

**CITY OF MOORE
ORDINANCE 987(21)**

AN ORDINANCE AMENDING PART 12, CHAPTER 3, ARTICLE B, SECTION 14-403 THROUGH 14-404 OF THE MOORE CITY CODE TO ALLOW SMALL CELL NODE SUPPORT POLES WITHIN IN THE PUBLIC RIGHTS-OF-WAY; INCREASE THE ALLOWABLE PROTRUSION OF SMALL CELL NODES FROM A NODE SUPPORT POLE AND ESTABLISH A MANDATORY SETBACK FROM CITY UTILITIES FOR SMALL CELL INFRASTRUCTURE.

Be it ordained by the Council of the City of Moore, in the State of Oklahoma, that the amended Part 12, Chapter 3, Article B, Section 14-403 through Section 14-404 shall read as follows:

SECTION 1: **AMENDMENT** “Sec 14-403 Permitting” of the Moore Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 14-403 Permitting

- A. Attachments to existing poles or structures.* A provider shall not install, modify or relocate a network node on an existing pole or structure within the public right-of-way without first obtaining an approved wireless facility ROW permit from the city. Prior to installation, modification or relocation of a network node on an existing pole or structure, provider shall complete and submit to the city a complete wireless facility ROW permit application and a commercial electrical permit application, by a qualified electrical contractor in the form provided by the city, along with standard required documents. Up to five separate network nodes may be submitted under one permit application. Each permit application shall include the following items:
1. Payment of the permit application fee as established in the current fee schedule and all other fees required by the city, including but not limited to annual fees set forth in a franchise agreement or other similar approved agreements for use of the city-owned right-of-way, as such fees may be adjusted from time to time pursuant to the agreement.
 2. An aerial map showing the location of the existing pole or structure to which the network node is proposed to be attached, and a street view image of the same;
 3. Stamped construction and engineering drawings prepared by a professional engineer licensed in the State of Oklahoma, and for wireless facilities proposed to be attached to a service pole or other city-owned or -controlled structure, a certification from the engineer that the existing pole or structure and its foundations have sufficient structural stability to support the proposed network node and can bear the wind load without pole modification. Such

construction and engineering drawings must also address the design of the connection of any item to the pole;

4. Geographic information system (GIS) data for the location of each proposed wireless facility in the form required by the city;
5. Detailed drawings, with calculations, showing strict conformity to the size limitations as set forth in this chapter;
6. Documentation identifying the frequency on which the proposed network node will operate and a certification that the proposed network node shall not cause any interference with the city's traffic signal system, public safety radio system, private police cell system, or other city communications infrastructure;
7. The names and telephone numbers of at least two persons serving as emergency contacts for the provider who can be reached by telephone 24 hours a day, seven days a week, in the event of an emergency;
8. Stamped engineering drawings for the electrical service providing power to the proposed network node, which must include the conduit size, circuit size, calculations for amp, proposed voltage, and distances running. The city is entitled to disconnect power to the network node or other wireless facilities in emergency situations;
9. Scaled dimensional drawings or pictures of the proposed attachments of the network node to the existing poles or structures as well as any other proposed wireless facility, indicating the horizontal and vertical spacing from existing curbs, driveways, sidewalks, and other existing poles. This shall include a before-and-after image of the pole and all proposed attachments thereto and associated standalone equipment;
10. Scaled dimensional construction and engineering drawings indicating the current public right-of-way line and showing any proposed underground conduit and equipment. Such drawings shall also show a sectional profile of the public right-of-way and identify all existing utilities and existing utility conflicts;
11. Where required by the city based on the proposed scope of work, provider shall submit a traffic control plan, storm water pollution prevention plan, and/or trench safety plan;
12. If the location of the proposed wireless facility lies within state or federal right-of-way, the provider must provide evidence of a permit from the state or federal government; and
13. Certification that the new network node is spaced apart from existing, approved or proposed new network nodes a distance of at least 1,000 feet; and
14. The information required to be submitted for construction in rights-of-way by article A of this chapter.

~~B. Installation of network nodes on new poles. A provider shall not install or relocate a new node support pole or a network node on a new node support pole within the public right-of-way.~~

C. Electrical supply.

1. Provider shall be responsible for obtaining any required electrical power service to the provider's wireless facilities. Provider's electrical supply shall be separately metered from the city and must match city infrastructure voltage.

