

## **Small Wireless Facilities Ordinance and Aesthetic Guidelines**

### **1. Purpose**

The purpose of this Chapter is to:

- a. Minimize the impacts of small wireless facilities on surrounding areas by establishing standards for location, structural integrity and compatibility;
- b. Encourage the location and collocation of small wireless facilities equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna-supporting structures;
- c. Encourage coordination between suppliers of small wireless facilities in the Town of Davidson and its planning jurisdiction;
- d. Regulate in accordance with all applicable federal and state laws;
- e. Establish review procedures to ensure that applications for small wireless facilities are reviewed and acted upon within a reasonable period of time or any specific period of time required by law;
- f. Protect the unique aesthetics of the Town while meeting the needs of its citizens and businesses to enjoy the benefits of wireless communications services; and
- g. Encourage the use of existing buildings and structures as locations for small wireless facilities infrastructure as a method to minimize the aesthetic impact of related infrastructure.

It is not the purpose or intent of this Chapter to prohibit, or have the effect of prohibiting, wireless communications services; unreasonably discriminate among providers of functionally equivalent wireless communication services; regulate the placement, construction or modification of wireless communications facilities on the basis of the environmental effects of radio frequency emissions where it is demonstrated that the small wireless facility does or will comply with applicable FCC regulations; or prohibit or effectively prohibit collocations or modification that the Town must approve under state or federal law. The provisions of this Chapter are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or other permits issued by the Town.

### **2. Applicability and Exemptions**

Except as provided below, the requirements of this Chapter shall apply to qualifying small wireless facilities, qualifying utility poles, qualifying city/town utility poles, substantial modifications and new wireless support structures as defined herein. Nothing in this ordinance shall be interpreted to excuse compliance with, or to be in lieu of, any other requirement of state or local law, except as specifically

provided herein. Without limitation, the provisions of this ordinance do not permit placement of small wireless facilities on privately-owned utility poles, or wireless support structures, or on private property, without the consent of the property owner or any person who has an interest in the property.

The following are exempt from the provisions of this Chapter but must comply with any other provisions contained in Town of Davidson Municipal Code and Planning Ordinance:

- a. Radio transmission facilities which are owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operation.
- b. Over the air reception device covered under 47 C.F.R. § 1.4000, so long as it satisfies the requirements of the Davidson Planning Ordinance (DPO).
- c. Routine maintenance of small wireless facilities; the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or installation, placement, maintenance, or replacement of micro wireless facilities (as defined in G.S. Chapter 160A, Part 3E) that are suspended on cables strung between existing utility poles or town utility poles in compliance with all applicable laws of regulations by or for a communications service provider authorized to occupy the Town rights-of-way and who is remitting taxes under G.S. 106-64.4(a)(4c) or (a)(6).
- d. A temporary small wireless facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town of Davidson; except that such facility must comply with all federal and state requirements and must be removed at the conclusion of the emergency.
- e. Public safety facilities or installations required for public safety on public or private property, including transmitters, repeaters, and remote cameras so long as the facilities are designed to match the supporting structure.
- f. A small wireless facility located in an interior structure or upon the site of any stadium or athletic facility, provided that the small wireless facility complies with applicable codes.

### **3. Definitions**

The following terms shall be defined as follows:

ABANDONED means any small cell facilities or wireless support structures that are unused for a period of one hundred eighty (180) days without the operator notifying the Town and receiving the Town's approval.

ANTENNA means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

APPLICABLE CODES means the North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with state or local amendments for those codes.

APPLICANT means any person who submits an application and is a wireless provider.

APPLICATION means a request submitted by an applicant (1) for a permit to collocate small wireless facilities; or (2) approve the installation or modification of a utility pole, city/town utility pole, or wireless support structure.

BASE STATION means a station at a specific site authorized to communicate with mobiles stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

CITY/TOWN refers to the Town of Davidson.

CITY/TOWN UTILITY POLE means a utility pole owned by the City/Town in the right of way, including a utility pole that provides lighting or traffic control functions, including, light poles, traffic signals, and structures for signs.

CODE means the Town of Davidson Municipal Code.

COLLOCATION means the placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city/town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term “collocate” does not include the installation of new utility poles, city/town utility poles, or wireless support structures. “Collocate” as a corresponding meaning.

