

CITY OF CROWLEY
SPECIAL COUNCIL MEETING
January 14th, 2019

The Mayor and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a special session at 4:30 p.m. Monday the 14th, day of January 2019 at the special meeting place of said Mayor and Board of Aldermen, the City Hall Council Chambers, 426 North Avenue F, Crowley, Louisiana, after the giving and posting of prior notice of said meeting in the manner provided by law.

Mayor Tim Monceaux presided with the presence of the following Aldermen: Thompson Bradford Core, Clint Cradeur, Lyle Fogleman, Jr., Vernon Martin, Steven Premeaux, Samuel J. Reggie, III and Byron Wilridge, Sr. Alderman Jeff Cavell was absent. Alderman Lyle Fogleman led the Pledge of Allegiance to the flag and Alderman Byron Wilridge gave the invocation.

The following call was read:

January 11th, 2019

City of Crowley
Special Council Meeting Notice:

You are hereby notified that a Special Council Meeting of the Mayor and Board of Aldermen of the City of Crowley will be held on Monday, January 14th, 2019 at 4:30 p.m. in the City Council Chambers at 426 North Ave. F, Crowley, LA.

The purpose of said meeting will be to:

1. Public Hearing to receive comments on and consider adoption of the following ordinance:
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO ADD THERETO ZONING AND SITING REQUIREMENTS AND REGULATIONS FOR PERMITTING FOR ANTENNAS AND WIRELESS TELECOMMUNICATION FACILITIES WITHIN THE CITY OF CROWLEY.
2. Adoption of ordinance:
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO ADD THERETO ZONING AND SITING REQUIREMENTS AND REGULATIONS FOR PERMITTING FOR ANTENNAS AND WIRELESS TELECOMMUNICATION FACILITIES WITHIN THE CITY OF CROWLEY.
3. To receive nominations by the Mayor and consider confirmation of appointment of Street Commissioner
4. Any other legal items to come before the council
5. Adjournment.

s/Tim Monceaux, Mayor

-In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Erin S. Cradeur at (337) 788-4103, describing the assistance that is necessary.

- The Notice of Call was posted at City Hall on January 11th, 2018 at 10:30 a.m.
- The call was circulated on January 11th, 2019 at 10:30 a.m. and copies of the call were delivered to the following:

| | | | |
|--------------|--|--------------|-----------|
| Tim Monceaux | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Jeff Cavell | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |

| | | | |
|---------------------|---|--------------|---------------------|
| Brad Core | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Clint Cradeur | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Lyle Fogleman | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Vernon Martin | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Steven Premeaux | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Sammy Reggie | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Kim Stringfellow | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Byron Wilridge | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Jimmy Broussard | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Tom Regan | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Tim Mader | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Crowley Post Signal | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| K.S.I.G | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| K.A.J.N. | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Daily Advertiser | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| KATC Channel 3 | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| KLFY Channel 10 | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Chamber of Commerce | January 11 th , 2019 at 10:30 | o'clock a.m. | by e-mail |
| Erin S. Cradeur | on January 8 th , 2019 at 6:10 | o'clock p.m. | by personal service |

Heads of the City's Departments and individuals with a request to be notified of meetings were also sent the call.

AGENDA AMENDMENTS:

A motion was made by Alderman Vernon Martin to amend the agenda to consider the extension of acceptance of bids for equipment for police vehicles for an additional 30 days. Seconded by Alderman Byron Wilridge and duly adopted by a unanimous vote.

A motion was made by Alderman Vernon Martin and seconded by Alderman Lyle Fogleman to extend the acceptance of bids for equipment for police vehicles for an additional thirty (30) days. Motion carried.

PUBLIC HEARING:

City Attorney, Thomas K. Regan, opened the public hearing on proposed ordinance no. 1496, the ordinance to was read by title as follows:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO ADD THERETO ZONING AND SITING REQUIREMENTS AND REGULATIONS FOR PERMITTING FOR ANTENNAS AND WIRELESS TELECOMMUNICATION FACILITIES WITHIN THE CITY OF CROWLEY.

Mr. Thomas Regan asked for proponents to the proposed ordinance no. 1496. A third and final call was made with no one coming forward to speak. The call for opponents of the proposed ordinance no. 1496 was made and there were no comments after the third and final call. Mr. Regan called the public hearing on ordinance no. 1496 to a close.

ORDINANCE:

The following ordinance was offered by Alderman Brad Core and seconded by Alderman Vernon Martin, and duly resolved and adopted.

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE VII OF THE ZONING ORDINANCE OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO ADD THERETO ZONING AND SITING REQUIRMENTS AND REGULATIONS FOR PERMITTING FOR ANTENNAS AND

WIRELESS TELECOMMUNICATION FACILITIES WITHIN THE CITY OF CROWLEY; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES CONTRARY THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the demand for more and improved wireless communications services, including internet, voice and data, continues to increase; and

WHEREAS, the wireless telecommunication industries continue to develop new technology and equipment to service the demands of consumers which require installation of poles, small equipment and antennas in multiple locations within municipalities; and

WHEREAS, the proliferation of poles, equipment and antennas have potential adverse impacts upon the esthetic and visual characteristics of the community which can be minimized with reasonable regulations; and

WHEREAS, this ordinance was duly introduced and notice of this ordinance and of the public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 14th day of January, 2019, at 4:30 o'clock p.m. in Council Chambers at the Criminal Justice Building, Crowley, Louisiana; and

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, IN REGULAR SESSION DULY CONVENED THAT:

SECTION 1: That Article VII of the Zoning Ordinance of the City of Crowley be amended and re-enacted to provide for antennas and wireless communications facilities the following sections to read as follows, to-wit:

ARTICLE VIII. REGULATION OF SIGNS, ANTENNAS AND WIRELESS COMMUNICATIONS FACILITIES

Part A. Signs.

