

City of Northampton
MASSACHUSETTS

In the Year Two Thousand ~~Twenty~~Nineteen

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

19.125 AN ORDINANCE
RELATED TO WIRELESS ANTENNAS ON STREET POLES

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding a new Section 285-53 and amending Section 350-10.9 and 11.4, providing for rules for wireless small cell telecommunications antennas on street poles.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Add

§ 285-53 Small Cell Telecommunications Antennas on Street Poles or within the City's rights of way.

- A. It is City policy to embrace wireless small cell ~~telecommunications facilities~~ to improve telecommunications and wireless service for all users, while minimizing adverse impacts and covering city monitoring and administration costs.**
- B. Wireless and all other telecommunication antennas are regulated by Zoning, Section 350-10.9 Telecommunications, Personal Wireless Facilities and Small Cell Telecommunications.**
- C. Each wireless small cell ~~telecommunications~~ antennas on public ways ~~or public land~~ (including those already installed) shall pay annual \$~~400~~ 270 for right-of-way access and inspections. Each such facility that is located within a traffic signal pole or light pole on public land shall pay a fee of \$1,000 annually to offset additional maintenance and inspections necessary on these multifunctional poles. (Fees shall be waived if the wireless telecommunications provider provides free community or city Wi-Fi services in accordance with a service agreement signed by the Mayor.)**
- D. The telecommunications provider shall be solely responsible for equipment and safety, for moving equipment at no cost to the City when required for any City construction project and must respond within ten calendar days of notice, and for ensuring that there is no impediment to pedestrian or traffic flow. Failure to meet these time limits shall result in a doubling of annual fees for the following year.**
- E. The provider shall indemnify and hold the City harmless from all loss or damage to persons, property related to injury arising from the construction, maintenance, use, repair of the wireless infrastructure, and from any loss or damages that results from the facilities, including shedding ice or debris.**
- D.F. The provider shall restore any damage to the rights of way stemming from installation, maintenance or repair of the related infrastructure including damage to public shade trees, sidewalks, curbs or other elements.**

Amend

§ 350-2.1 by adding the following new definition

Small cell ~~telecommunications facilities~~ (also known as small cells) are wireless telecommunications antennas and equipment that are mounted on structures less than 50 feet tall, including their antennas, or are not more than ten percent taller than adjacent structures, with antennas of less than three cubic feet in volume, ~~and~~ and with wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, that is no more than 28 cubic feet in volume, for the purpose of providing 5G wireless telecommunications, consistent with Federal Communication Commission regulations, standards and orders for small cells, including no RF frequency in excess of FCC rules. Small cells are distinct from satellite antennas elsewhere defined in this section.

§ 350-10.9 by adding a new subsection as follows:

D. ~~Small Cell Telecommunications Facilities and by adding subsections (1) — (3) thereunder, inclusive:~~

- (1) ~~(1)~~—An application for approval of a wireless small cell ~~telecommunications facilities~~ shall be granted by the Department of Public Works in consultation with Office of Planning and Sustainability and Department of Central Services if it meets the requirements set forth in § 350-2.1 and ~~meets the regulations as created to be promulgated~~ by the Department of Public Works within 60 days of adoption of this Ordinance.

DELETE the REST from the ORDINANCE (transfer to regulations)

(2)