the standards by which a Network Provider may replace an existing City street light pole with a Dual-Purpose Pole.
1. Dual-Purpose Poles must meet the standards set forth in Appendix A. If the Dual-Purpose Pole is compromised in any way from traffic accidents or storms, the pole will be replaced by the Network Provider in no later than ten (10) days. In order to install a Dual-Purpose Pole, a Network Provider must first execute a written agreement with the City.
  2. The Network Provider shall provide a standard key or other means of access for the electrical meter on all Dual-Purpose Poles.
  3. The Network Provider shall maintain the Dual-Purpose Pole and the City shall maintain only the light and associated wiring and any supporting equipment.

4. The Network Provider shall keep the existing City street light pole operational until the replacement Dual-Purpose Pole is ready for operation.
5. The Network Provider shall remove the foundation, if any, of the replaced City street light pole in its entirety along with the pole.
6. Once the City street light pole is removed, the Network Provider will deliver the pole and foundation, if any, to the City at a designated location upon request.
7. The Network Provider must coordinate with the Public Works and Transportation Department to rewire any street light feature of the Dual-Purpose Pole.
8. Network Providers shall install banner arms in areas where banner arms existed on the replaced City street light pole. In addition, Network Providers shall give permission to the City to attach banner arms and banners at its own discretion.
9. Network Providers shall allow the City to attach any other advanced technology equipment to the Dual-Purpose Pole.
10. The street light feature of a Dual-Purpose Pole must be located at the same height as the street light feature of the replaced City street light pole.

## V. General Aesthetic Requirements

### 5.1. Concealment and Enclosure.

- A. Concealment of Network Nodes and Node Support Poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105. See example below.



- B. It is also the City's preference that all new Node Support Poles be camouflaged, except those located in an area that is zoned as or predominantly is an industrial area. A Network Provider shall submit their proposal for camouflage with the permit application. Shroud poles, as shown in the image, are encouraged.
- C. The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. Unless approved by the City in writing, there shall be no external cables and wires hanging off a pole. The approved ones shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible, except to the extent not consistent with Chapter 284.

### 5.2. Allowed Colors.

Colors in Historic Districts and Design Districts must be approved by the City Manager from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones, or shall match the background of any structure that the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

### **5.3. Midspan Poles.**

No midspan poles are allowed to be installed in the public right-of-way without prior written approval from the City.

## **VI. Installation and Inspection**

### **6.1. Installation.**

A Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles, and related ground equipment in a good and workmanlike manner and in strict accordance with the requirements promulgated by the *Wireless Services Design Manual*, “Right-of-Way Management” Chapter, Public Right-of-Way Permitting and Construction Manual and all other applicable laws, ordinances, codes, rules and regulations of the City, the State, and the United States (“Laws”), as such may be amended from time to time to the extent not inconsistent with Chapter 284, Texas Local Government Code. A Network Provider’s work shall be subject to the regulation, control, and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Nodes, Network Nodes and Node Support Poles shall be in compliance with all applicable codes and Laws.

### **6.2. Inspections.**

The City may perform visual inspections of any Micro Network Node, Network Nodes and Node Support Poles, and related ground equipment located in the Right-of-Way as the City deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Nodes and Node Support Poles or related ground equipment, the City shall provide written notice to a Network Provider within five (5) business days of the planned inspection. A Network Provider may have a representative present during such inspection.

In the event of an emergency situation, the City may, but is not required to, notify a Network Provider of an inspection. The City may take action necessary to remediate the emergency situation and the City shall notify the Network Provider as soon as practically possible after remediation is complete.

## **VII. Interference with Operations**

### **7.1. No Liability.**

- A. The City shall not be liable to a Network Provider for any damage caused by other Network Providers or for failure of a Network Provider’s Micro Network Node,

Network Nodes, Node Support Poles and related ground equipment for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks.

- B. The City shall not be liable to a Network Provider by reason of inconvenience, annoyance or injury to the Micro Network Node, Network Nodes, Node Support Poles or related ground equipment or activities conducted by a Network Provider therefrom, arising from the necessity of repairing any portion of the Right-of-Way, or from the making of any necessary alteration or improvements, in, or to, any portion of the Right-of-Way, or in, or to, City's fixtures, appurtenances or equipment. The City will use reasonable efforts not to cause material interference to a Network Provider's operation of its Micro Network Node, Network Nodes and Node Support Poles or related ground equipment.