Sec. 7.1. General restrictions.

All signs hereafter erected on any lot in any district, except official traffic and street signs, shall conform to the provisions of this article. Unless otherwise provided in this ordinance, the following regulations shall apply to signs in all districts:

(7.101) No sign shall be erected so as to prevent free ingress or egress from any door, window or fire escape and no sign of any kind shall be attached to a standpipe or fire escape.

(7.102) No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of position, it may interfere with or obstruct the view of traffic sign lines or traffic-control devices. If located within direct line of vision of a traffic-control device, no flashing or intermittent red, green or amber illumination shall be used.

(7.103) Any sign affixes flat against the wall of a building and not more than fifteen (15) inches in thickness shall not be deemed a projecting sign. Projecting signs may extend not more than forty-eight (48) inches beyond the building line, or over public property, in no event closer than two (2) feet to the curb line, and shall be at least ten (10) feet above the finished grade of the sidewalk. Wall signs shall not extend more than fifteen (15) inches over public property; however, lighting devices may extend not more than six (6) feet over public property provided the lowest part of such device is at least fifteen (15) feet above the finished grade.

(7.104) The illumination of any sign within fifty (50) feet of and facing a residential zone lot line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjacent residential districts and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and is nearer than three hundred (300) feet to dwellings in a residential district.

(7.105) Directional or informational signs of a public or quasi-public nature not exceeding six (6) square feet in area may be permitted in any district on approval of the zoning administrator. Any illumination shall be nonflashing, uncolored and confined to the face of the sign. No advertising matter whatsoever shall be permitted on signs of this type.

(7.106) Temporary signs indicating an event of public interest such as a state or local fair, local or general election, cattle or horse show, etc., may be erected on a thirty (30) day nonrenewable permit in any zone on approval of the zoning administrator.

(7.107) Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises, or endangers the public safety, the zoning administrator shall give written notice to the owner of the sign or the owner of the premises of which the sign is located that such sign be made safe or removed within ten (10) days.

(7.108) Any business or outdoor advertising sign legally existing prior to the adoption of this ordinance and which does not conform to these provisions shall be altered, or changed in over-all dimensions, except to conform to the provisions of this ordinance. If damaged to an extent in excess of one-half of its current replacement value, it shall not be rebuilt, provided that nothing contained herein shall be construed to prevent normal maintenance and repairs, repainting or posting of such signs or structures.

(7.109) Unless otherwise provided in these regulations, all signs shall be constructed and erected in accordance with the building code for the City of Crowley.

(7.110) To provide reasonable flexibility in these regulations, the board of zoning adjustment may approve an application for a business sign or advertising structure which may not conform with the provisions of the district in which it is to be located, where the location, size or addition would not be inconsistent with the character of the area or neighborhood in which such sign or structure is to be located.

Sec. 7.2. Signs in R Residential districts.

In residential districts, no sign shall be permitted except the following:

(7.201) A sign, not exceeding two (2) square feet in area, giving the name and/or address only of the land or building on which displayed or the owner or lessee thereof.

(7.202) A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed twelve (12) square feet in surface area and is unilluminated.

(7.203) Temporary signs for one year, advertising a new subdivision development of five (5) lots or more, provided such signs do not exceed sixty (60) square feet in surface area, are not more than fifteen (15) feet, nor less than two (2) feet above ground, advertise only the development in which they are located and are erected only at dedicated street entrances.

(7.204) One unilluminated sign identifying an engineer, architect or contractor engaged in the construction of a building, provided such sign shall not exceed twelve (12) square feet in surface area, is no more than fifteen (15) feet or less than two (2) feet above ground and is removed within thirty (30) days following occupancy of the building.

(7.205) One identification sign not to exceed thirty (30) square feet in area, for the following uses: Church, school, hospital, library, farm, park, clinic or similar uses. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but not flashing.

(7.206) Directional signs not to exceed two (2) square feet in surface area for the following uses: Church, school, hospital, library, sanitarium, clinic or similar use provided that each shall be limited to one such sign per major thoroughfare approach. No such sign shall be permitted on minor residential streets.

(7.207) One name plate sign for a dwelling group of four (4) or more units not exceeding five (5) square feet in surface area. Such signs may indicate the names and addresses of the buildings or it may be a directory for occupants.

Sec. 7.3. Signs in M-1 Medical Service districts.

(7.301) All signs permitted in R districts.

Sec. 7.4. Signs in C-2 Neighborhood Commercial districts.

In the districts, signs are permitted subject to the following regulations:

(7.401) All signs permitted in R, M-1 and C-1 districts.

(7.402) The total area of all business signs on a building or lot shall not exceed one hundred fifty (150) square feet or the sum of three (3) square feet for each lineal foot of lot frontage, whichever is the greater. No single business sign surface may exceed three hundred (300) square feet in area, not shall two (2) or more smaller signs be so arranged and integrated as to create a surface area in excess of three hundred (300) square feet.

(7.403) Advertising sign structures shall be limited to not more than one structure for a lot of one hundred (100) foot frontage or less, and to one additional structure for each one hundred (100) feet of additional lot frontage. Such structure may contain not more than two (2) signs per facing nor exceed fifty-five (55) feet in length and no advertising sign may exceed three hundred (300) square feet in area. No advertising sign shall be erected within fifty (50) feet of an adjoining residence district if designed to face into such district.