CONCEALED (STEALTH) WIRELESS FACILITY, WIRELESS SUPPORT STRUCTURE, or ANTENNA means any telecommunications facility, wireless support structure, or antenna that is integrated as an architectural feature of a structure or that is designed to camouflage or conceal the presence of the telecommunications facility, wireless support structure, or antenna so that the purpose of the telecommunications facility, wireless support structure, or antenna is not readily apparent to a casual observer.

CONCEALMENT ELEMENT means any design feature, including but not limited to painting, shielding requirements, shrouds, and restrictions on location or height in relation to the surrounding area that are intended to make a telecommunications facility less visible to the casual observer. The design elements of a concealed (stealth) telecommunications facility are concealment elements.

ELIGIBLE FACILITIES REQUEST means any request for modification of an existing wireless support structure or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

OPERATOR means a wireless server provider that operates a small cell facility and provides wireless service.

QUALIFYING CITY/TOWN UTILITY POLE means a modified or replacement city/town utility pole that does not exceed fifty (50) feet above ground level and that is associated with a new small wireless facility that does not extend more than ten (10) feet above such city/town utility pole.

QUALIFYING SMALL WIRELESS FACILITY means a new small wireless facility that does not extend more than ten (10) feet above the utility pole, city utility pole, or wireless support structure on which it is collocated and is located either (i) in the town right-of-way or (ii) outside of town right-of-way on property other than single family residential property.

QUALIFYING UTILITY POLE means a modified or replacement utility pole that does not exceed fifty (50) feet above ground level and that is associated with a new small wireless facility that does not extend more than ten (10) feet above such utility pole.

SHROUD means a box or other container that contains, and is designed to camouflage or conceal the presence of, a telecommunications facility, antenna, or accessory equipment.

SMALL WIRELESS FACILITY means a wireless facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no 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 imaginary enclosure of no more than six cubic feet; and (2) all other wireless equipment associated with the facility is cumulative no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

SUBSTANTIAL MODIFICATION means the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below

(i). Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, (iii) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance, (iv) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

UTILITY POLE means a structure that is designed for and used to carry lines, cables, wires, lighting facilities or small wireless facilities for telephone, cable television, or electricity, or to provide lighting or wireless services.

WIRELESS FACILITY means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term shall not include any of the following: (i) The structure or improvements on, under, within, or adjacent to which the equipment is collocated. (ii) Wireless backhaul facilities. (iii) Coaxial or fiber optic cable that is between wireless structures or utility poles or town utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. The term includes small wireless facilities.

WIRELESS SERVICE PROVIDER means a person who provides wireless services.

WIRELESS SUPPORT STRUCTURE means a new or existing structure, such as a freestanding pole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or city utility pole is not a wireless support structure.

#### **4. General Application Requirements for ALL Facilities Regulated under this Section**

- a. Permit Required. No person shall place a small wireless facility in the rights of way, without first filing a small wireless facility application and obtaining a permit therefore, except as otherwise provided in this Chapter.
- b. Permit Application. A small wireless facility application filed pursuant to this Chapter shall be on a form, paper or electronic, provided by the Town.
- c. Application Requirements. The small wireless facility permit application shall be made by the wireless provider or its duly authorized representative and shall contain the following:
  1. The applicant's name, address, telephone number, and e-mail address;
  2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application, including proof that the consultant has appropriate authority to act on the owner's behalf.
  3. A description of the proposed work and the purposes and intent of the small wireless facility including a statement as to all the potential visual and aesthetic impacts of the proposed facility on all adjacent areas and a compliance letter from the State Historic Office (SHPO), if applicable.

4. A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the right of way, including any manholes or poles, the size, type, and depth of any conduit or enclosure.
  5. An attestation that the small wireless facility shall comply with all applicable codes, approved plans, and conditions of approval.
  6. An attestation that the small wireless facilities will be collocated on the utility pole, city/town utility pole or wireless support structure and that the small wireless facilities will be activated by use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the Town and the wireless provider agree to extend this period or a delay is caused by lack of commercial power at the site.
  7. A certification that the small wireless facilities comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
  9. Proof that the proposed facility meets the N.C. State Building Code and any other applicable codes.
  10. Certification that the small wireless facility will not extend more than ten (10) feet above the utility pole, city/town utility pole, or wireless support structure on which it is to be collocated.
  11. A structural engineering report prepared by an engineer licensed by the State of North Carolina, certifying that the host structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennae and other equipment, extensions, and appurtenances associated with the installation.
  12. A statement that the applicant will coordinate traffic management with the police and public works departments.
- d. Information Updates. Any amendment to information contained in a permit application shall be submitted in writing to the Town within thirty (30) days after the change necessitating the amendment.

