

**WASHINGTON TERRACE CITY  
ORDINANCE 12-03**

**WIRELESS TELECOMMUNICATION AMENDMENTS**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO WIRELESS TELECOMMUNICATION CONTRACTS ON CITY FACILITY AS A PRIMARY OPTION; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, the City Council finds it necessary to update its municipal code in order to facilitate the implementation of contracts for administration of wireless telecommunication;

**WHEREAS**, the City Council finds it necessary to update its municipal code to protect issues relating to the improvement or preservation of public health, safety, and general welfare;

**WHEREAS**, after publication of the required notice the planning commission held its public meeting on July 26, 2012, to take public comment on the proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the council received the recommendation from the planning commission and held its public meeting on July 26, 2012, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Washington Terrace City as follows:

**Section 1: Repealer.** Any word other, sentence, paragraph, or phrase in the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.** Chapter 17.62 is hereby amended to read as follows:

**Chapter 17.62**  
**WIRELESS TELECOMMUNICATIONS**

**Sections:**

- 17.62.010. Short title.**
- 17.62.020. Purpose and findings.**
- 17.62.030. Definitions.**
- 17.62.040. Applicability.**
- 17.62.050. Application requirements.**
- 17.62.060. Approval process.**
- 17.62.070. Building permits.**
- 17.62.080. Location priority of a proposed site.**
- 17.62.090. Burden of proof for location.**
- 17.62.100. Permitted and conditional uses.**
- 17.62.110. Co-location requirement.**
- 17.62.120. Lease agreement.**
- 17.62.130. Standards for antennas and antenna support structures.**
- 17.62.140. Additional conditional use permit considerations.**
- 17.62.150. Additional regulations for monopoles and towers.**
- 17.62.160. Safety.**
- 17.62.170. Site requirements.**

- 17.62.010. Short title.**

This chapter is known as “Wireless Telecommunication.”

**17.62.020. Purpose and findings.**

The purpose and findings of this of this chapter is as follows:

1. Minimize the number of antenna support structures by encouraging the collocation of multiple antennas on a single structure, by encouraging the location of antennas on pre-existing support structures, and by encouraging the use of city-owned property for antenna support structures.
2. Establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of personal wireless services facilities.
3. To comply with the Telecommunications Act of 1996 by establishing regulations that:
  - a. Do not prohibit or have the effect of prohibiting the provision of personal wireless services;
  - b. Do not unreasonably discriminate among providers of functionally equivalent services; and
  - c. Are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission’s regulations concerning such emissions.
4. The city council finds:

- a. That the city has experienced an increased demand for personal wireless services facilities to be located in the city, and expects the increased demand to continue into the future.
- b. It is in the best interests of the city to have quality personal wireless services available, which necessarily entails the erection of personal wireless services facilities in the city.
- c. The unnecessary proliferation of personal wireless services facilities throughout the city creates a negative visual impact on the community.
- d. The visual effects of personal wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
- e. The city owns parcels of property throughout the city, where personal wireless services facilities can be located so as to be as inoffensive as possible to the residents and businesses of the city.
- f. Spacing personal wall mounted antennas, roof mounted antennas and stealth facilities evenly throughout the city reduce the negative impact created by the proliferation of telecommunication towers. Because of the height and appearance of personal wireless services facilities, surrounding properties bear a disproportionate share of the negative impacts of a telecommunications tower.
- g. A private property owner who leases space for a personal wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.
- h. Encouraging personal wireless services facilities to be located on city property, with lease payments paid to the city instead of an individual property owner, indirectly compensates all citizens of the community for the adverse impacts of the facilities, and is therefore the fairest method of distributing burden and benefit.
- i. Locating antennas on existing buildings and structures creates less of a negative visual impact on the community than the erection of towers.
- j. Buildings and structures on public property are capable of being used to provide support for antenna arrays, thus reducing the proliferation of towers in all areas of the city. The public policy objectives to reduce the proliferation of telecommunication towers and to mitigate their impact can best be facilitated by permitting the locating of antennas on telecommunication towers and antenna support structures that are located on property owned, leased or used by the city.
- k. The requirements set forth in this chapter for the placement of personal wireless services facilities on property owned, leased or used by the city are necessary to protect the health, safety and general welfare of the community.
- l. Title 69, Chapter 3, of the *Utah Code Annotated*, grants cities the authority to create or acquire sites to accommodate the erection of telecommunication towers in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the city to require the owner of any tower to accommodate the multiple use

of the tower by other companies where feasible and to pay the city the fair market rental value for the use of any city-owned site.