(7.404) Coordinated shopping centers. Each coordinated shopping center may have one incidental or freestanding identification sign for each street frontage, set back at least twenty (20) feet from the front property line and announcing only the name of the shopping center and business located therein, and the hours of business.

Sec. 7.5. Signs in C-3 Highway Commercial districts and C-4 Central Business districts.

In the C-3 and C-4 districts, signs are permitted with the following regulations:

(7.501) All signs permitted in the R and M-1 districts.

(7.502) The total surface area of a business sign or signs on a lot shall not exceed six (6) square feet for each lineal foot of lot frontage.

(7.503) Advertising sign structures shall be limited to no more than one structure for a lot of fifty (50) foot frontage or less, and to one additional structure for each fifty (50) feet of additional lot frontage. Such structure may contain not more than two (2) signs per facing, nor exceed fifty-five (55) foot length. No advertising sign may be erected within fifty (50) feet of an adjoining residence district if designed to face into such district.

(7.504) Coordinated shopping center. Each coordinated shopping center may have one incidental or freestanding identification sign for each street frontage, set back at least twenty (20) feet from the front property line and announcing only the name of the shopping center and business located therein and the hours of business.

Sec. 7.6. Signs in I-1 and I-2 Industrial districts.

In the I-1 and I-2 districts, signs are permitted subject to the following regulations:

(7.601) All signs permitted in the R and M-1 districts.

(7.602) The total surface area of a business sign or signs on a building or lot shall not exceed ten (10) square feet for each lineal foot of lot frontage.

(7.603) Advertising sign structures shall be permitted subject to the general restrictions section (Section 7.1) of this article.

Sec. 7.7. Off-premises signs and permitting.

(7.701) *Permitted locations.* Off-premises signs are prohibited within the corporate limits of the City of Crowley except in all areas zoned commercial or industrial, adjacent to Interstate 10 within the corporate limits, and within the control area. The control area of Interstate 10 shall be three hundred (300) feet from the center of the median.

(7.702) *Erection of signs.* Off-premises signs shall be ground mounted only by means of a single steel support post. Signs may be erected double decked or stacked, back to back, or "v" type with not more than two (2) displays on each side. Signs may not be erected side by side.

(7.703) *Set-back requirements.* All off-premises signs shall be setback a minimum distance of ten (10) feet from the front and rear property lines and shall be setback a minimum distance of five (5) feet from all side property lines.

(7.704) *Measurements.* All measurements for off-premises signs shall be measured from the closest outermost extremity of the sign and not from the base structure unless the base structure is the outermost extremity which is closest.

(7.705) *Minimum distance between signs.* No off-premises sign shall be located closer than one thousand (1000) feet from another off-premises sign, measured along front property lines on the same side of the street, corners included.

(7.706) *Construction requirements.* All off-premises signs shall be constructed to meet one hundred (100) m.p.h. wind load, as certified on engineering drawing, by a certified and licensed engineer of the State of Louisiana. Note: Engineering drawing shall be supplied to the City of Crowley Inspector, prior to the permit being issued.

(7.707) *Prohibited off-premises outdoor advertising signs.* The following is a list of all prohibited types of off-premises signs:

(A) Any sign or billboard which contains, as part of the message, mirror like surfaces.

(B) Any sign or billboard which emits smoke, vapor, particles or odor.

(C) Any sign or billboard which is illuminated and said illumination directs in any directions which can be deemed dangerous or annoying by the public or traffic flowing on Interstate 10.

(D) Signs which are obsolete, including billboards which have been blank for six (6) months, structures not meeting construction standards, and signs which have been erected without a permit.

(7.708) *Permit process.* All Applicants for an off-premises sign shall submit a plat of survey indicating exact location of the sign, property lines, distance from property lines, size of the sign, all measurements of the sign (height, length, square footage per face), any easements, right-of-ways, utility lines, coulees, and any other pertinent information.

(7.709) *Permit fees.* All Applicants shall pay a twenty-five dollar (\$25.00) construction/inspection fee to the City of Crowley, at the time that said application is made. Additionally, Applicant shall be assessed a fee of two dollars and fifty cents (\$2.50) per one

thousand dollars (\$1,000.00) of anticipated construction cost, at the time that said permit is approved and issued.

Part B. Antennas and Wireless Telecommunications Facilities.

Sec. 7.20. Purpose.

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

Sec. 7.21. Abbreviations and definitions.

The following abbreviations may be used within this Article, the City Policies, the Code of Ordinances and WTFP Application Packet:

“FCC” is an abbreviation for the “Federal Communications Commission”.

“CI” is an abbreviation for the City Inspector.

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

“ROW” is an abbreviation for City public “Right-of-Way” and/or “Rights-of-Way”.

“RF” is an abbreviation for “radio frequency”.

“SUP” is an abbreviation for “Special Use Permit”.

“SWF” is an abbreviation for “Small Wireless Facility”.

“SWFs” is an abbreviation for “Small Wireless Facilities”.

“WTF” is an abbreviation for “Wireless Telecommunications Facility”.

“WTFs” is an abbreviation for “Wireless Telecommunications Facilities”.

“WTFP” is an abbreviation for “Wireless Telecommunications Facility Permit”.

“WTFPs” is an abbreviation for “Wireless Telecommunications Facility Permits”.

The following words, terms, phrases and abbreviations associated with wireless telecommunications facilities may be used in this Article, in the Code of Ordinances, City policies and WTFP Application Packet and shall have the meaning given below unless the context indicates otherwise. These meanings shall apply whether a word is in italics or not, capitalized or not, or is singular or plural.