## **5. General Siting Provisions**

- a. Location. To protect the unique aesthetics of the Town, to minimize new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna-supporting structures, the Town prefers that small wireless facilities be located outside the public right-of-way; in a commercial area as long as that area is not adjacent to a municipal park or historic district, collocated on existing utility poles or wireless support structures; concealed; and have their accessory equipment mounted on the utility pole or wireless support structure. These preferences are intended as guidance for development of an application for small wireless facilities.
- b. Spacing. Whenever an applicant proposes to place a wireless support structure with a small cell facility within 500 feet from an existing wireless support structure or utility pole, the applicant must either collocate with the existing facility or demonstrate by clear and convincing evidence that a collocation is either not technically feasible or space on the existing facility is not available.
- c. Alternative Location. The Town reserves the right to propose an alternative wireless support structure location to the one proposed in the application. The Town may also propose an alternate location for a wireless support structure 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, which the applicant shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits. The applicant has the burden of proving that the alternate location imposes technical limits that are prohibitive to providing service.

## **6. Collocation of Small Wireless Facilities**

Collocation of a small cell facility or a modified utility pole for the collocation of a small cell facility that meets the height requirements of § 160A-400.55(c)(2) shall be permitted and subject only to administrative review if they are collocated (1) in a town right of way within any zoning district or (2) outside of rights of way on property other than single family residential property.

In addition to other requirements of this Chapter, collocations must meet the following:

- a. Each new small wireless facility shall not extend more than ten (10) feet above the utility pole, city utility pole, or wireless support structure on which it is collocated.
- b. The antennas associated with the cell location on existing or replaced utility poles must have concealed cable connections, antenna mount and other hardware. The maximum dimension for antennas shall not be more than six cubic feet in volume including any enclosure for the antenna.
- c. Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure.

- d. No portion of a small wireless facility shall be placed in the public right-of-way in a manner that obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. The Town may deny a request that negatively impacts vehicular or pedestrian safety.
- e. If a small cell facility is projecting toward the street, the Town may require any attachment to be installed at no less than sixteen (16) feet above ground.
- f. No advertising signs or logos are permitted on small wireless facilities. Unnecessary equipment manufacture decals shall be removed or painted over.
- g. Small wireless facilities shall be stealth facilities. Antenna and accessory equipment must be shrouded or otherwise concealed.
- h. Ground equipment should be minimal and least intrusive, and shall be screened with evergreen plantings or other acceptable alternatives approved by the Planning or Public Works Director. The equipment shroud or cabinet must contain all the equipment associated with the facility except the antenna. All cables and conduits associated with the equipment must be concealed from view.
- i. Small wireless facilities including ground equipment shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.
- j. Service lines must be underground to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box. On wood poles, all above ground wires, cables and connections shall be enclosed in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud, feasible with a maximum dimension of 4" diameter.
- k. To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for small cell facilities shall not be spooled, coiled, or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.
- l. All pole mounted equipment must be installed as flush to the pole as possible. Conduit shall be finished in zinc, aluminum or stainless steel, or colored to match metal finishes
- m. Small cell facilities and wireless support structures shall not be illuminated unless illumination is integral to the camouflaging strategy such as a design to look like a street light pole.
- n. Operator, its contractors, and agents shall obtain written permission from the Town before trimming trees in the right-of-way. When trimming such trees on private property, the operator, its contractors, and agents shall notify the Town and obtain written permission from the property owner. When



directed by the Town, operator shall trim under the supervision and direction of the Town. The Town shall not be liable for any damages, injuries, or claims arising from operator's actions under this section.

o. As soon as practical, but not later than fifteen (15) calendar days from the date operator receives notice thereof, operator shall remove or correct all graffiti or other forms of vandalism on any of its small cell facilities and/or wireless support structures located in the right-of-way. The Town may agree to an extension of time for abatement when necessitated by the need to order replacement equipment when such equipment is ordered in a timely manner. If the graffiti or other form of vandalism is not removed, the Town may remove it and bill the applicant/operator for the cost of removal.

p. An abandoned small wireless facility shall be moved within one hundred eighty (180) days of abandonment. If the facility is not removed, the Town may remove it and bill the applicant/operator for the cost of removal.

q. The small wireless facility shall comply with all applicable codes, approved plans, and conditions of approval.

