

EXHIBIT “A”

CHAPTER 913

SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES

913.01	Purpose and Intent.
913.02	Applicability.
913.03	Definitions.
913.04	Application Denied.
913.05	Application Review Process and Timeframes.
913.06	Location and Design Standards for Small Cell Facilities and Wireless Support Structures.
913.07	Standard Conditions of Permit Approval.
913.08	Safety Requirements.
913.09	Penalties.
913.10	Recovery of Costs; Use of Revenue.
913.11	Severability.

913.01 PURPOSE AND INTENT.

(A) The purpose of this Chapter is to establish general procedures and standards, consistent with all applicable federal and state laws, for the siting, construction, installation, collocation, modification, operation, and removal of wireless communications facilities.

(B) The intent of this Chapter is to:

- (1) Provide standards for the siting, construction, installation, collocation, modification, operation, and removal of wireless communications facilities in the Village's Right-of-Way and for payment of fees and charges to be uniformly applied to all applicants and owners of wireless communications facilities or support structures for such facilities;
- (2) Establish basic criteria for applications to site wireless communications facilities in the Right-of-Way and authorize the Chief Building Official to develop, publish, and from time to time amend applications and other associated materials to provide clear guidance to applicants;
- (3) Ensure that wireless communications facilities are soundly and carefully designed, constructed, modified, maintained, and removed when no longer in use in conformance with all applicable health and safety regulations;
- (4) Preserve the character of the Village by minimizing the adverse visual impact of small cell facilities and wireless support structures through careful design, siting, landscaping and camouflaging techniques to blend these facilities into their environment to the maximum extent practicable;
- (5) Enhance the ability of wireless communications carriers to deploy wireless infrastructure in the Village quickly, effectively, and efficiently so that residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability;
- (6) Comply with, and not conflict with or preempt, all applicable state and federal laws, including without limitation Section 101(a) and Section 704 of the Telecommunications Act, Pub. L. 104-

104, 101 Stats. 56, 70 (Feb. 8, 1996) (codified as 47 U.S.C. §§ 253(a), 332(c)(7)), as may be amended or superseded, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, Pub. L. 112-96, 126 Stat. 156 (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)), as may be amended or superseded, and all FCC rules and regulations to interpret and implement applicable federal statutes.

913.02 APPLICABILITY.

- (A) Subject to Chapter 4939 of the Revised Code and approval of an application under this Section, an operator may, as a permitted use not subject to zoning review or approval, collocate a small cell facility and construct, maintain, modify, operate, or replace wireless support structures in, along, across, upon, and under the Right-of-Way.
 - (1) An operator shall comply with generally applicable standards that are consistent with this Chapter and adopted by the Village for construction and public safety in the Right-of-Way.
 - (2) All structures and facilities shall be constructed and maintained so as not to impede or impair public safety or the legal use of the Right-of-Way by the Village, the traveling public, or other public utilities.
- (B) Except as provided in this Chapter as well as any franchise, pole attachment, or other agreements between the Village and a cable operator or public utility, the Village shall not require any zoning or other approval, consent, permit, certificate, or condition for the construction, replacement, location, attachment, or operation of a small cell facility in the Right-of-Way, or otherwise prohibit or restrain the activities as described in this Section, except as otherwise provided in Division (B) of Section 4939.0311 of the Revised Code.
- (C) Exceptions for prior franchises or agreements are as outlined in Section 4939.08 of the Revised Code.
- (D) Exclusions.
 - (1) Amateur radio facilities. This Chapter shall not govern the installation of any amateur radio facility that is owned or operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
 - (2) Certain over-the-air receiving devices (OTARD). This Chapter shall not govern the installation of any OTARD antennas covered under FCC regulations codified in 47 C.F.R. §§1.4000 et seq., as may be amended or superseded. OTARD antennas include, without limitation, direct-to-home satellite dish antennas less than one meter in diameter, television antennas and wireless cable antennas.
 - (3) Handsets and user equipment. This Chapter shall not govern the use of personal wireless devices (e.g., cell phones) or other consumer-grade mobile user equipment used in the Right-of-Way.
- (E) The permitting procedures and authorizations set forth in the amendments made to Sections 4939.01 to 4939.09 of the Revised Code by H.B. 478 of the 132nd General Assembly shall apply only to the placement of small cell facilities and wireless support structures in the public way, and do not authorize the construction and operation of a wireline backhaul facility.

- (F) Relationship to other Chapters. This Chapter shall supersede all conflicting requirements of other titles and Chapters of this Code regarding the locating and permitting of small cell wireless communications facilities in the Right-of-Way.
- (G) Nothing in this Chapter precludes the Village from applying its generally applicable health, safety, and welfare regulations when granting consent for a small cell facility or wireless support structure.

913.03 DEFINITIONS.

(A) General use of terms:

- (1) The terms, phrases, words, and their derivations used in this Chapter shall have the meanings given in this Section.
- (2) When consistent with the context, words used in the present tense also include the future tense; words in the plural number include the singular number; and words in the singular number include the plural number.
- (3) All terms used in the definition of any other term shall have their meaning as otherwise defined in this Section.
- (4) The words "shall" and "will" are mandatory and "may" is permissive.
- (5) Words not defined shall be given their common and ordinary meaning.

(B) Defined terms:

- (1) Abandoned. Small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the Village and receiving the Village's approval.
- (2) Accessory Equipment. Any equipment used in conjunction with a wireless facility or wireless support structure, including utility or transmission equipment, power storage, generation or control equipment, cables, wiring, and equipment cabinets.
- (3) Agent. A person that provides the Village written authorization to work on behalf of a public utility.
- (4) Antenna. Any communications equipment designed for the purpose of the transmission and/or reception of radio frequency ("RF") radiation, to be operated or operating from a fixed location to facilitate wireless communications services, including associated accessory equipment.
- (5) Applicant. Any person that submits an application to the Village to site, install, construct, collocate, modify, and/or operate a Wireless Communications Facility in the Right-of-Way according to the requirements of this Chapter.
- (6) Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications 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.