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

Antenna means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation to be operated or operating from a fixed location pursuant to Federal Communications

Commission (FCC) authorization for the provision of personal wireless services and any commingled information services. For purposes of this definition, the term *antenna* does not include any unintentional radiator, mobile station or device authorized under Part 15 of Title 47. *Antenna* has the same meaning as provided in 47 C.F.R. § 1.6002 (b), as may be amended.

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

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

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

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

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

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

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

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

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

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

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

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

Batched submittal (for Wireless Telecommunications Facility Permits) means a type of Application process for a Wireless Telecommunications Facility Permit (WTFP), issued pursuant to Section 7.24 of this Article, when certain Wireless Telecommunications Facilities (WTFs) are proposed to be located in the City’s public right-of-way (PROW). The Batched Submittal process allows an Applicant to combine individual Applications (that are for a single project but that would otherwise be processed as separate individual applications) into a single batched

submittal containing the individual applications to be processed at the same time. Up to ten individual applications for Wireless Telecommunication Facility Permits (WTFPs) for small wireless facilities, involving an eligible facilities request and/or a Section 6409(a) modification (to be located in the City's public ROW) may be combined into a single Batched Submittal. No more than two (2) Batched Submittals, for a maximum total of twenty (20) locations or WTFs, shall be submitted by, for or on behalf of a single person or entity in any thirty (30) calendar day period.

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

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

(1) The term includes but is not limited to equipment associated with wireless telecommunications services such as private, broadcast and public safety services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(2) The term includes but is not limited to radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and comparable equipment regardless of technological configuration (including distributed antenna systems and small-cell networks).

(3) The term includes any structures other than a tower that, at the time the relevant application is filed under this section, supports or houses equipment described in subsections (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

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

City means the City of Crowley, Louisiana.

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

(1) Mounting or installing an antenna facility on a pre-existing structure, and/or

(1) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Personal wireless service facility or *Facility* means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services. *Personal wireless service facility* or *Facility* has the same meaning as provided in 47 C.F.R. §1.16002(i), as may be amended.

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

Policy means the City’s policy containing rules, regulations, aesthetics and appearance standards and any other relevant matters for the issuance of Wireless Telecommunications Facility Permit (WTFFP)s. The City Inspector is authorized to establish said policy for the issuance of Wireless Telecommunications Facility Permit (WTFFP)s in accordance with this Article and any other applicable local, state and federal laws, rules and regulations. Said policy shall be made available with the Wireless Telecommunications Facility Permit (WTFFP) application as a “WTFFP Application Packet” and shall be published online and made available for distribution at the Office of the City Inspector.

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The facilities
 - (i) are mounted on structures fifty feet (50’) or less in height including their antennas, or
 - (ii) are mounted on structures no more than ten percent (10%) taller than other adjacent structures, or
 - (iii) do not extend existing structures on which they are located to a height of more than fifty feet (50’) tall or by more than ten percent (10%) in height, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight cubic feet in volume;

(4) The facilities do not require antenna structure registration under part 17 of this Article;

(5) The facilities are not located on Tribal lands as defined under 36 C.F.R. 800.16(X); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.

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

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

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

(1) For towers outside the public rights of way, a substantial change occurs when:

(a) The proposed collocation or modification increases the overall height more than ten percent or the height of one additional antenna array not to exceed twenty feet, whichever is greater, or;

(b) The proposed collocation or modification increases the width more than twenty feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance, whichever is greater, or;

(c) The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or

(d) The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.

(2) For towers in the public rights of way and for all base stations, a substantial change occurs when:

(a) The proposed collocation or modification increases the overall height more than ten percent or ten feet, whichever is greater, or;

(b) The proposed collocation or modification increases the width more than six feet from the edge of the wireless tower or base station; or

(c) The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or

(d) The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent larger in height or volume than any existing ground-mounted equipment cabinets; or

(e) The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.

(3) In addition, for all towers and base stations wherever located, a substantial change occurs when:

(a) The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the City Inspector; or

(b) The proposed collocation or modification violates a prior condition of approval, provided, however, that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this section.

(4) As to all measurements set forth, the following principles shall govern:

(a) The thresholds for height increases are cumulative limits.

(b) For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to wireless equipment not included in the original design.

(c) For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012, the date of passage of Section 6409(a).

Tower has the same meaning as provided in 47 C.F.R. §1.40001(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless telecommunications services, including but not limited to private, broadcast and public safety services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include but are not limited to monopoles, monotrees and lattice towers.

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

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

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

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

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

Wireless services provider means a person who provides wireless services.

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

Wireless telecommunications facility permit (“WTFP”) means the official document or permit by which an Applicant is approved to construct and use a wireless telecommunications facility and if applicable utility poles associated with small wireless facilities in accordance with the requirements of this Article.

Sec. 7.22. Applicability, severability and conflicts.

(7.2201) *Territorial and general applicability.* This Article applies to property within the City. In its interpretation and application, the provisions of this Article unless waived by the City are held to be the minimum requirements for the promotion and protection of the public health, safety and welfare.

(7.2202) *Severability.* If any word, phrase, sentence, part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion or the proscribed application thereof shall be severable and the remaining provisions of this Ordinance and all applications thereof not having been declared void, unconstitutional or invalid shall remain in full force or effect.

(7.2203) *Conflicts with other Articles.* This Article supersedes all Articles or parts of Articles adopted prior hereto that are in conflict herewith to the extent of such conflict.