**17.62.030. Definitions.**

The following words shall have the described meaning when used in this chapter, unless a contrary meaning is apparent from the context of the word:

1. “Antenna” means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.
2. “Antenna support structures” means any structure that can be used for the purpose of supporting an antenna(s).
3. “City” means the City of Washington Terrace, Utah.
4. “City-owned property” means real property that is owned, leased, or similarly controlled by the city.
5. “Co-location” means the location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.
6. “Guyed tower” means a tower that supports an antenna or antennas and requires guy wires or other stabilizers for support.
7. “Lattice tower” means a self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment.
8. “Monopole” means a single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors that acts as the support structure for antennas.
9. “Monopole antenna with platform” means a monopole with antennas and antenna support structure exceeding three feet in width, but not exceeding fifteen (15) feet in width or eight feet in height.
10. “Monopole antenna with no platform” means a monopole with antennas and antenna support structure not exceeding three feet in width or ten (10) feet in height.
11. “Nonresidential” means all zones except residential and agricultural.
12. “Personal wireless services” means commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.
13. “Personal wireless services antenna” means an antenna used in connection with the provision of personal wireless services.
14. “Personal wireless services facilities” means facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.
15. “Private property” means any real property not owned by the city, even if the property is owned by another public or governmental entity.
16. “Roof mounted antenna” means an antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building or structure.
17. “Stealth facilities” means personal wireless services facilities which have been designed to be compatible with the natural setting and surrounding structures, and which

camouflage or conceal the presence of antennas and/or towers. The term includes, but is not limited to, clock towers, church steeples, light poles, flag poles, signs, electrical transmission facilities and water tanks.

18. "Tower" means a free-standing structure, such as a monopole tower, lattice tower, or guyed tower, that is used as a support structure for personal wireless services facilities.
19. "Wall mounted antenna" means an antenna or series of individual antennas mounted on the vertical wall of a building or structure.
20. "Whip antenna" means an antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed.

**17.62.040. Applicability.**

This chapter applies to both commercial and private low power radio services and facilities, such as cellular or Personal Communications System (PCS) communications and paging systems.

This chapter shall not apply to the following types of communications devices, although they may be regulated by other city ordinances and policies:

1. Satellite. A satellite any device designed for over-the-air reception of television broadcast signals, multichannel multi-point distribution service or direct satellite service.
2. Cable. Any cable television head end or hub towers and antennas used solely for cable television services.

**17.62.050. Application requirements.**

Any person desiring to develop, construct or establish a personal wireless services facility in the city shall submit an application for site plan approval to the city. The city shall not consider the application until all required information has been included. The application shall include the following:

1. Fee. The applicable fee set by the city.
2. Site Plan. A site plan consisting of one or more pages of maps and drawings drawn to scale. The applicant shall submit five copies of the proposed site plan. One of the copies shall be eight and one-half inches by eleven (11) inches, and the other four copies shall be at least eight and one-half inches by eleven (11) inches, but not larger than twenty-four (24) inches by thirty-six (36) inches. The proposed site plan shall be drawn to a scale large enough to clearly show all details and in any case not smaller than sixty (60) feet to the inch. The site plan for personal wireless services facilities shall include the following information and items:
  - a. Name and street address of the site or location.
  - b. Name of applicant.
  - c. Name of owner of property.
  - d. North arrow.
  - e. Scale of drawing.
  - f. Area of lot in square feet.
  - g. Lot line dimensions.