- (a) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (b) 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).
- (c) The term includes any structure other than a Tower that, at the time the relevant application is filed with the State or local government under this Division, supports or houses equipment described in paragraphs (B)(6)(a) through (d) of this Division 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.
- (d) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this Division, does not support or house equipment described in paragraphs (B)(6)(a) through (d) of this Division.

As an illustration and not a limitation, the FCC's definition refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on utility poles and other structures in the Right-of Way, light standards, or traffic signals when such structure is approved by the Village as an appropriate support for small cell facilities. An existing structure without wireless equipment replaced with a new one designed to bear the additional weight from wireless equipment constitutes a base station.

(7) Cable Operator. Any person or group of persons:

- (a) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or
- (b) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

(8) Cable Service.

- (a) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and
- (b) subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

(9) Cable Franchise. An initial authorization, or renewal thereof, issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system.

(10) Clear Zone. The unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles. The clear zone includes shoulders, bike

lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes. As defined in the ODOT Location and Design Manual, Volume 1, Section 600—Roadside Design.

- (11) Collocation or Collocate. To install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure.
- (12) Decorative Pole. A pole, arch, or structure other than a street light pole placed in the public way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:
 - (a) Electric lighting;
 - (b) Specially designed informational or directional signage;
 - (c) Temporary holiday or special event attachments.
- (13) Design Guidelines. Means those detailed design guidelines and examples promulgated by the Building Department for the design and installation of structures supporting wireless communications facilities in the Right-of-Way, which are effective insofar as they do not conflict with FCC rules and regulations or the design standards established in this Chapter.
- (14) Design Standards. Means those standards established in this Chapter for the design, construction, and installation of wireless communications facilities in the Right-of Way, which are supplemented by Design Guidelines, and which are effective insofar as they do not conflict with state or federal law, including without limitation any applicable FCC rules and regulations.
- (15) Eligible Facilities or Eligible Support Structure Request. Means the same as defined by the FCC in 47 A.A.R. §1.40001(b)(3), as may be amended, which defines that term as "any request for modification of an existing support structure or base station that does not substantially change the physical dimensions of such support structure or base station, involving:
 - (a) Collocation of new small cell facilities;
 - (b) Removal of small cell facilities; or
 - (c) Replacement of small cell facilities.
- (16) Eligible Support Structure. Any tower or base station as defined in this Section, provided that it is existing at the time the relevant application is filed with the Village under this Section.
- (17) Micro Wireless Facility. A small cell facility that is not more than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that does not have an exterior antenna more than eleven inches in length suspended on cable strung between wireless support structures.
- (18) Municipal Electric Utility. A municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

- (19) Ohio Manual of Uniform Traffic Control Devices of OMUTCD. The uniform system of traffic control devices promulgated by the department of transportation.
- (20) Occupy or Use. With respect to the Right-of-Way, to place a tangible thing in the Right-of-Way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator.
- (21) Potential Support Structure. Means an existing building or structure, other than a Tower as defined in this section, that may be transformed into a base station through the mounting or installation of an antenna or small cell equipment after the Village approves it as a support structure and the permittee installs small cell facilities pursuant to such approval; Potential Support Structures include but are not limited to buildings, steeples, water towers, utility poles, light poles, Village-owned structures in the Right-of-Way, and outdoor advertising signs.
- (22) Person. Means, without limitation, a natural person, a corporation, whether nonprofit or for profit, a partnership, a limited liability company, an unincorporated society or association, and two or more persons having a joint or common interest.
- (23) Public Utility. A wireless service provider as defined in Division (A)(20) of Section 4927.01 of the Revised Code or any company described in section 4905.03 of the Revised Code except in Divisions (B) and (I) of that Section, which company also is a public utility as defined in Section 4905.02 of the Revised Code; and includes any electric supplier as defined in Section 4933.81 of the Revised Code.
- (24) Right-of-Way Fee. A fee levied to recover the costs incurred by the Village and associated with the occupancy or use of Right-of-Way.
- (25) Right-of-Way. The surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public path, public bike path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive and any other land dedicated or otherwise designated for the same now or hereafter held by the Village which shall, within its proper use and meaning in the sole opinion of the Chief Building Official, entitle a permittee, in accordance with the terms hereof and of any Right-of-Way permit, to the use thereof for the purpose of installing or operating any poles, wires, cables, transformers, conductors, ducts, lines, mains, conduits, vaults, manholes, amplifiers, appliances, attachments or other property or facilities as may be ordinarily necessary and pertinent to the provision of utility, cable television, communications or other services as set forth in any service agreement or any Right-of-Way permit. Right-of-Way shall not include private easements or public property, except to the extent the use or occupation of public property is specifically granted in a Right-of-Way permit or by administrative regulation.
- (26) Small Cell Facility. A wireless facility that meets both of the following requirements:
- (a) Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.