## **7.2. Signal Interference with City's Communications Infrastructure Prohibited.**

- A. *No interference.* In the event that a Network Provider's Micro Network Node or Network Nodes interferes with the City's traffic signal system, public safety radio system, or other City communications infrastructure operating on a spectrum where the City is legally authorized to operate, a Network Provider shall promptly cease operation of the Micro Network Node or Network Nodes causing said interference upon receiving notice from the City, and refrain from operating. A Network Provider shall respond to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving notice.
- B. *Protocol for Responding to Event of Interference.* The protocol for responding to events of interference will require a Network Provider to provide the City an Interference Remediation Report that includes the following items:
  - 1. Devise a remediation plan to stop the event of interference;
  - 2. Provide the expected time frame for execution of the remediation plan; and
  - 3. Include any additional information relevant to the execution of the remediation plan.

In the event that interference with City facilities cannot be eliminated, a Network Provider shall shut down the Micro Network Nodes or Network Nodes and remove or relocate the Micro Network Node or Network Node that is the source of the interference as soon as possible to a suitable alternative location made available by City.

- C. Following installation or modification of a Micro Network Node or Network Node, the City may require a Network Provider to test the Micro Network Node's or Network Node's radio frequency and other functions to confirm it does not interfere with the City's Operations.

## **VIII.**

### **Insurance, Indemnity, Bonding and Security Deposits**

#### **8.1. Insurance, Bonding and Security Deposits.**

Insurance, bonding and security deposits shall be in strict accordance with the City's Right-of-Way Management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

#### **8.2. Indemnity.**

Indemnity shall be in accordance with Chapter 284, Section 284.302, as provided for in Chapter 283, Section 283.057(a) and (b) of the Texas Local Government Code.

## **IX.**

### **Requirements for Removal, Replacement, Maintenance and Repair**

#### **9.1 Removal or Relocation by Network Provider.**

- A. If a Network Provider removes or relocates a Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, it shall notify the City Manager in writing not less than ten (10) business days prior to removal or relocation. A Network Provider shall obtain all Permits required for relocation or removal of its Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment prior to relocation or removal.
- B. The City shall not issue any refunds for any amounts paid by a Network Provider for Micro Network Node, Network Node facilities, Node Support Poles or related ground equipment that have been removed.

#### **9.2. Removal or Relocation Required for City Project.**

- A. In accordance with Chapter 284, Section 284.107, except as provided in existing state and federal law, a Network Provider shall relocate or adjust Micro Network Node, Network Node, Node Support Pole and related ground equipment in a public right-of-way in a timely manner and without cost to the City managing the public right-of-way.
- B. The City may require a Network Provider to remove or relocate its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or any



portion thereof from the Right-of-Way for City construction projects, as allowed by state and federal law, including the common-law.

- C. A Network Provider shall, at the City Manager's direction, remove or relocate the same at the Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever the City Manager reasonably determines that the relocation or removal is needed for any of the following purposes: Required for the construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project of a street or public rights-of-way to enhance the traveling public's use for travel and transportation.
- D. If a Network Provider fails to remove or relocate the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof as requested by the City Manager within one hundred twenty (120) days of the City's notice, then the City shall be entitled to remove the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof at the Network Provider's sole cost and expense, without further notice to the Network Provider.
- E. A Network Provider shall, within thirty (30) days following issuance of an invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof.

### **9.3. Removal Required By City For Safety And Imminent Danger Reasons.**

- A. A Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that:
  - 1. the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment is necessary to protect the public health, safety, welfare, or City property;
  - 2. the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property; or
  - 3. the Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law in strict accordance with the City's rights-of-way

management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

- B. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

#### **9.4 Abandonment of Facilities.**

A Network Provider shall remove Micro Network Node, Network Node, Node Support Pole and related ground equipment when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of one hundred twenty (120) days of the Micro Network Node, Network Node, Node Support Pole and related ground equipment being Abandoned, or within one hundred twenty (120) days of receipt of written notice from the City. When a Network Provider removes, or Abandons permanent structures in the Right-of-Way, the Network Provider shall notify the City Manager and City Manager in writing of such removal or Abandonment and shall file with the City Manager and City Manager the location and description of each Micro Network Node, Network Node, Node Support Pole and related ground equipment removed or Abandoned. The City Manager may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