(7.2204) *Conflicts with state and federal laws.* In the event that applicable federal or state laws or regulations conflict with the requirements of this Article, the wireless provider shall comply with the requirements of this Article to the maximum extent possible without violating federal or state laws or regulations.

Sec. 7.23. Small Wireless Facilities (SWFs)

(7.2301) *Policy and application.* The City Inspector is authorized to establish a policy, rules and regulations for the issuance of Wireless Telecommunications Facility Permits (WTFPs) in accordance with this Article and any other applicable local, state and federal laws, rules and regulations. Said policy shall be made available with the application as a “WTFP Application Packet” and shall be published online and made available for distribution at the office of the City Inspector.

(7.2302) *Applicability of other Code provisions.* The Code of Ordinances of the City of Crowley has numerous Chapters, Articles and Sections which may be applicable to small wireless facility installations along the associated utility poles or other support structures, equipment and wires. This section summarizes the efforts to combine all laws, rules, regulations and permitting for small wireless facility deployments. Applicants intending to install small wireless facilities including associated utility poles or other support structures, equipment and/or fiber-optic lines, other wires and conduit within the City’s public rights of way shall be permitted upon approval of a Wireless Telecommunications Facility Permit (WTFP) in accordance with this Article and if applicable, a facility permit. The following provisions contained in the Code of Ordinances and how they may be applicable to the issuance of a WTFP and/or Facility Permit:

(A) *Small Wireless Facilities.* In accordance with this Article, any small wireless facility installed within the City’s public rights of way shall be required to have a Wireless Telecommunications Facility Permit (WTFP).

(B) *Poles.* Installation of new or replacement poles associated with small wireless facilities shall not be contrary to established Code provisions. The policy and WTFP Application Packet materials for wireless transmission permits shall include any special requirements or restrictions regarding poles. There shall be no separate application for the installation of new or replacement poles associated with the installation of small wireless facilities. However, a separate contractual pole attachment agreement with the City and/or other third party providers may be required.

(C) *Cables, Conduit, Fiber Optic Lines or Wires.* Any cables, conduit, fiber optic lines or wires making the connections between small wireless facilities and/or towers or other facilities and/or equipment within the City's public rights of way shall be required to have a facility permit.

(E) *Historic Districts.* Those parts of the City shall include all the City's historic districts, including sites listed on the National Register of Historic Places. The City has an interest in maintaining the special character of the rights of way within the historic districts and adjacent to those sites listed on the National Register of Historic Places. There shall be no separate application or review process for the installation of small wireless facilities within the City's public rights of way in said historic districts. However, installations of small wireless facilities and associated utility poles or other support structure, equipment and wires within the City's public rights of way shall be harmonious with the special character of any said history district.

Sec. 7.24. Permit required; application; batched submittals.

(7.2401) *Permit required.* No person shall place a small wireless facility, associated utility pole or other support structure for the purpose of installing a small wireless facility in the City's public rights of way without first filing a small wireless facility application and obtaining a wireless telecommunications facilities permit therefor, except as otherwise provided in this Article.

(7.2402) *Permit application.* An application shall be required to be filed for all small wireless facilities involving new facilities (including associated utility poles for the purpose of installing a small wireless facility) and non Section 6409(a) modifications (i.e. a substantial change). Applications are not required for routine maintenance on small wireless facilities or for a Section 6409(a) Modification (Non-Substantial Change) but notice of a Section 6409(a) Modification (Non-Substantial Change) is required pursuant to the sections below. The application is required to ensure all conditions of approval related to concealment or reasonably related to public safety are met. All small wireless facility permit applications for WTFPs filed pursuant to this Article shall be on a form, paper or electronic, provided by the City and made available for distribution at the Office of the City Inspector.

(7.2403) *Application requirements.* The small wireless facility permit application shall be made by the wireless provider or its duly authorized representative and shall contain the following;

(A) The Applicant's name, address, office telephone number, cellular telephone number and email address.

(B) The names, addresses, office and cellular telephone numbers and email address of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the application.

(C) The wireless provider's name, address, telephone number and email address.

(D) A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed. The description shall include the type of

equipment, number of antennas, height to top of antenna(s), statement of compliance with FCC requirements and description and/or depiction of concealment elements.

(E) The Applicant may designate portions of its application materials that it reasonably believes contains proprietary or confidential information.

(F) A small wireless facility shall comply with all applicable federal, state and local codes, laws and regulations. Failure to comply with same shall be grounds for permit revocation following applicable notice and an opportunity to cure.

(G) Site plan with sufficient detail to show the proposed small wireless facility and related equipment, including elevations.

(H) Vicinity map depicting proposed small wireless facility as it relates to adjacent roads and highways.

(I) The latitude and longitude coordinates of the subject small wireless facility included in each application.

(J) Written evidence of approval of the owner of any utility pole, building, structure and/or light pole to which a small wireless facility or any of its associated equipment is proposed to be attached. The application may be accepted without this attached document but shall not be approved without the executed agreement authorizing said approval.

(K) Certificate of insurance including the City as an additional insured if the small wireless facility is to be installed on property owned by the City or in the City's public rights of way.

(7.2404) *Individual Applications and Batched Submittals.*

(A) *Individual applications.* An Applicant shall complete and file an application for each new small wireless facility location.

(B) *Batched submittals.* The batched submittal process allows an Applicant to combine individual applications for new small wireless facilities (that are for a single project that would otherwise be processed as separate individual applications) into a single batched submittals containing the individual applications to be processed at the same time.