- (b) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (27) Small Cell Facility Operator or Operator. A wireless service provider, or its designated agent, or cable operator, or its designated agent, or a video service provider, or its designated agent, that operates a small cell facility and provides wireless service as defined in Division (V) of Section 4939.01 of the Revised Code. For the purpose of this Chapter, "operator" includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.
- (28) Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, that are constructed for wireless communications 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, as more specifically defined by the FCC in 47 C.F.R. §1.4000l(b)(9), as may be amended or superseded.
- (29) Utility Pole. A structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and decorative poles.
- (30) Video Service Provider. Has the same meaning as in Section 1332.21 of the Revised Code.
- (31) Wireless Communications Facility. Means any unstaffed installation for the transmission and/or reception of radio frequency signals for wireless communications services, typically consisting of a tower or base station, transmission equipment, equipment cabinets, and all materials or techniques used to conceal the installation.
- (32) Wireless Communications Service. Means any FCC-licensed or authorized wireless communication service including, without limitation, any personal wireless services, as defined in 47 U.S.C. § 332(c)(7)(D).
- (33) Wireless Facility.
 - (a) Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:
 - (1) Equipment associated with wireless communications;
 - (2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
 - (b) The term includes small cell facilities.
 - (c) The term does not include any of the following:
 - (1) The structure or improvements on, under, or within which the equipment is collocated;

- (2) Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (34) Wireless Row Permit. Means a wireless facility Right-of-Way occupancy permit as further defined in Section 911.03 of the codified ordinances of the Village.
- (35) Wireless Service. Any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided to the public using wireless facilities.
- (36) Wireless Service Provider. A person who provides wireless service as defined in Division (A)(20) of Section 4927.01 of the Revised Code.
- (37) Wireless Support Structure. A pole, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or utility pole capable of supporting small cell facilities, excluding:
 - (a) utility poles or other facilities owned or operated by a municipal electric utility;
 - (b) utility poles or other facilities used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.
- (38) Wireless Backhaul Facility. A facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.
- (39) Work Permit. A permit issued by the Village that must be obtained in order to perform any work in, on, above, within, over, below, under, or through any part of the public Right-of-Way, including, but not limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, or installing, as well as the act of opening and cutting into the surface of any paved or improved surface that is part of the public Right-of-Way.

913.04 APPLICATION REQUIRED.

- (A) General Requirements. The following requirements shall apply to all small cell wireless communications facilities proposed within the Right-of-Way.
 - (1) No person shall occupy or use the Right-of-Way except in accordance with law.
 - (2) In occupying or using the Right-of-Way, no person shall unreasonably compromise the public health, safety, and welfare.
 - (3) No person shall occupy or use the Right-of-Way without first obtaining, under this Section or Section 1332.24 or 4939.031 of the Revised Code, any requisite consent of the Village.
- (B) Pre-Application Conference. Applicants are strongly encouraged to contact the Village and request a pre-application conference. This meeting will be arranged by the Building Department and will include Staff, the Applicant, and any applicable Utility providers. This meeting will provide an opportunity for an early coordination regarding proposed small cell facilities and wireless support structure locations, design, and the application submittal, and approval process.

(C) Application Required. Anyone seeking to site small cell facilities in the Right-of-Way shall first duly file a written application with the Building Department, in accordance with the requirements in this Section and additional detailed requirements set forth in the Design Guidelines as modified from time to time by the Chief Building Official.

(D) Categories of Small Cell Applications. In accordance with FCC regulations, the Building Department shall classify every application to locate small cell facility in the Right-of-Way as one of the following types:

(1) A Type I application:

- (a) Involves collocation, replacement or modification of small cell facilities on an existing wireless support structure or base station; and
- (b) Does not substantially change the physical dimensions of the existing wireless support structure or base station.

(2) A Type II application:

- (a) Involves the construction, modification, or replacement of a wireless support structure in the Right-of-Way associated with a small cell facility.

(3) A Type III application:

- (a) Involves the permanent removal of small cell facilities from wireless support structures which will remain; or
- (b) Permanent removal of small cell wireless facilities, support structures and associated ground mounted equipment.

(E) Required Small Cell Application Materials.

(1) Type I and Type II Application Materials. The following information must be submitted for all Type I and Type II applications required by this Chapter.

- (a) Completed application form and application fee.
- (b) A scaled and dimensioned site plan (not smaller than one inch equals 50 feet) clearly indicating the following:
 - 1. Proposed location within the Right-of-Way including nearest cross street intersection.
 - 2. Adjacent parcel(s) perpendicular to the proposed small cell facility location property ownership, including current ownership.
 - 3. All existing conditions within 400 feet of the proposed location, including but not limited to, buildings, utilities within the Right-of-Way and associated above grade structures, location of electric service and fiber optic cable, small cell structures and facilities, sidewalks/shared-use paths, back of adjacent curb/edge of pavement, driveways, and street trees.

4. Dimensions shall be provided from the proposed small cell facility to existing small cell support structures and equipment, utility structures, back of curb/edges of pavement including driveways, sidewalks and shared-use paths.
 5. Dimensions shall be provided between proposed small cell support structure and associated ground mounted equipment.
- (c) Scaled and dimensioned elevations/profiles and sections (not smaller than 1/4 inch equals 1 foot) of existing and proposed vertical wireless support structures clearly indicating the following, as applicable:
1. Height from established grade at the base of the wireless support structure to highest point of the wireless support structures and the height to the top of proposed antenna or antenna enclosures, as applicable (overall height).
 2. The parallel distance from the centerline of the wireless support structure to the outside edge of all equipment associated with the small cell facility to be installed on the support structure.
 3. Height from established grade at the base of the wireless support structure to the lowest point of all proposed small cell equipment to be installed on the wireless support structure.
- (d) Scaled and dimensioned details of proposed small cell facilities, including elevations/profiles, plans and sections (not smaller than 1/4 inch equals 1 foot) clearly indicating the following, as applicable:
1. Height, width, and volume in cubic feet of all proposed antenna and exposed elements and/or proposed antenna enclosures.
 2. Height, width, and volume of all other wireless equipment associated with the facility, with all electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services clearly labeled.
 3. Method of installation/connection to pole or ground, as applicable.
 4. Color specifications for all small cell support structures and associated exposed equipment, cabinets and concealment elements.
 5. Electrical plans and wiring diagrams.
 6. Footing and foundation drawings and structural analysis sealed and signed by a Professional Engineer in the State of Ohio.
- (e) Manufacturer's specification sheets for all small cell facility equipment proposed, including poles, equipment cabinets, shrouds, or concealment devices, antennas, meters, radios, switches, telecommunications demarcation boxes and grounding equipment.
- (f) Scaled and dimensioned landscape plans associated with required screening of ground mounted small cell equipment (where applicable), including a planting plan with proposed plant species, quantities, spacing, height at installation, and planting details.