#### **7. Small Cell Wireless Facilities and Historic Preservation.**

Small wireless facilities located in an historic district or on property designated as a landmark (pursuant to G.S. Chapter 160A, Article 19, Part 3C) shall be required to obtain a Certificate of Appropriateness as required by this ordinance. A denial of a COA may be appealed to the Board of Adjustment as set forth in Chapter 22 of the DPO.

Village Green: The Village Green is, to this community, of great historic value and interest essential to and defining of its heritage and character. Given the importance of the Village Green, the Town strongly prefers that small cell facilities and /or new wireless support systems not be located on the Village Green or right-of-way adjacent to the Village Green. In order to meet the service needs of operators, the Town will consider requests to locate small cell facilities on other municipal property in this area.

Main Street: Main Street, as it spans from Griffith Street to South Main Square, is the heart of downtown Davidson. The public right -of- way for Main Street is an integral part of the town's historic district. Any changes to the streetscape should respect its historic character. The town strongly prefers that small cell wireless structures not be located along this section of Main Street and will consider requests to locate small cell facilities on other municipal property, such as parking lots, in this area.

#### **8. Modification or Replacement of Utility Poles for Collocation of a Small Wireless Facility where the Modification or Replacement Qualifies as an Eligible Facilities Request.**

The placement of new utility poles is prohibited by the Town's undergrounding requirements in the Davidson Planning Ordinance Section 6.7.2.K. Applicants seeking waiver of this requirement

may appeal to the Board of Adjustment by following the variance procedure set forth in Chapter 14 of the Planning Ordinance. Notwithstanding the foregoing, in no instance, in an area zoned or used for single family residential may a utility pole or wireless support structure exceed: i. 40 feet above ground level on property zoned for or used as single-family residential property, or in the right-of-way adjacent to such property, where existing utilities are installed underground, unless a variance is granted; or ii. 50 feet above ground level on all other property.

*Modification or replacement of qualifying utility poles and qualifying city/town utility poles existing as of the date of the adoption of this ordinance, is not prohibited;* however, the maintenance, modification, operation, or replacement of qualifying utility poles and qualifying city/town utility poles associated with small wireless facilities are subject to the following requirements:

- a. Administrative Application as required in Section 4.
- b. Each new small wireless facility shall not extend more than ten (10) feet above the associated utility pole, town utility pole, or wireless support structure on which it is collocated.
- c. No replacement utility poles or town utility poles associated with a small wireless facility are permitted in the clear zone as defined in the Mecklenburg County Standard Specifications & Details Manual unless such replacement pole is breakaway rated.
- d. No portion of a utility pole or town utility pole associated with a small wireless facility may be placed in the public right-of-way in a manner that: i. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities; or ii. involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than eight (8) feet above ground level.
- e. Replacement or modified utility poles or town utility poles associated with a small wireless facility shall be blended with the natural surrounds as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations.
- f. All antenna and accessory equipment must be shrouded or otherwise concealed.
- g. Replacement or modification of utility poles or town utility poles associated with a small wireless facility located in an historic district or on property designated as a landmark (pursuant to G.S. Chapter 160A, Article 19, Part 3C) shall be required to obtain a Certificate of Appropriateness by DPO Section 3.27.

- h. Utility poles and town utility poles associated with a small wireless facility must meet applicable codes.

## **9. Additional Requirements for All Freestanding Wireless Support Structures or Substantial Modifications**

New freestanding wireless support non-stealth structures are defined in the Planning Ordinance as Essential Services Class 2 and are only permitted in planning (zoning) areas where Essential Services 2 is a permitted use.