(1) Up to ten (10) individual applications for wireless telecommunication facility permits for new small wireless facilities involving an eligible facilities request and/or a Section 6409(a) substantial modification (to be located in the City's public rights of way) may be combined into a single batched submittal.

(2) No more than two (2) batched submittals for a maximum total of twenty locations or WTFs shall be submitted by, for or on behalf of a single person or entity in any thirty (30) calendar day period.

(7.2405) *Information updates.* Any amendments to information contained in a pending permit application shall be submitted in writing to the City within ten (10) days after the change necessitating the amendment.

(7.2406) *Section 6409(a) modification (non-substantial change).* No person may perform a Section 6409(a) Modification (Non-Substantial Change) to a small wireless facility (or associated utility pole that was installed for a small wireless facility) located in the City's public rights of way without first submitting written notice to the Office of the City Inspector describing in reasonable detail the work to be performed and the location of the work. The written notice shall be on a form, paper or electronic, provided by the City and made available for distribution at the Office of the City Inspector. Any such notice must be submitted at least ten (10) days prior to commencement of the proposed work, except that a shorter notice period shall be allowed in event of emergency.

Sec. 7.25. Fees.

Applicants shall submit to the Office of the City Inspector all documents and fees. An application shall not be accepted if the accompanying fees are not included. All associated fee amounts described in this Article for small wireless facilities are set forth below. The Office of the City Inspector may at their discretion utilize a third party reviewer and shall pay for said services from the application processing fees paid by the Applicant.

(7.2501) *New Facilities – Individual application.*

(A) *Application processing fee.* All individual applications for WTFPs for small wireless facilities shall be accompanied by the application processing fee of Five Hundred & No/100 (\$500.00) Dollars (made payable to the Office of the City Inspector).

(B) *Permit fee.* Upon notification of a decision for approval for the permit, Applicants may obtain the permit from the office of the City Inspector upon payment of the one-time WTFP fee of One Hundred & No/100 (\$100.00) Dollars (made payable to the City of Crowley).

(7.2502) *Batched Submittals for new facilities.*

(A) *Application processing fee.* All individual applications contained in a single batched submittal for WTFPs shall be accompanied by the application processing fee(s) made payable to the Office of City Inspector. The first application in a batched submittal shall be charged at the same fee for an individual application. The additional individual applications contained in a batched submittal shall then be charged at a reduced rate of Three Hundred & No/100 (\$300.00) Dollars each.

(B) *Permit fee.* Upon notification of a decision for approval for each permit, Applicants may obtain the permit(s) from the Office of the City Inspector upon payment of the WTFP fee of One Hundred & No/100 (\$100.00) Dollars for each facility (made payable to the City of Crowley).

(7.2503) *Non-Section 6409(a) Modification (Substantial Change)*

(A) *Application processing fee.* All individual WTFP applications for small wireless facilities purporting to make non-Section 6409(a) Modifications (modifications that cause a substantial change) shall be accompanied by the application processing fee of Three Hundred & No/100 (\$300.00) Dollars (made payable to the Office of the City Inspector).

(B) *Permit fee.* Upon notification of a decision for approval for the permit, Applicants may obtain the permit at no charge from the Office of the City Inspector.

(7.2504) *Routine maintenance.*

Applications and any associated fees are not required for routine maintenance on small wireless facilities or for Section 6409(a) modifications (modifications that do not cause a substantial change) but written notice of Section 6409(a) modifications (non-substantial change) is required pursuant to sections above.

Sec. 7.26. Action on permit applications

(7.2601) *Review of applications.*

(A) The City shall review the WTFP application for a small wireless facility (including any new, replacement or modified utility pole or other support structure for the purpose of installing a small wireless facility) in light of its conformity with applicable provisions of this Article and City Policy and shall issue a permit on nondiscriminatory terms and conditions subject to the presumptively reasonable periods of time in accordance with law and as identified in the policy contained in the WTFP application packet.

(B) *Batched submittals.* The City's denial of any individual application for a site within a single batched submittal shall not affect other individual applications for sites submitted in the same batched submittal. The City shall grant a permit for any and all individual applications for sites in a single batched submittal that it does not deny subject to the requirements of this Section, City policy or other applicable law.

(7.2602) The City may deny a proposed collocation of a small wireless facility or construction of a new, replacement or modified utility pole (for the purpose of installing a small wireless facility) only if the proposed application:

(A) Interferes with the safe operation of traffic control equipment.

(B) Interferes with sight lines or clear zones for transportation or pedestrians.

(C) Interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

(D) Fails to comply with reasonable and nondiscriminatory spacing requirements that apply to other communications service providers and electric utilities in the right of way and that concern the location of ground-mounted equipment and new utility poles. Such spacing requirements shall not prevent a small wireless facility from serving any location.

(E) Fails to comply with applicable local, federal and state laws, regulations and codes.

(F) Fails to comply with the City policy associated with the WTFP application packet.

(G) Fails to comply with the requirements of this Article.

Sec. 7.27. Zoning and Land-Use; Other approvals.

(7.2701) *Zoning and land-use.* Zoning and land-use approvals of the City of Crowley Zoning and Planning Commission do not apply to the City's public rights of way. Small wireless facilities and associated utility poles (for the purpose of installing a small wireless facility) permitted for placement in the City's public rights of way shall be permitted in accordance with this Article.

(7.2702) *Waivers.* Any Applicant may seek a waiver of the requirements in this Article which may be granted by the City Inspector upon good cause shown as determined by the City Inspector. Such waivers shall be granted in a nondiscriminatory manner.