(2) Type III Application Materials. The following information must be submitted for all Type III applications required by this Chapter.

(a) Completed application form and application fee.

(b) A scaled and dimensioned site plan (not smaller than one inch equals 20 feet) clearly indicating the following:

1. Proposed location within the right-of-way including nearest cross street intersection.
2. Adjacent parcel(s) perpendicular to the existing small cell facility location property ownership, including current ownership.
3. All existing conditions within 50 feet of the existing small cell facilities locations to be removed, including but not limited to, buildings, utilities within the Right-of-Way and associated above grade structures, location of electric service and fiber optic cable, small cell structures and facilities, sidewalks/shared-use paths, back of adjacent curb/edge of pavement, driveways, street trees and plant material.

(c) Scaled and dimensioned site and/or structure remediation details (not smaller than 1/4 inch equals 1 foot) clearly indicating the following:

1. Proposed remediation plan for modifications made to Village-owned wireless support structures and other areas of the Right-of-Way associated with collocation of small cell wireless facilities and ground mounted equipment after the removal of these facilities.
2. Proposed restoration of electric and fiber optic connections after removal of small cell facilities, as applicable.

913.05 APPLICATION REVIEW PROCESS AND TIMEFRAMES.

(A) Except as otherwise provided in this Section and Sections 4939.031 and 4939.036 of the Revised Code, the Village, not later than sixty days after the date of filing by a person of a completed request for consent, shall grant or deny its consent for an eligible facilities request.

(B) Following the date of filing of a complete application by an entity, the Village shall grant or deny the following small cell facility application types for consent in the Right-of-Way not later than:

- (1) 90 days to collocate small cell facilities on an existing wireless support structure (Type I Applications)
- (2) 90 days to replace or modify a small cell facility on an existing wireless support structure where consent is required (Type I Applications)
- (3) 120 days to construct, modify, or replace a wireless support structure associated with a small cell facility (Type II Applications)

(C) Failure to grant or deny within prescribed timeframes.

- (1) If the Village fails to approve or deny a request for consent under this Section or a request for a relevant work permit within the required time period, provided the time period is not tolled under Section 4939.036 of the Revised Code, the request shall be deemed granted upon the requesting entity providing notice to the Village that the time period for acting on the request has lapsed.

(D) Application denials by the Village.

- (1) The Village shall not unreasonably withhold or deny consent.
- (2) If a request by a person for consent is denied, the Village shall provide to the person in writing its reasons for denying the request and such information as the person may reasonably request to obtain consent. If a request for consent is denied for an activity described in Section 4939.031 of the Revised Code, the reasons required under this division shall be supported by substantial, competent evidence and the denial of consent shall not unreasonably discriminate against the entity requesting the consent.
- (3) Except in the case of a public utility subject to the jurisdiction and recognized on the rolls of the public utilities commission or of a cable operator possessing a valid franchise awarded pursuant to the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 541, the Village, for good cause shown, may withhold, deny, or delay its consent to any person based upon the person's failure to possess the financial, technical, and managerial resources necessary to protect the public health, safety, and welfare.

(E) Tolling of required timeframes.

- (1) The time period required in section 4939.031 of the Revised Code may be tolled only:
 - (a) By mutual agreement between the entity requesting consent and the Village;
 - (b) In cases where the Village determines that the application is incomplete; or
 - (c) If the number of requests for consent for small cell facilities or wireless support structures received is likely to result in difficulty processing applications within the time limits set forth in Section 4939.031 of the Revised Code due to the lack of resources of the Village, then the Village may toll the time limits as follows:
 1. The time period may be tolled for up to twenty-one days for the first fifteen small cell facility or wireless support structure requests received by the Village above fifteen; and for the first thirty small cell facility or wireless support structure requests received by the Village above fifteen, within any consecutive thirty-day period.
 2. Further, for every additional fifteen requests that the Village receives within any consecutive thirty-day period, the Village may toll the time period for those requests for up to fifteen days in addition to the time period provided in Division (5)(c)(1) of this Section.
 3. In no instance shall the Village toll the time period for any small cell facility or wireless support structure request by more than ninety consecutive days. Upon request, the Village shall provide an operator written notice of the time limit for a small cell facility or wireless support structure request.

- (2) To toll the time period for incompleteness, the Village shall provide written notice to the person requesting consent not later than thirty days after receiving the request, clearly and specifically delineating all missing documents or information. The missing documents or information shall be reasonably related to determining whether the request meets the requirements of applicable federal and state law. Any notice of incompleteness requiring other information or documentation, including information of the type described in Section 4939.0313 of the Revised Code or documentation intended to illustrate the need for the request or to justify the business decision for the request, does not toll the time period.
- (3) The time period resumes when the entity makes a supplemental submission in response to the Village's notice of incompleteness.
- (4) If a supplemental submission is inadequate, the Village shall notify the entity not later than ten days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in Divisions (1) through (3) of this Section. Second or subsequent notices of incompleteness may not specify missing documents or information that were was not delineated in the original notice of incompleteness.