The city shall not be liable to the provider for any stoppages or shortages of electrical power furnished to the wireless facilities, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the wireless facility structure or the act or omission of any other tenant or provider of the wireless facility structure, or for any other cause beyond the control of the city;

2. All electrical power service is to be designed and installed according to part 5, chapter 4 of this Code, including the currently adopted version of the NEC;
3. A commercial electrical permit is required for all electrical power service work.

SECTION 2: **AMENDMENT** “Sec 14-404 Network Node And Node Support Pole Requirements” of the Moore Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 14-404 Network Node And Node Support Pole Requirements

A. *Installation.* Provider shall, at its own cost and expense, install all wireless facilities in a quality and workmanlike manner and in accordance with the requirements of this section, other provisions of this chapter, and all other applicable laws and ordinances. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of wireless facilities shall be in compliance with all applicable laws. The following requirements apply to the installation, operation, maintenance, repair, modification, and/or replacement of wireless facilities:

1. Wireless facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet or other enclosure that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible;
2. No wireless facility shall be located or placed in a manner that encroaches on existing or proposed city corner sight triangles or sight line triangles, as defined by section 12-553 of this Code;
3. Electrical meters shall not be mounted on a service pole or other city-owned or controlled structure without prior approval from the community development director or their designee. Standalone electrical meters shall be located on or within a pad-mounted pedestal that shall be powder coated a neutral color that harmonizes with the surrounding area in which it is located. All electrical meters serving network nodes must display the provider's name and contact information;
4. All power to a network node located on or attached to a service pole or other city owned or controlled structure must be able to be disconnected to provide a safe working environment;
5. Use of city conduits for a provider's wireless facilities is prohibited;

6. Network node attachments to a pole shall be installed at least eight feet above the ground;
7. No protrusion from the outer circumference of the existing structure or pole to which a network node is attached shall be more than ~~two~~ five feet;
8. The color of network nodes shall match the color of the poles or structures to which they are attached such that the network nodes blend with the color of the poles or structures and surrounding area structures;
9. Before beginning excavation in any public right-of-way, provider shall be responsible for complying with all laws relating to verifying the location of existing utility lines and facilities and avoiding encroachment thereon, including the requirements of this chapter;

B. Inspections.

1. The city may perform visual inspections of any wireless facilities located in the public right-of-way as the city deems appropriate without notice.
2. In the event of an emergency situation, the city may, but is not required to, notify provider of an inspection. The city may take all actions necessary to remediate the emergency situation and the city shall notify provider as soon as practicable after remediation is complete.
3. The city shall perform electrical inspections to the electrical supply systems as required by part 5, chapter 4 of this Code.

C. Placement.

1. *Design conditions.* As a condition for approval of wireless facilities, the city can require reasonable design or concealment measures for the wireless facilities. Therefore, any installation that requires design or concealment measures must have these measures submitted with the permit application. The city requests that a provider explore the feasibility of using camouflage measures to improve the aesthetics of the wireless facilities, or any portion thereof, to minimize the impact to the aesthetics in these installations.
2. *Decorative poles.* Provider shall neither allow the installation of, nor install wireless facilities on a decorative pole.
3. *Public right-of-way.* Wireless facilities shall not obstruct, impede, or hinder pedestrian or vehicular traffic in the public right-of-way or obstruct or interfere with the legal use of a public right-of-way by other utility providers. Provider shall promptly remove wireless facilities that are installed in a location that is not in accordance with the plans approved by the city, that do not comply with the provisions of this chapter, or that otherwise render the public right-of-way non-compliant with applicable laws, including but not limited to the Americans with Disabilities Act.
 - a. All node support poles and other ground equipment shall be installed with a minimum spacing of five feet from any City of Moore owned or operated water, sewer or drainage infrastructure.
4. *Notice to remove unauthorized wireless facilities and penalty.* If a provider fails to remove any unauthorized wireless facility or any wireless facility that is located in an improper location within 30 days after receiving written notice or the date required by the city, the provider shall be subject to a penalty of up to \$500.00 per day until the wireless facility is removed or relocated to the

correct area within the permitted location, regardless of whether the provider's contractor, subcontractor, or vendor installed the wireless facility in strict conformity with this chapter.