### **X. GENERAL PROVISIONS.**

#### **10.1 As-Built Maps and Records.**

- A. A Network Provider shall maintain accurate maps and other appropriate records of its Micro Network Nodes, Network Node facilities, Node Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way. A Network Provider shall maintain a list of its Micro Network Nodes, Network Nodes and Node Support Poles and provide the City an Inventory of locations within ten (10) days of installation. The Inventory of Micro Network Nodes, Network Nodes and Node Support Poles shall include GIS coordinates, date of installation, City pole ID number (if applicable), type of pole used for installation, pole owner, and description/type of installation for each Micro Network Node, Network Node and Node Support Pole installation. A Network Provider will provide additional maps to the City upon request.
- B. Upon the City's written request, a Network Provider shall provide a cumulative Inventory within thirty (30) days of the City's request. Concerning Micro Network

Nodes, Network Nodes and Node Support Poles that become inactive, the Inventory shall include the same information as active installations in addition to the date the Micro Network Node, Network Node and/or Node Support Pole was deactivated and the date the Micro Network Node, Network Node and/or Node Support Pole was removed from the Right-of-Way. The City may compare the Inventory to its records to identify any discrepancies.

#### **10.2. Allocation of Funds for Removal and Storage.**

The City has appropriated no funds to pay for the cost of any removal or storage of Micro Network Node, Network Node, Node Support Pole and related ground equipment, as authorized under this Article, and no other funds will be allocated.

#### **10.3. Ownership.**

No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the Right-of-Way by a Network Provider will become the property of the City, or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by a Network Provider on the Right-of-Way will be, and remain the property of the Network Provider, and may be removed by the Network Provider at any time, provided the Network Provider shall notify the City Manager prior to any work in the Right-of-Way. This Section does not apply to Dual-Purpose Poles under Section 4.8(G) of this Design Manual. Ownership of Dual-Purpose Poles shall be governed by the written agreement between the Network Provider and the City.

#### **10.4. Tree Maintenance.**

A Network Provider, its contractors, and agents shall obtain written permission from the City Manager before trimming trees hanging over its Micro Network Node, Network Node or Node Support Pole to prevent branches of such trees from contacting attached Micro Network Node, Network Node or Node Support Pole. When directed by the City Manager, a Network Provider shall trim under the supervision and direction of the Parks Director. The City shall not be liable for any damages, injuries, or claims arising from a Network Provider's actions under this section.

#### **10.5. Signage.**

Signage shall be in strict accordance with the City's Right-Of-Way Management Chapter and other applicable ordinances, except to the extent not consistent to Chapter 284 and applicable federal law.

#### **10.6 Identifying Information.**

A Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City Manager.

#### **10.7 Signs and Advertising.**

Except as required by law or by the Utility Pole owner, a Network Provider shall not post any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service pole or Utility Pole.

#### **10.8. Graffiti Abatement.**

As soon as practical, but not later than fourteen (14) calendar days from the date a Network Provider receives notice thereof, the Network Provider shall remove all graffiti on any of its Micro Network Nodes, Network Nodes, Node Support Poles, and related ground equipment located in the Right of Way. The foregoing shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinance or regulation.

#### **10.9. Restoration.**

A Network Provider shall repair any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from the Network Provider's removal or relocation activities (or any other of the Network Provider's activities hereunder) within ten (10) calendar days following the date of such removal or relocation, at the Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date the Network Provider was granted a Permit for the applicable Location, or did the work at such Location (even if the Network Provider did not first obtain a Permit), including: restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City Manager.

#### **10.10. Network Provider's Responsibility.**

A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Providers and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were the Network Provider's acts or omissions.

#### **10.11. Reservation of Rights.**

- A. The City reserves the right to install, and permit others to install, utility facilities in the Rights-of-Way. In permitting such work to be done by others, the City shall not be liable to a Network Provider for any damage caused by those persons or entities.
- B. The City reserves the right to locate, operate, maintain, and remove City traffic signal poles in the manner that best enables the operation of its traffic signal system and protect public safety.
- C. The City reserves the right to locate, operate, maintain, and remove any City pole or structure located within the right-of-way in the manner that best enables the City's operations.