In addition to those requirements found in this Chapter the following specific information must be submitted for all freestanding wireless support structures (non-concealed and concealed), and substantial modifications:

- a. Certification furnished by a Registered Professional Engineer licensed in the State of North Carolina, that the facility has sufficient structural integrity to accommodate the required number of proposed collocations.
- b. A written statement by a Registered Professional Engineer licensed by the State of North Carolina specifying the design structural failure modes of the proposed facility, if applicable.
- c. Identification of the intended service providers of the facility, if known.
- d. Master Site Plan including fall zone radius labeled as a NO BUILD ZONE.
- e. Proposed maximum height of the proposed facility, including measurement of the base the antenna support structure, less the lightning rod.
- f. The applicant shall provide a visual impact study including, but not limited to simulated photographic evidence of the proposed facility's appearance from all public and private roadways, homes, businesses, and institutions, parks and designated historic structures located within one-half mile of the center point of the proposed tower site including the facility types the applicant has considered and the impact on adjacent properties including:
  - Overall height
  - Configuration
  - Physical location
  - Mass and scale
  - Materials and color
  - Nighttime illumination
  - Architectural design
- g. Three (3) sets (24" x 36") of signed and sealed site plans, including antenna support structure elevations.
- h. A report, map and supporting technical data demonstrating the search ring and that any proposed facility cannot be replaced by an alternative, higher priority configuration such as antenna attachments, collocations, including all potentially useable utility poles and other elevated structures. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of service providers indicating that no existing wireless communications facility could accommodate the applicant's proposed facility shall demonstrate any of the following:
  - No alternative antenna configurations are acceptable.

- No existing facility (any wireless communications facility utility poles, other elevated structures, etc.) are acceptable alternatives to a new facility.
- No existing wireless telecommunications facilities located within the geographic search ring meet the applicant's engineering requirements, and why.
- Existing wireless telecommunications facilities are not of sufficient height or design strength to meet the applicant's engineering requirements, and cannot be increased in height.
- Existing wireless telecommunications facilities do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
- Other limiting factors that render existing wireless telecommunications facilities unsuitable.
- Technical data included in the report shall include certification by a Registered Professional Engineer licensed in the State of North Carolina or other qualified professional, whose qualifications shall be included with the report, regarding service gaps or service expansions that are addressed by the proposed facility, and accompanying maps and calculations demonstrating the need for the proposed facility.

## **9. General Standard Conditions for ALL Facilities Regulated under this Chapter**

Applicants for collocation of small wireless facilities, new support structures, and new, replacement or modification of existing utility poles are subject to these conditions.

- a. Applicant must obtain all other required permits, authorizations, approvals, agreements, and declarations that may be required for installation, modification, and/or operation of the proposed facility under federal, state, or local law, rules, or regulations, including but not limited to encroachment agreements and FCC approvals. An approval issued under this Section is not in lieu of any other permit required under the Town of Davidson Planning Ordinance or Municipal Code, nor is it a franchise, license, or other authorization to occupy the public right-of-way, or a license, lease, or agreement authorizing occupancy of any other public or private property. It does not create a vested right in occupying any particular location, and an applicant may be required to move and remove facilities at its expense consistent with other provision of applicable law. An approval issued in error, based on incomplete or false information submitted by an applicant or that conflicts with the provision of the planning ordinance, is not valid. No person may maintain a small wireless facility in place unless required state of federal authorization remain in force.
- b. All small wireless facilities and related equipment, including but not limited to fences, cabinets, poles, and landscaping, shall be maintained in good working condition over the life of the use. This shall include keeping the structures maintained to the visual standards established at the time of approval. The small wireless facility shall remain free from trash, debris, letter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 15 calendar days from

the date of notification by the town. In public rights-of-way, damaged or deteriorated components must be corrected within five business days of notification.

- c. The applicant shall submit a certification letter from a North Carolina certified land surveyor or licensed engineer which verifies that structure height complies with requirements of this Ordinance.
- d. The applicant or operator shall maintain onsite at the facility contact information for all parties responsible for maintenance of the facility.
- e. Small wireless facilities, whether operating alone or in conjunction with other facilities, shall not generate radio frequency emissions in excess of the standards established by the Federal Communication Commission.
- f. After written notice to the applicant, owner and /or operator, the Town may require the relocation, at the applicant/operator's expense, of any small wireless facility, and the associated utility pole, town utility pole, or wireless support structure on which it is collocated, located in the public right-of-way, as necessary for maintenance or reconfiguration of the right-of-way or for other public projects, or take any other action or combination of actions necessary to protect the health and welfare of the Town.
- g. Collocation or modification of small wireless facilities on an existing non-conforming wireless support structure or base station shall not be construed as an expansion, enlargement, or increase in intensity of a non-conforming structure and/or use, provided that the collocation or modification constitute an eligible facilities request.