- h. A vicinity map containing sufficient information to accurately locate the property shown on the plan.
  - i. Names and locations of fronting streets and locations and dimensions of public streets, private streets and driveways.
  - j. Footprints of existing and proposed buildings and structures, including a notation of each unit's height above the grade.
  - k. Location and size of existing and proposed antennas, with dimensions to property lines.
  - l. Location of existing and proposed fire protection devices.
  - m. Location, dimensions and distance to property lines of existing and proposed drive accesses.
  - n. Location and dimensions of existing and proposed curbs, gutters and sidewalks.
  - o. Location and dimension of off-street parking spaces.
  - p. Location and type of surface water drainage system.
  - q. Drawings of proposed structure elevations showing the height, dimensions, appearance and materials proposed.
  - r. Location and description (height, materials) of existing and proposed fences.
  - s. Location and description (dimensions, distance to property lines and type of lighting (direct or indirect) of existing and proposed signs.
  - t. A security lighting plan, if proposed.
  - u. Landscape plan to scale indicating size, spacing and type of plantings.
  - v. A signed lease agreement with the city if the site is located on city property.
3. Written Information. The following written information:
- a. Environment. A full description of the environment surrounding the proposed facility, including a description of adjacent uses, any adjacent residential structures, and any structures and sites of historic significance.
  - b. Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise and safety impacts of such maintenance.
  - c. Service Area. A description of the service area for the facility and a statement as to whether the facility is needed for coverage or capacity.
  - d. Location. A map showing the site and the nearest or associated personal wireless service facility sites within the network. Describe the distance between the personal wireless service facility sites. Describe how this service area fits into the service network.
  - e. Licenses and permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility;
  - f. Radio frequency emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
  - g. Liaison. The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number facsimile number and electronic mail address, if applicable.

4. Information for monopoles. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.
5. Information for facilities non-high priority site. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall provide the following information to the approving authority:
  - a. Higher priority sites. The identity and location of any higher priority sites located within the desired service area.
  - b. Rejection of higher priority sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible.
  - c. Site justification. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

**17.62.060. Approval process.**

The application and site plan shall be reviewed by the city pursuant to its standard site plan approval process. If the facility requires a conditional use permit, the review shall be pursuant to the city's standard conditional use permit approval process. The city shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct or modify personal wireless service facilities will be supported by city's reasons for denying.

**17.62.070. Building permits.**

1. General requirements. No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the city. No building permit shall be issued for any project for which a site plan, amended site plan or conditional use permit is required, until the site plan, amended site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the city building official, the city may require third party review by an engineer selected by the city prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
2. Additional requirements for monopoles and towers. If the applicant is constructing a monopole or other tower-type structure, the applicant shall, if requested by the city, submit a written report from a qualified, structural engineer licensed in the state of Utah, documenting the following:
  - a. Height and design of the monopole or tower, including technical, engineering, economic and other pertinent factors governing selection of the proposed design.
  - b. Seismic load design and wind load design for the monopole or tower.
  - c. Total anticipated capacity of the monopole or tower, including number and types of antennas, and antenna support platforms, which can be accommodated.
  - d. Structural failure characteristics of the monopole or tower and a demonstration that the site and setbacks are of adequate size to contain debris.
  - e. Soil investigation report, including structural calculations.

**17.62.080. Location priority of a proposed site.**

Wireless services antennas shall be located as unobtrusively as is reasonably possible. To accomplish this goal, the provider shall make a good faith effort to locate antennas on sites in the following order of priority:

1. Existing city-owned structures. Existing buildings, structures and antenna support structures located on city-owned property.
2. Existing structures. Lawfully existing buildings, structures and antenna support structures; provided that the buildings, structures or support structures are: (1) located in a nonresidential zone; or (2) located in a residential zone on property that is being used for nonresidential uses (e.g., government, school or church).
3. Stealth facilities. Stealth facilities as defined by this chapter.
4. Monopoles on city-owned property. Monopoles constructed on city-owned property.
5. Other monopoles. Monopoles constructed on private property; provided that the private property is: (1) located in a nonresidential zone; or (2) located in a residential zone on property that is used for a nonresidential use (e.g., government, school or church).
6. Other. Sites other than those listed above.

**17.62.090. Burden of proof for location.**

The applicant shall attempt to locate its antennas on sites in the order of priority set forth above. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the approving authority why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority:

1. Site priority. The identity and location of any higher priority sites located within the desired service area.
2. Rejection of priority sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The city may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.
3. Justification. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network.