(F) Timeframe for completion of permit.

- (1) A collocation or a new wireless support structure for which a permit is granted shall be completed within one hundred eighty days after issuance of the permit, unless:
 - (a) The Village and the operator agree to extend this period; or
 - (b) A delay is caused by make-ready work for a Village-owned wireless support structure or decorative pole or by the lack of commercial power or backhaul availability at the site, provided that:
 1. The operator has made a timely request within sixty days after the issuance of the permit for commercial power or backhaul services; and
 2. The additional time to complete installation does not exceed three hundred sixty days after issuance of the permit.
- (2) If Divisions (1)(a) and (b) of this Section cannot be met, the permit shall be void unless the Village grants an extension in writing to the operator.

(G) Consolidated application for multiple small cell facilities and/or support structures.

- (1) Applicants seeking to construct, modify, collocate, or replace more than one small cell facility or more than one wireless support structure may file at the applicant's discretion, a consolidated application for up to 30 small cell facility requests or up to 30 wireless support structure requests in a single application and receive a single permit for the construction, modification, collocation, or replacement of the small cell facilities or wireless support structures subject to the following:

- (a) This single application may be filed for multiple small cell facilities or multiple wireless support structures only if they are of substantially the same type.
 - (b) The Village may separately address small cell facility collocations or wireless support structures for which incomplete information has been received or which are denied.
- (2) In the case of a consolidated application, the fees provided for in section 4939.0316 of the Revised Code may be cumulative. However, the Village, at its discretion may opt to reduce such fees in order to encourage persons to submit consolidated applications.
- (3) In the case of a consolidated application, each small cell facility or wireless support structure proposed to be constructed, modified, collocated on, or replaced shall constitute a separate request for consent for purposes of tolling the response deadline as authorized under Section 4939.036 of the Revised Code. A request by a single operator for a new or replacement support structure and associated small cell facility constitutes one request.
- (H) Small Cell and Wireless Support Structure activities not requiring consent.
- (1) Village consent shall not be required for either of the following activities conducted in the Right-of-Way:
- (a) Routine maintenance of wireless facilities;
 - (b) The replacement of wireless facilities with wireless facilities that are consistent with the Village's current design requirements and guidelines and that are either:
 - 1. Substantially similar to the existing wireless facilities; or
 - 2. The same size or smaller than the existing wireless facilities.
- (2) The Village may require a work permit for any activity described in Division (I) of this Section and for any activity for which consent is authorized under Section 4939.031 of the Revised Code. Any such permit shall be subject to any applicable law in this Chapter.
- (3) Notwithstanding the amendments made to Sections 4939.01 to 4939.09 of the Revised Code by H.B. 478 of the 132nd General Assembly, a cable or video service provider shall not be required to obtain permits from the Village or to pay fees, with the exception of work permits and associated fees, to place, operate, maintain, or replace micro wireless facilities pursuant to an existing franchise or video service authorization under Chapter 1332. of the Revised Code; nor shall a holder of an existing franchise or video service authorization be required to obtain additional authorizations or to pay additional fees for the placement of micro wireless facilities already covered under an existing franchise or video service authorization under Chapter 1332 of the Revised Code.

913.06 LOCATION AND DESIGN STANDARDS FOR SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES.

(A) General Design Standards.

- (1) Utility Undergrounding Required. All service lines to the proposed small cell facilities shall be underground.
- (2) Electric and Fiber Optic Supply.
 - (a) Independent Power Source Required. Small cell facilities located on Village-owned support structures may not use the same power source providing power for the existing facilities original to the purposes of the support structure.
 - (b) Applicant shall coordinate, establish, maintain and pay for all power and communication connections with private utilities.
- (3) Wiring, Cables and Conduit Requirements.
 - (a) All wiring and cables must be housed within the steel support structure pole and extended vertically within a flexible conduit.
 - (b) Above ground wires, cables, connections and conduit are prohibited, except as specified in the Design Guidelines based on the specific context and characteristics of the wireless support structure.
 - (c) Spools and/or coils of excess fiber optic or coaxial cables or any other wires shall not be stored on the pole except completely within the approved enclosures or cabinets
- (4) Lighting associated with small cell facilities is prohibited. Any internal lights associated with electronic equipment shall be shielded from public view.
- (5) Signage is prohibited on all small cell facilities and wireless support structures, including stickers, logos, and other non-essential graphics and information unless required by FCC.
- (6) Prohibited Wireless Facilities. Microwave or other wireless backhaul is not permitted within the Right-of-Way.

(B) Existing Wireless Support Structures.

- (1) Collocation encouraged. The collocation of wireless facilities on existing support structures is strongly encouraged as a means to minimize the extent of intrusion of redundant support structures within the Right-of-Way.
- (2) Structural Integrity of Existing Support Structures.
 - (a) The Village shall not authorize any attachments to Village-owned infrastructure that negatively impacts the structural integrity of the support structure.
 - (b) The Village may condition approval of the collocation on replacement or modification of the wireless support structure at the operator's cost if the Village determines that replacement or modification is necessary for compliance with its written construction or safety standards. A replacement or modification of the wireless support structure shall conform to the applicable

design guidelines and the Village's applicable specifications for the type of structure being replaced. The Village may retain ownership of a replacement wireless support structure.