#### **10.12. Design Manual – Updates**

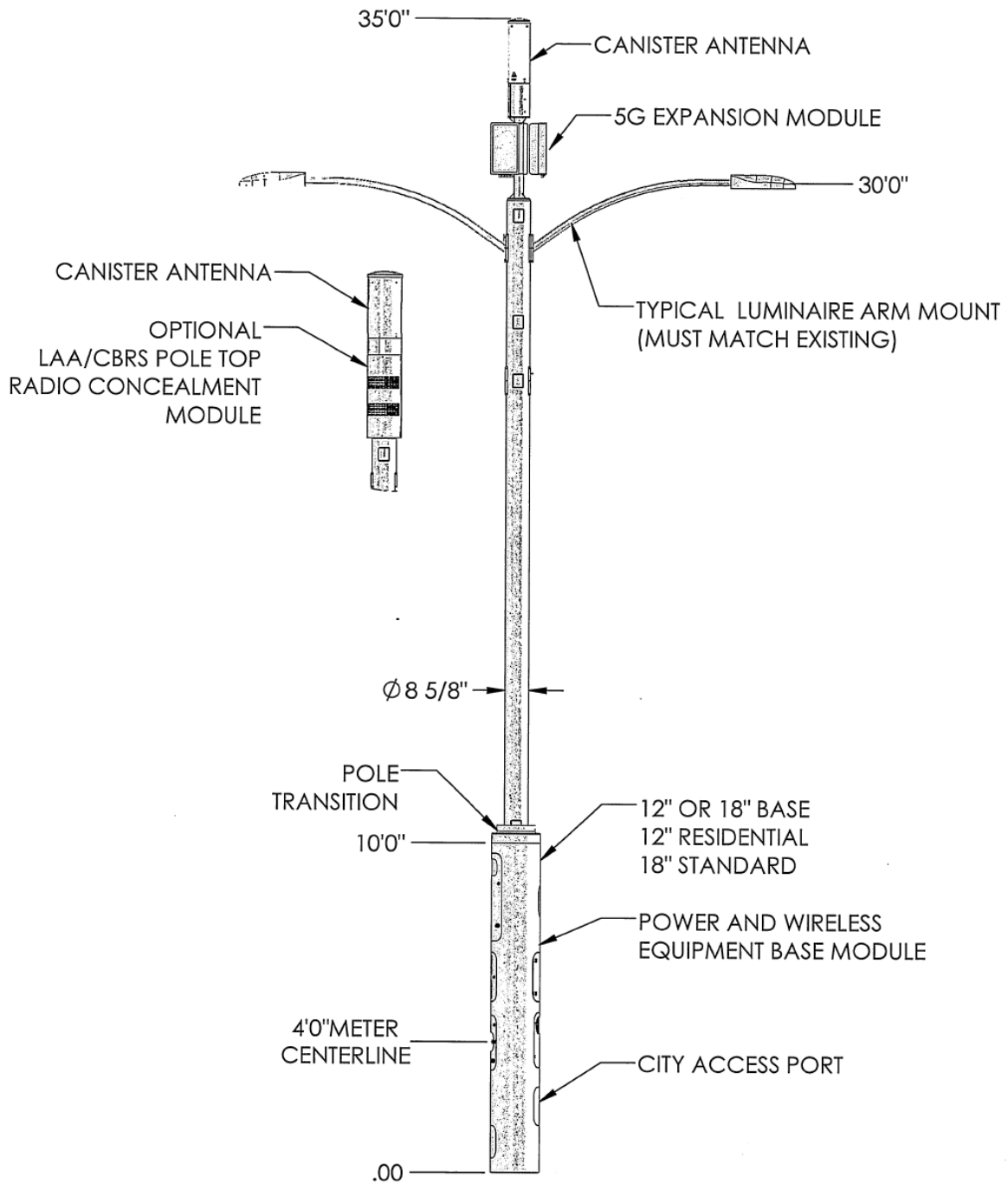
Placement or Modification of Micro Network Node, Network Node, Node Support Pole and related ground equipment shall comply with the City's Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

#### **10.13. Application Process**

The City has an online permit application system that is generally available at any time for applicants to complete online applications. When complete, applications will be submitted to and received by the City during the City's regular business hours of Monday through Friday from 8:00 a.m. to 5:00 p.m. Any applications completed outside of the City's regular business hours will be submitted to and received by the City when regular business hours resume, which will generally be the next business day. The City may require applicants to complete paper applications if the online permit application system is temporarily not operational or if the City determines it is necessary to require paper applications instead of online applications.

# APPENDIX A

## STANDARD 12" OR 18" OPTION



## APPENDIX B

### STRAIGHT NODE SUPPORT / MONOPOLE