**17.62.100. Permitted and conditional uses.**

1. Permitted uses. The following antenna locations are permitted uses, provided that the applicant complies with other applicable laws and regulations:
  - a. Existing structures on city-owned property. Existing buildings, structures and antenna support structures located on city-owned property.
  - b. Existing structures on private property. Lawfully existing buildings and structures located on private property; provided, that the private property is: (1) located in a nonresidential zone; or (2) located in a residential zone on property that is used

- for a nonresidential use (e.g., government, school or church).
  - c. Co-location. Co-location on a lawfully existing antenna support structure located on private property.
  - d. Industrial Areas. Monopoles constructed in industrial or manufacturing zones.
  - e. Stealth facilities. Stealth facilities constructed in non-residential zones, unless they are constructed as part of a structure for which a conditional use permit is otherwise required, in which case they shall be conditional uses.
2. Non-permitted. The following antenna types and antenna locations are not permitted, except upon a showing of necessity (inability to achieve coverage or capacity in the service area) by the applicant, in which case they shall be considered as conditional uses:
- a. Certain towers. Lattice towers, guyed towers, and other non-stealth towers, with the exception of monopoles, are not permitted in any zone.
  - b. Residential zones. Monopoles shall not be located in residential zone, private residential property, if the residentially zoned property has a residential use (as opposed to a school, church, or other nonresidential use).
3. Conditional uses. Antennas proposed for any other location shall be considered as conditional uses, provided that the applicant complies with other applicable laws and regulations of this chapter and the municipal code.

**17.62.110. Co-location requirement.**

Unless otherwise authorized by the city for good cause shown, every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least two additional wireless telecommunications provider on the structure in the future which shall meet all applicable requirements as forth in this chapter and the municipal code. Any conditional use permit for the monopole may be conditioned upon the agreement of the applicant to allow colocation of other personal wireless providers on such terms as are common in the industry.

**17.62.120. Lease agreement.**

The city shall enter into a standard lease agreement with the applicant for any facility built on city property. The city manager or his designee is authorized to execute the standard lease agreement on behalf of the city. The lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the approving authority before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

**17.62.130. Standards for antennas and antenna support structures.**

Personal wireless services facilities are characterized by the type or location of the antenna structure.

- 1. There are five (5) general types of antenna structures contemplated by this chapter:
  - a. Wall mounted antennas.
  - b. Roof mounted antennas.
  - c. Monopoles with no platform.
  - d. Monopoles with a platform.

- e. Stealth facilities.
2. If a particular type of antenna structure is allowed by this chapter as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:
- a. Wall Mounted Antennas:
    - i. Maximum height. Wall mounted antennas shall not extend above the roof line of the building or structure or extend more than four feet horizontally from the face of the building.
    - ii. Setback. Wall mounted antennas shall not be located within one hundred (100) feet of any residence.
    - iii. Mounting. Antennas mounted directly on existing parapet walls, penthouses or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse or mechanical equipment room.
    - iv. Color. Wall mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building.
    - v. Restrictions. Whip antennas are not allowed on a wall mounted antenna structure.
  - b. Roof Mounted Antennas:
    - i. Maximum height. The maximum height of a roof mounted antenna shall be eighteen (18) feet above the roof line of the building.
    - ii. Setback. Roof mounted antennas shall be located at least five feet from the exterior wall of the building or structure, and at least fifty (50) feet from any residence.
    - iii. Mounting. Roof mounted antennas may be mounted on top of existing Penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structure may not extend more than eight feet above the existing roof line of the penthouse or mechanical equipment room.
    - iv. Color. Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.
    - v. Combinations. Any building may have a combination of wall and roof mounted antennas. The total area for all wall and roof mounted antennas and supporting structures on any one building shall not exceed the lesser of sixty (60) square feet or five percent of each exterior wall of the building.
  - c. Monopoles with no platform:
    - i. Maximum height and width. The maximum height of the monopole or

monopole antenna shall be one hundred (100) feet, with the allowance for an antenna or antenna support structure for a maximum of one hundred and ten (110) feet in height. The entire antenna structure mounted on the monopole shall not exceed three feet in width. The antenna itself shall not exceed ten (10) feet in height.