(7.2703) *Other approvals.* The permittee shall obtain all other applicable permits, approvals, and agreements necessary to install and operate the small wireless facility in conformance with federal, state and local laws, rule and regulations.

Sec. 7.28. Concealment.

Design. Small wireless facilities shall be designed to blend into the surrounding environment and complement existing streetscape elements or structures through the use of color, camouflaging and architectural treatment. Any equipment mounted to the support structures shall also match the support structure in color and general design unless a different color is needed for public safety or service reliability reasons. All antennas and related equipment mounted to existing utility poles, light structures, or traffic signals shall be camouflaged, screened and/or obscured. If new monopoles, utility poles, light structures or traffic signals are installed for the purpose of small wireless facilities, the antennas and related mounted equipment shall be camouflaged, screened and/or obscured.

Sec. 7.29. Height and size; undergrounding; utility poles.

(7.2901) *Height and size.* Small wireless facilities and new, replacement or modified utility poles and wireless support structures for the collocation of small wireless facilities may be placed in the City's public rights of way and on other property as a permitted use subject to the following requirements:

- (A) The facilities:
- (1) are mounted on structures fifty (50') feet or less in height including their antennas; or
 - (2) are mounted on structures not more than ten (10%) percent taller than other adjacent structures; or
 - (3) do not extend existing structures on which they are located to a height of more than fifty (50') feet tall or by more than ten (10%) percent in height, whichever is greater.
- (4) The small wireless facility and associated structures including but not limited to utility poles must conform to the size and height limitations as defined for a small wireless facility in this Article.

(7.2902) *Undergrounding provisions.* To the extent doing so would not result in an effective prohibition under federal law, the Applicant shall comply with requirements that prohibit communications service providers from installing structures in the public right of way in area designated solely for underground or buried cable and utility facilities where the City has required all cable and utility facilities other than City poles and attachments to be placed underground by a date certain that is three months prior to the submission of the application. The City Inspector may authorize the replacement of City poles in the designated area upon good cause shown, as determined by the City Inspector.

(7.2903) *Utility poles.*

(A) Small wireless facilities shall be located such that they do not interfere with public health or safety facilities, such as but not limited to a fire hydrant, fire station, fire escape, water valve, underground vault or valve housing structure. New utility poles and small wireless facilities shall not be installed directly over any water, sewer, or reuse main or service lines.

(B) Utility pole modifications relating to small wireless facility collocations shall be fabricated from material having a degree of strength capable of supporting the small wireless facility and shall be capable of withstanding wind forces and ice loads in accordance with applicable standards. A modification shall be securely bound in accordance with applicable engineering standards.

Sec. 7.30. Effect of permit and duration.

(7.3001) *Authority granted; no property right or other interest created.* A WTFP for a small wireless facility and/or associated utility pole installed for a small wireless facility from the City authorizes an Applicant to undertake only certain activities in accordance with this Article and does not create a property right or grant authority to the Applicant to impinge upon the rights of others who may already have an interest in the rights of way.

(7.3002) *Approval of application.* Approval of an application for a WTFP for a small wireless facility authorizes the Applicant to:

(A) Install, modify or collocate a facility as described in the permit application.

(B) Operate and maintain the small wireless facility in accordance with this Article after construction and/or modification and upon the City's receipt of the written notification of final completion date of such facility.

(7.3003) *Duration.* Any approved and issued WTFP will automatically expire at 12:01 a.m. local time exactly ten (10) years from the issuance date. Provided that the subject small wireless facilities are being operated in accordance with the requirements of this Article and that the wireless provider has not elected to remove the subject facilities, the WTFP automatically will renew at 12:01 local time for an additional ten-year period every ten (10) years from the issuance date.

Sec. 7.31. Construction of facility; notification of final completion date.

(7.3101) Construction pursuant to a permit under this Article must commence no later than twelve (12) months after issuance of the permit and thereafter be diligently pursued to completion, provided that the deadline to commence construction shall be extended for any delays attributable to the lack of commercial power or communications facilities at the site or by mutual agreement of the Applicant and the City.

(7.3102) Permittee shall notify the City in writing of the notification of final completion date of the facility and said notification shall be received by the City no later than thirty (30) days after final completion. Said notification shall contain a statement from the permittee that the facility was constructed as approved and permitted in accordance with the issued WTFP permit.

Sec. 7.32. Removal, relocation or modification of small wireless facility.

(7.3201) *Notice.* Within ninety (90) days following written notice from the City, wireless provider shall at its own expense protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities whenever the City has determined that such removal, relocation, change or alteration is reasonably necessary for the construction, repair, maintenance or installation of any City improvement in or upon the City's public rights of way or the operations of the City in or upon the City's public rights of way, or whenever the City has determined the small wireless facility does not conform to the permits granted by the City.

(7.3202) *Emergency removal or relocation of facilities.* The City retains the right and privilege to cut or move any small wireless facility located within the rights of way of the City as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider after cutting or removing a small wireless facility.

(7.3203) *Abandonment of facilities.* Upon abandonment of a small wireless facility, the wireless provider shall notify the City within ninety (90) days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small wireless facility if the City or any of its departments determine that such removal will be in the interest of the public health, safety and welfare.

Sec. 7.33. Attachment to City owned utility poles or other City owned structures in the rights of way.

(7.3301) *Application.* Applications proposing to collocate small wireless facilities on City owned poles or other City owned structures in the City's public rights of way shall be submitted and processed in accordance with the application provisions outlined in this Article.