D. *Generators.* Provider shall not allow or install generators or back-up generators in the public right-of-way.

E. *Equipment dimensions.*

1. Each antenna that does not have exposed elements and is attached to an existing structure or pole must:
 - a. Be located inside an enclosure of not more than six cubic feet in volume;
 - b. Not exceed a height of three feet above the existing structure or pole; and
 - c. Not protrude from the outer circumference of the existing structure or pole by more than ~~two~~five feet.
2. If an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements must:
 - a. Fit within an imaginary enclosure of not more than six cubic feet;
 - b. Not exceed a height of three feet above the existing structure or pole; and
 - c. Not protrude from the outer circumference of the existing structure or pole by more than ~~two~~five feet.
3. The cumulative size of other wireless equipment associated with the network node attached to the existing structure or pole may not:
 - a. Be more than 28 cubic feet in volume; or
 - b. Protrude from the outer circumference of the existing structure or pole by more than ~~two~~five feet.
4. Ground based enclosures, separate from the pole, housing any equipment related to the network node, may not be higher than three-feet six-inches from grade, wider than three-feet six-inches, or deeper than three-feet six-inches.
5. Equipment attached to a utility pole must be installed in accordance to the provisions of this chapter, the National Electric Safety Code, the National Electric Code, and the utility pole owner's construction standards.

F. *Signage.*

1. Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the node support poles and network nodes that is visible to the public. Signage required under this section shall not exceed four-by-six inches, unless otherwise required by law or the city.
2. Provider shall not post any other signage or advertising on the node support poles and network nodes, or utility pole.

G. *Ground equipment.*

1. *Ground equipment near street corners and intersections.* Ground equipment shall be minimal and the least intrusive. Ground equipment must remain out of the sight triangle as described by section 12-533 of this Code.
2. *Ground equipment density.* To enhance the safety requirements of line of sight of pedestrians, particularly small children, the city may deny a request for a

proposed location.

H. *Maintenance.*

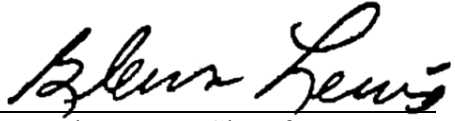
1. *Repair.* Whenever the installation, placement, attachment, repair, modification, removal, operation, use, or relocation of wireless facilities, or any portion thereof, is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the city to be damaged or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any laws, provider, at its sole cost and expense, shall promptly repair and return such property to its original condition. If provider does not repair such property or perform such work as described in this section, then the city shall have the option to perform or cause to be performed such reasonable and necessary work on behalf of the provider and to charge the provider for the reasonable and actual costs incurred by the city. Provider shall promptly reimburse the city for the costs.
2. *Graffiti abatement.* Provider shall remove all graffiti on any of its wireless facilities located in the public right-of-way as soon as practical, but not later than ten days from the date provider receives notice thereof.
3. *Tree maintenance.* Provider and/or its contractors or agents shall obtain written permission from the city before trimming trees hanging over the provider's wireless facilities to prevent branches of such trees from contacting the provider's wireless facilities. When directed by the city, provider shall trim such trees under the supervision and direction of the city. The provider shall make all reasonable efforts to promote the health and well-being of any such trees, and shall not at any time trim trees in a manner that causes unsightly conditions to arise. The city shall not be liable for any damages, injuries, or claims arising from provider's actions under this section.

PASSED AND ADOPTED BY THE CITY OF MOORE COUNCIL SEPTEMBER 20, 2021.

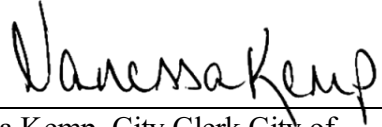
	AYE	NAY	ABSENT	ABSTAIN
Glen Lewis, Mayor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Danielle McKenzie, Ward 1	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Adam Webb, Ward 1	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Melissa Hunt, Ward 2	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mark Hamm, Ward 2	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Louie Williams, Ward 3	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Jason Blair, Ward 3	<u> </u>	<u> </u>	<u> X </u>	<u> </u>

Presiding Officer

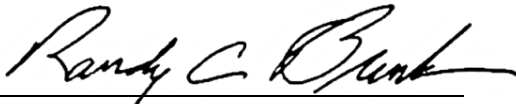
Attest



Glen Lewis, Mayor, City of Moore



Vanessa Kemp, City Clerk City of
Moore



Randy C. Brink, City Attorney,
Approved as to Form, City of Moore