- ii. Setback. Monopoles shall be set back a minimum of one hundred fifteen (115) percent of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.
  - iii. Color. Monopoles, antennas and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.
- d. Monopoles with Platform:
- i. Maximum height and width. The maximum height of the monopole or monopole antenna shall be one hundred (100) feet, with the allowance for an antenna or antenna support structure, for a maximum of one hundred and ten (110) feet in height. The antennas and antenna mounting structures on the monopole shall not exceed eight feet in height or fifteen (15) feet in width. The antenna itself shall not exceed ten (10) feet in height.
  - ii. Setback. Monopoles shall be set back a minimum of one hundred fifteen (115) percent of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.
  - iii. Color. Monopoles, antennas and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.
- e. Stealth Facilities:
- i. Maximum height. The maximum height of a stealth facility shall be the maximum structure height on the zoning district in which the stealth facility is located.
  - ii. Exceptions. The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit.

**17.62.140. Additional conditional use permit considerations.**

In addition to the city's standard conditional use permit considerations, the city shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless services facility:

1. Compatibility. Compatibility of the facility with the height, mass and design of buildings, structures and uses in the vicinity of the facility.
2. Screening. Whether the facility uses existing or proposed vegetation, topography or structures in a manner that effectively screens the facility.
3. Disguise. Whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties.
4. Parcel size. Whether the facility is located on a parcel of sufficient size to adequately

- support the facility.
5. Location on parcel. Whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses of the parcel.
  6. Location in general. Whether location or co-location of the facility on other structures in the same vicinity is practicable, without significantly affecting the antenna transmission or reception capabilities.
  7. Co-location. The willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry.

**17.62.150. Additional regulations for monopoles and towers.**

1. Distance. Monopoles and towers shall be located at least three thousand (3,000) feet from each other, except upon a showing of necessity by the applicant, or upon a finding by the city that a closer distance would adequately protect the health, safety and welfare of the community. This distance requirement shall not apply to stealth facilities or to antennas attached to existing lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.
2. Location on parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area or parking area.

**17.62.160. Safety.**

1. Regulation Compliance.
  - a. Compliance with FCC and FAA regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the city. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
  - b. Other Licenses and Permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the city, shall maintain such licenses and permits in good standing, and shall provide annually evidence of renewal or extension thereof.
2. Climbing protection. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower twenty (20) feet of the monopole.
3. Fencing. Monopoles and towers shall be fully enclosed by a minimum six-foot tall fence or wall, as directed by the city, unless the city determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.

4. Security lighting. Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the city may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.
5. Abandonment. The city may require the removal of all personal wireless service facilities upon written notice if the facility has been inoperative or out of service for more than three consecutive months.
  - a. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.
  - b. Violation. Failure to remove the personal wireless service facilities after receiving written notice to remove is a violation of the terms of this chapter and is a Class B misdemeanor. The city may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise. Commencement of removal must begin within fifteen (15) days and be completed within thirty (30) days. Any lease agreement with the city may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the city.

**17.62.170. Site requirements.**

1. Regulations for Accessory Structures.
  - a. Storage and solid waste. No outside storage, solid waste, or solid waste receptacles shall be permitted on the site.
  - b. Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.
  - c. Accessory buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed four hundred fifty (450) square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
2. Parking. The city may require a minimum of one parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.
3. Maintenance. Any operation of a personal wireless services facility shall maintain the facility in a safe, neat and attractive manner.
4. Landscaping. All sites with a personal wireless services facility shall be landscaped in accordance with the zone requirements where the facility is located. Any such

landscaping on city owned property shall be subject to applicable provision of any lease with the city regarding such property.

**Section 3: Severability.**

If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.**

This ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Signature on file \_\_\_\_\_  
Mark C. Allen, Mayor

Attest:

\_\_\_\_\_  
Signature on file \_\_\_\_\_  
Amy Rodriguez, City Recorder

RECORDED this \_\_\_ day of \_\_\_\_\_, 2012.

PUBLISHED OR POSTED this \_\_\_ day of \_\_\_\_\_, 2012.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of *Utah Code Annotated* §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) \_\_\_\_\_ 2) \_\_\_\_\_ and 3) \_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_ DATE: \_\_\_\_\_