- (3) **Maximum Permitted Height.** For an existing wireless support structure, the antenna and any associated shroud or concealment material are permitted to be collocated at the top of the existing wireless support structure and shall not increase the height of the existing wireless support structure by more than five feet, unless otherwise specified in the Design Guidelines based on the specific context and characteristics of the wireless support structure.
- (4) **Non-Standard Support Structures.** Proposed collocation requests for any existing support structures that are not reflected in the Village's Standard Drawings, such as wood poles, or which otherwise possess unique characteristics shall be addressed through the Design Guidelines.
- (5) **Right to reserve space on wireless support structure or pole.** The Village may Reserve space for future public safety or transportation uses in the public way or on a wireless support structure or pole owned by the Village in a documented and approved plan in place at the time an application is filed.
 - (a) A reservation of space shall not preclude placement of a pole or collocation of a small cell facility.
 - (b) If replacement of the Village's pole or wireless support structure is necessary to accommodate the collocation of the small cell facility and the future use, the operator shall pay for the replacement of the pole or wireless support structure, and the replaced pole or wireless support structure must accommodate the future use.

(C) **New Wireless Support Structures/Poles.**

(1) **Location.**

(a) **Required Setbacks:**

- 1. The centerline of new support structures shall be installed in alignment with existing street trees and other poles along the same Right-of-Way, unless otherwise required in the Design Guidelines.
- 2. In no case shall a new support structure be located less than two feet from the travel-way/face of curb, sidewalk, or shared-use path as measured to the nearest part of the support structure.
- 3. New support structures shall be located a minimum of six feet from any permanent object or existing lawful encroachment into the Right-of-Way.

(b) **Fall Zones.** Fall-zone requirements for wireless support structures shall be consistent with these requirements for other structures of similar types and height within the Right-of-Way.

(c) **Required Spacing.** Minimum separation between new wireless support structures and other existing facilities shall be as follows:

1. 300 linear feet between proposed Type II and existing Type II support structures, or permitted but unconstructed Type II support structures, at the time a complete application is filed with the Village, irrespective of the owner/operator of the small cell facilities.
2. 150 linear feet between proposed Type II support structures and Type I support structures, including existing light or utility poles.

(2) Maximum Permitted Height.

- (a) For a new wireless support structure, the overall height of the wireless support structure and any collocated antennas shall not be more than forty feet in height above established grade at the base of the structure.
- (b) The Village shall limit the maximum permissible height of wireless support structures to not less than thirty-five feet in height above established grade at the base of the structure in areas meeting the following criteria:
 1. The area is within three hundred feet of the proposed site for a new wireless support structure in the same right-of-way or a connecting Right-of-Way, and there are no wireless support structures or utility poles taller than thirty feet in height above ground level;
 2. The maximum allowable height for building construction in the underlying zoning district is thirty-five feet in height above ground level or less.

(3) Design Requirements.

- (a) Shape and dimensions. All new wireless support structures shall be constructed of solid hot-dipped galvanized steel, be round in shape with the pole shaft tapered in diameter from the base to the top, with a maximum diameter of 12 inches at the base.
- (b) Transformer Base. All new wireless support structures shall include a one-piece cast aluminum alloy transformer base in a breakaway design, consistent with specifications of this Code, and subject to the Chief Building Official's review and approval.
- (c) Foundation/Footer.
 1. All new wireless support structures must be supported with a reinforced concrete foundation and footer designed, stamped, sealed and signed by a professional engineer licensed and registered in the State of Ohio, and subject to the Chief Building Official's review and approval.
 2. Anchor bolts must be constructed from steel (high strength) per ATSM A36, threaded (J-type / L-type), hot-dip galvanized per ODOT CMS Item No. 711.02 and in a length and diameter determined, stamped, sealed and signed by a professional engineer licensed and registered in the State of Ohio, and subject to the Chief Building Official's review and approval.
 3. All anchor bolts must be concealed from public view with an appropriate pole boot or cover, powder coated to match the pole.

- (d) Color. New wireless support structures, including the breakaway transformer base, shall have a powder coated black finish.
- (4) Multiple requests for wireless support structures in violation of spacing requirements. If multiple requests are received by the Village to install two or more poles that would violate applicable spacing requirements under Division (C)(1)(c) of this section, or to collocate two or more small cell facilities on the same wireless support structure, notwithstanding Division (F) of Section 4939.0313 of the Revised Code, the Village may resolve conflicting requests through whatever reasonable and nondiscriminatory manner it deems appropriate.
- (5) Village directed alternate location for wireless support structures. The Village may propose an alternate location to any proposed location of a new wireless support structure, subject to the following:
 - (a) That the alternate location is within 100 feet of the proposed location or within a distance that is equivalent to the width of the Right-of-Way in or on which the new wireless support structure is proposed, whichever is greater; and
 - (b) The operator shall use the alternate location if it has the right to do so on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.
- (6) Waiver to Village directed alternate wireless support structure location or undergrounding requirements. Small cell operators may seek a waiver of the undergrounding or alternative location requirements for the placement of a new wireless support structure to support small cell facilities if the operator is unable to achieve its service objective using a small cell facility under the following circumstances:
 - (a) From a location in the public way where the prohibition does not apply;
 - (b) In a utility easement the operator has the right to access; or
 - (c) In or on other suitable locations or structures made available by the Village at reasonable rates, fees, and terms. The Village shall process waivers in a reasonable and nondiscriminatory manner that does not have the effect of prohibiting the provision of wireless service.

(D) Antenna.

- (1) Location. All antenna to be installed on new or existing wireless support structures shall be mounted to the top of the wireless support structure and aligned with the centerline of the wireless support structure, unless otherwise specified in the Design Guidelines based on the specific context and characteristics of the wireless support structure.
- (2) Size. Each antenna shall be located entirely within an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
- (3) Design.
 - (a) Shape. Antennas shall be cylindrical in shape, or completely housed within a cylindrical enclosure or radome.

- (b) Color. Exposed antennas and antenna enclosures shall match the color specifications of the wireless support structure.

(E) Small Cell Facilities Installed on Wireless Support Structures.