(7.3302) *Causes for denial.* Applications proposing to collocate small wireless facilities on City owned poles or other City owned structures in the City's public rights of way shall not be denied unless they fail to meet the requirements of this Article and unless there is insufficient capacity that cannot be remedied by rearranging, expanding or otherwise reengineering the facilities at the reasonable and actual cost of the City to be reimbursed by the wireless provider.

(7.3303) *Annual rate.* The rate to place a small wireless facility on a City owned pole or other City owned structure in the right of way shall be Fifty & No/100 (\$50.00) Dollars per year for all City owned poles and structures.

(7.3304) *Cease payment.* A wireless provider is authorized to remove its facilities from the rights of way upon providing the City with at least thirty (30) days written notice and cease paying the City compensation for use of the rights of way after removal of its facility.

(7.3305) *Make-ready.* For City owned utility poles in the City's public rights of way, the City shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested small wireless facility, including pole replacement if necessary, within sixty (60) days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within sixty (60) days of written acceptance of the good faith estimate by the wireless provider.

Sec. 7.34. Liability, insurance and indemnification

(7.3401) *Liability.* Applicant hereby assumes all risk with respect to the City for liability for damages that may occur to persons or property on account of the proposed work whether completed by Applicant or Applicant's agent or contractor completing, installing or maintaining the work on Applicant's behalf. Applicant shall procure and maintain liability insurance to protect the City from liability and damages on account of injuries to workers as provided by law and to protect the City from liability and damages occasioned by the proposed work.

(7.3402) *Insurance.* Applicant shall procure and maintain in continuous effect, during the pendency of the encroachment, "Certificates of Insurance" or other satisfactory evidence to show Applicant carries:

(A) Commercial General Liability insurance and Commercial Automobile Liability insurance covering the City against claims, injury or damage to persons or property, both real and personal, caused by the proposed work in amounts of One Million U.S. Dollars (\$1,000,000.00) per occurrence (combined single limit), including bodily injury and property damage, and Two Million U.S. Dollars (\$2,000,000.00) annual aggregate and Two Million U.S. Dollars (\$2,000,000.00) for each personal injury liability; and

(B) Statutory workers' compensation and employer's liability insurance of One Million U.S. Dollars (\$1,000,000.00) per accident/per disease, per employee/per disease policy limits.

(C) All required liability insurance coverages shall include the City as an additional insured. Applicant shall notify the City at least thirty (30) days in advance of any cancellation of any required insurance that is not replaced.

(D) Applicant may self-insure any required coverage as long as it or its affiliated parent maintains a net worth of at least \$200 million as evidenced in annual certified financials.

(7.3403) *Indemnification.* Applicant shall defend, indemnify and hold harmless the City, its Board of Aldermen, boards, commissions, elected officials, officers, agents, contractors, volunteers and employees from and against any reasonable attorney's fees resulting from the alleged acts or omissions of permittee, Applicant's officers, agents, or employees in connection with the permitted work. This indemnity provision shall be applicable regardless of the merit or outcome of such claim or suit.

SECTION 2: If any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable, then in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and

the remaining provisions, parts, words, sections, subsections, sentences, clauses or phrases will not be affected and shall continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

SECTION 4: This Ordinance shall become effective immediately upon adoption.

THUS DONE, SIGNED AND ADOPTED in special session duly convened on this the 14th day of January, 2019, at Crowley, Acadia Parish, Louisiana, after notice thereof having been posted in accordance with law and after a roll call vote as follows:

YEAS: Brad Core, Clint Cradeur, Lyle Fogleman, Vernon Martin, Steven Premeaux, Sammy Reggie, Kim Stringfellow and Byron Wilridge

NAYS: None

ABSENT: Jeff Cavell

S/ Tim Monceaux, Mayor

Attest: S/ Erin S. Cradeur, City Clerk

OTHER BUSINESS:

Mayor Tim Monceaux requested that the nomination for Street Commissioner be tabled until further notice.

Alderman Clint Cradeur asked to address the council and stated that before the council votes for Street Commissioner, I would like to go on record to recommend the Mayor combine the Wastewater, Street Department and Public Works divisions under a single manager. This will give these departments much needed supervision and unity.

This change will also result in significant cost savings to the City by eliminating duplicated resources in each of these departments. I have observed duplications of equipment such as backhoes, dump trucks, tractors, lawn mowers, bush hogs, vehicles and trailers, to name a few, that result in unnecessary expense, maintenance and insurance costs. Maintenance personnel, equipment operators, supervisors and general laborers are also areas that could be consolidated with some possibly eliminated which would be another cost savings to the city and the taxpayers.

The Street and Public Works Departments are in dire need of a knowledgeable and competent manager that can oversee the operation and maintenance of equipment and personnel in these departments. For example, the City has specific ordinances pertaining to the installation of ditch drain pipe that have not been followed for years despite constant complaints from citizens about problems with flooding due to poor drainage. The city engineer has informed us that an expenditure of approximately four (4) million dollars is necessary to perform the minimal level of priority drainage projects. I believe, along with all members of this council, the citizens of Crowley deserve the best we can provide.

Therefore, I recommend we seek out all opportunities to find a competent individual for this position, someone able to fulfill the management of this multi-million-dollar infrastructure operation.

There being no further business to come before the Council upon motion duly made by Alderman Lyle Fogleman and seconded by Alderman Byron Wilridge the meeting was adjourned at 5:06 p.m.

Presented rough draft to Mayor on January 22nd, 2019 at 9:00 a.m.
Presented for Mayor's signature on January 22nd, 2019 at 9:00 a.m.
Mayor signed & returned to City Clerk on January 22nd, 2019 at 9:45 a.m.
Publish in newspaper on January 30th, 2019