- (1) Size. Exclusive of the antenna, all wireless equipment associated with the facility shall not cumulatively exceed twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (2) Equipment Enclosures Required. All small cell facilities mounted to wireless support structures shall be fully contained within enclosures or cabinets.
- (3) Required Clear Height. All small cell facilities mounted to wireless support structures shall provide a minimum of 10 feet of clear space on the pole as measured from established grade to the lowest point of any facility/equipment cabinets or concealment apparatus mounted to the support structure.
- (4) Maximum Horizontal Offset from Support Structure. Small cell equipment cabinets or enclosures shall not extend more than 10 inches beyond the pole centerline in all directions.
- (5) Design.

- (a) Cabinet or Enclosure Shape.

- 1. Small cell equipment cabinets or enclosures shall be rectangular in shape, with the vertical dimension being greater than the horizontal.
 - 2. Generally, the cabinet or enclosure shall be no wider than the maximum diameter of the support structure.

- (b) Installation Method.

- 1. All pole-mounted equipment cabinets or enclosures must be installed as flush to the pole as possible.
 - 2. Any installation brackets connecting the cabinets to the pole shall not extend more than 2 inches from the pole, and shall include metal flaps (or “wings”) to fully conceal the gap between the cabinet and pole.

- (c) Color. Cabinets or enclosures shall match the color specifications of the wireless support structure.

(F) Ground Mounted Small Cell Facilities.

- (1) Location.

- (a) Required Setbacks.

1. In no case shall ground mounted small cell facilities be located less than two feet from the travel-way/face of curb, sidewalk, or shared-use path as measured to the nearest part of the cabinet or enclosure.
 2. Ground mounted small cell facilities and associated required screening shall be located a minimum of six feet from any permanent object or existing lawful encroachment into the Right-of-Way.
- (2) Size. All small cell wireless equipment associated with the facility shall not cumulatively exceed twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (3) Maximum Permitted Height. The maximum height for ground mounted small cell facilities shall not exceed 2.5 feet as measured from established grade at the base of the facility.
- (4) Equipment Enclosures Required. All ground mounted small cell facilities shall be fully contained within enclosures or cabinets.
- (5) Design Requirements.
- (a) Screening required. Evergreen plant material shall be used for screening and shall be planted to ensure that the equipment will be screened to its full height within two years of planting.
 - (b) Breakaway Design. All objects placed within the clear zone shall feature breakaway design.
 - (c) Color. Ground mounted small cell facility cabinets and enclosures shall have a black powder coated finish.

(G) Additional Design Guidelines.

- (1) The Chief Building Official may promulgate additional detailed Design Guidelines for the design and installation of small cell facilities in the Right-of-Way, which the department shall consider in reviewing an application.
- (2) The Design Guidelines will accord with this section but will provide greater detail, description, and examples of acceptable small cell facilities including visual depictions.
- (3) The Design Guidelines shall provide administrative and procedural guidance to applicants such as, for example, a list of minimum application requirements.
- (4) The provisions in this section shall not limit or prohibit the department's discretion to promulgate and make publicly available other information, materials or requirements in addition to, and separate from, the Design Guidelines.
- (5) The Chief Building Official shall have authority to update or supplement the Design Guidelines to address relevant changes in law, technology, or administrative processes. In the event of any conflict between the Design Guidelines and the standards articulated in this Chapter of the Code, the language of this chapter takes precedence over the language of the Design Guidelines.

913.07 STANDARD CONDITIONS OF PERMIT APPROVAL.

- (A) Standard conditions of approval. Permission to site wireless communications facilities in the Right-of-Way shall be conditioned on compliance with the standard conditions of approval provided in this Section 913.07. The Chief Building Official may add or modify conditions of approval as necessary or appropriate to protect and promote the public health, safety, and welfare.
- (B) Small Cell Facility Permit duration. The Village's approval term of an attachment to a wireless support structure shall be for a period of not less than ten years, with presumption of renewal for successive five-year terms, subject to terms providing for early termination or nonrenewal for cause or by mutual agreement and unless otherwise agreed to by both the operator and the Village, except for generally applied permitting to safeguard the public health, safety, and welfare. An operator may remove its small cell facilities at any time subject to applicable work permit requirements and may stop paying annual charges or fees under Division (B) of Section 4939.0322 of the Revised Code.
- (C) Compliance with all applicable laws. Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinances, or other rules.
- (D) Inspections; emergencies. The Village or its designee may inspect a Wireless Communications Facility in the right of way upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The Village reserves the right to support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
- (E) If requested by the Village, in order to accomplish construction and maintenance activities directly related to improvements for the health, safety, and welfare of the public, an operator shall relocate or adjust its facilities within the Right-of-Way at no cost to the Village, as long as such request similarly binds all users in or on such public way. Such relocation or adjustment shall be completed in accordance with local law.
- (F) Contact information for responsible parties. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address, and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Chief Building Official.
- (G) Indemnification. Any operator who owns or operates small cell facilities or wireless support structures in the Right-of-Way shall indemnify, protect, defend, and hold the Village and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the operator who owns or operates small cell facilities and wireless service in the Right-of-Way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the Right-of-Way.
- (H) Interference with public safety radio services. In the event that the Village has reason to believe that permittee's radio communications operations are causing interference with the Village's radio communications operations, then the permittee shall, at its cost, immediately cooperate with the Village to either rule out permittee as the interference source or eliminate the interference. Cooperation with

the Village may include, but shall not be limited to, temporarily switching the small cell facilities on and off for testing.

- (I) Adverse impacts on adjacent properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the facility.
- (J) General maintenance. The site and the facility, including but not limited to all landscaping, support structures, equipment enclosures, and related small cell equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval. The facility and all support structures, equipment enclosures, and related small cell equipment shall be promptly repainted, recoated, or replaced in the event of any visible rusting, chipping, peeling, or discoloration of the paint or coating material.
- (K) Good condition required. Small cell facilities and support structures shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not menace or endanger the life or property of any person.
- (L) Graffiti abatement. Permittee shall upon discovery of graffiti by Permittee or notification by the Village promptly remove any graffiti on the small cell facility at permittee's sole expense.
- (M) RF exposure compliance. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards.
- (N) Relocation for public improvement projects. Permittee shall remove and relocate the permitted small cell facility and/or support structure at permittee's sole expense to accommodate construction of a public improvement project by the Village.
- (O) Removal of small cell facilities if use discontinued or abandoned.
 - (1) In the event that the use of a small cell facility is discontinued, the owner shall provide written notice to the Village of its intent to discontinue use and the date when the use shall be discontinued. If a Wireless Communications Facility is not removed within ninety 90 days of discontinued use, the Village may remove it at the owner's expense irrespective of the notice requirement under this section.
 - (2) Abandoned wireless support structures and facilities may be removed by the Village at the owner's expense to ensure the public health, safety, and welfare.
 - (3) The Village may impose reasonable requirements for bonds, escrow deposits, letters of credit, or any other type of financial surety to ensure removal of abandoned or unused wireless facilities or damage to Village property caused by an operator or its agent.

913.08 SAFETY REQUIREMENTS.

- (A) Prevention of failures and accidents. Any person who owns a Wireless Communications Facility sited in the Right-of-Way shall at all times employ ordinary and reasonable care and install and maintain in use nothing less than the best available technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.

- (B) Compliance with fire safety and FCC regulations. Wireless communications facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- (C) Surety bond or equivalent financial tool for cost of removal. All owners must procure and provide to the Village a bond, or must provide proof of an equivalent financial mechanism, to ensure compliance with all provisions of this section. The bond or equivalent financial method must specifically cover the cost of removal of each small cell facility which the owner installs in the Right-of-Way in case the Village has to remove or pay for removal of the wireless facility. Two acceptable alternatives to a bond include a funds set-aside and a letter of credit.

913.09 RECOVERY OF COSTS; USE OF REVENUE.

- (A) Application processing fee. For processing an application for consent, the Village may charge a fee for each small cell facility requested as prescribed under Section 4939.031 of the Revised Code and as listed on the associated application forms. The Village may adjust this fee ten percent every five years, rounded to the nearest five dollars.
- (B) Annual collocation fee. For reimbursement for operator's attachment of small cell facilities to wireless support structures owned or operated by the Village and located in the Right-of-Way, the Village may charge an annual fee as prescribed under 4939.031 of the Revised Code and as listed on associated application forms. The Village may adjust this fee ten per cent every five years, rounded to the nearest five dollars.
- (C) No other fees required. Except for any applicable work permit under Division (B) of Section 4939.0311 of the Revised Code and financial surety under Division (J) of Section 4939.0314 of the Revised Code, the Village may not charge an operator any other charge or fee for a small cell facility or associated wireless support structure except as set forth in Section 4939.0316 and Division (B) of Section 4939.0322 of the Revised Code. The fees set forth in sections 4939.0316 and 4939.0322 of the Revised Code are not Right-of-Way fees.
- (D) Tax liabilities and assessments not applicable. Placement of small cell facilities in the public way or attachment of small cell facilities to a wireless support structure and any fees associated therewith shall not subject a municipal corporation to any state or local tax liabilities or assessments.
- (E) Use of revenue. All costs recovered under this chapter shall be used to reimburse the Building Department, Village Engineer, Law Director and Service Department for the costs incurred in responding to applications and monitoring installation and maintenance of small cell facilities and support structures in the Right-of-Way pursuant to this Chapter.

913.10 SEVERABILITY.

The provisions of any part of this Chapter are severable. If any provision or subsection, or the application of any provision or subsection to any person or circumstances, is held invalid, the remaining provisions, subsection, and applications of such Ordinance to other persons or circumstances shall not be made invalid as well. It is declared to be the intent of this Section that the remaining provisions would have been adopted had such invalid provisions not been included in this Chapter when originally adopted by Village Council.

913.99 PENALTIES.

- (A) Any person who shall erect, construct, reconstruct , alter, repair, convert, attach, or maintain any small cell facility or support structure in violation of any of the terms of this Chapter, or who, being the owner or agent of the owner of any lot, tract, or parcel of land, shall suffer or permit another to erect, construct, reconstruct, alter, repair, convert, attach, or maintain any such facility, shall be deemed to have violated the provisions hereof and commits a third degree misdemeanor each day during the period such violation continues.
- (B) If any small cell facility or support structure is erected, constructed, reconstructed, altered, repaired, converted, attached, or maintained in violation of this Chapter or of any regulations made pursuant hereto, the proper officer of the Village, in addition to other remedies, may institute in the name of the Village any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, attachment, or use, to restrain, correct, or abate such violation, to prevent the use of such facility, and/or to prevent any illegal act, conduct, business, or use in or about such facility.
- (C) The Building Department, Chief Building Official and Village Engineer are authorized to make requests and to issue orders regarding small cell facilities in the Right-of-Way for the purpose of public safety and compliance with this Chapter. The Building Department, and Village Engineer are also authorized to conduct visual and external inspections of small cell facilities and support structures in the Right-of-Way at any time and shall make efforts to coordinate with the provider responsible for a small cell facility for any internal inspection of the relevant equipment.

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Summary: Notice Pending Legislation: Small Cell Wireless Facility R.o.W. Chapter electronically filed by Mr. Samuel T O'Leary on behalf of Village of Glenwillow and Mr. Mark Marong