



## STAFF REPORT

**Report To:** Board of Supervisors                      **Meeting Date:** October 1, 2020

**Staff Contact:** Darren Schulz, Public Works Director

**Agenda Title:** For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 112, an ordinance amending Title 5 of the Carson City Municipal Code (CCMC) to add Chapter 5.14 establishing licensing requirements, policies, procedures, and other provisions relating to the installation of small cell wireless equipment within City-owned rights-of-way. (Darren Schulz, Dschulz@carson.org; Dan Stucky, DStucky@carson.org)

Staff Summary: Providers of wireless communications are rolling out 5G, a new standard of communications that is touted to provide faster speeds, lower latency, and much greater capacity than the current wireless standards. The Federal Communications Commission has issued orders setting forth how local municipalities may govern the implementation of the 5G standards. This proposed ordinance adds new provisions to CCMC Chapter 5.14, allowing the installation of small cell wireless equipment within City-owned rights-of-way and establishing licensing requirements, fees, and policies and procedures through a "Master License Agreement" ("MLA") and the "Carson City Public Works Placement of Small Cell Wireless Equipment in Carson City Right-of-Way" policy ("Policy").

**Agenda Action:** Ordinance - Second Reading                      **Time Requested:** 5 minutes

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### **Proposed Motion**

I move to adopt, on second reading, Bill No. 112, Ordinance No. 2020-\_\_\_\_\_.

### **Board's Strategic Goal**

Economic Development

### **Previous Action**

April 4, 2019 - Board of Supervisors approved the adoption of the Policy to implement aesthetic requirements and procedures for small cell wireless equipment on poles and street lights located in the City right-of-way and to give limited authorization to the Director of Public Works or his or her designee to update the Policy.

September 3, 2020 - The bill was introduced at first reading at the Board of Supervisors' Meeting on September 3, 2020, and approved with requested clerical modifications. The motion carried 5-0.

### **Background/Issues & Analysis**

Over the last two years, the City has been working with small cell wireless equipment providers in good faith to develop policies, procedures, and agreements which will govern installation of small cell wireless equipment on poles and street lights located in the City right-of-way. City staff has held four workshops with small cell providers to develop City aesthetic and technical standards, application and permit processes, annual fees, and license agreements setting the terms and conditions for use of the rights-of-way and City infrastructure.

On April 4, 2019, the Policy was presented to the Board of Supervisors and approved with modifications. Since that time, staff has continued to develop the MLA, which will address application review and annual use fees for the installation of small cell equipment and further govern the City's relationship with the wireless providers; and has further developed the Policy to clarify that the Policy conforms to federal law, to clarify the process and procedures for an application for a building permit to install small cell equipment, and to establish fees for the application process and the placement of small cell wireless equipment within City-owned rights-of-way.

Staff has also prepared the accompanying ordinance, which establishes provisions relating to the installation of small cell wireless equipment within City-owned rights-of-way, and enables the fees, licensing requirements, and policies and procedures in the MLA and Policy.

**Applicable Statute, Code, Policy, Rule or Regulation**

NRS Chapter 244; Article 2 of the Carson City Charter; Title 5 of the Carson City Municipal Code; FCC Orders - Order on September 27, 2018 and Order Denying Stay on December 10, 2018

**Financial Information**

**Is there a fiscal impact?** No

**If yes, account name/number:** N/A

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:** N/A

**Alternatives**

Do not adopt the ordinance as proposed and provide other direction to staff.

**Attachments:**

[Small Cell Ordinance\\_REVISED v5 \(clean\).pdf](#)

**Board Action Taken:**

Motion: _____	1) _____	Aye/Nay
	2) _____	_____
		_____
		_____
		_____

\_\_\_\_\_  
(Vote Recorded By)

SUMMARY: An ordinance establishing provisions relating to the installation of small cell wireless equipment within rights-of-way owned by Carson City.

BILL NO. 112

ORDINANCE No. 2020-\_\_\_\_

AN ORDINANCE RELATING TO TELECOMMUNICATIONS; AMENDING TITLE 5 (PUBLIC UTILITY FRANCHISES AND REQUIREMENTS), BY ADDING THERETO A NEW CHAPTER 5.14 (SMALL CELL WIRELESS EQUIPMENT) TO ESTABLISH LICENSING REQUIREMENTS AND POLICIES AND PROCEDURES; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 5 (PUBLIC UTILITY FRANCHISES AND REQUIREMENTS) is hereby amended by adding thereto a new chapter 5.14 (SMALL CELL WIRELESS EQUIPMENT) (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

**Chapter 5.14 – SMALL CELL WIRELESS EQUIPMENT**

SECTION II:

That Title 5 (PUBLIC UTILITY FRANCHISES AND REQUIREMENTS), new Chapter 5.14 (SMALL CELL WIRELESS EQUIPMENT) is hereby amended by adding thereto a new section 5.14.010 (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

**5.14.010 – Purpose.**

**1. The Board hereby determines and declares that the adoption of a framework establishing policies, procedures and other requirements governing the installation of small cell wireless equipment within rights-of-way owned by the city is necessary and beneficial to wireless providers and the public at large and for the enhancement of a transparent and uniform process for such installation.**

**2. It is the purpose of this chapter to prevent unnecessary fragmentation of policies, procedures and other requirements for the installation of such equipment by adopting guidelines to facilitate proper implementation of wireless technology in the city.**

SECTION III:

That Title 5 (PUBLIC UTILITY FRANCHISES AND REQUIREMENTS), new Chapter 5.14 (SMALL CELL WIRELESS EQUIPMENT) is hereby amended by adding thereto a new section 5.14.020 (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

**5.14.020 – Applicability.**

**The provisions of this chapter:**

**1. Apply to the deployment of small cell wireless equipment in and on rights-of-way owned by the city; and**

**2. Do not apply to the deployment of such equipment in or on private real property not owned by the city.**

SECTION IV:

That Title 5 (PUBLIC UTILITY FRANCHISES AND REQUIREMENTS), new Chapter 5.14 (SMALL CELL WIRELESS EQUIPMENT) is hereby amended by adding thereto a new section 5.14.030 (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

**5.14.030 - Master license agreement; policies and procedures.**

**1. A wireless provider must, before submitting an application for a building permit to install small cell wireless equipment pursuant to subsection 2, enter into a master license agreement with the city. A copy of the form master license agreement is available, without charge, from the Development Engineering Division of the Carson City Community Development Department, 108 E. Proctor Street, Carson City, Nevada 89701, and on the Internet website at <https://carson.org/government/departments-g-z/public-works>.**

**2. If a master license agreement has been entered into pursuant to subsection 1, the wireless provider may submit an application for a building permit to install small cell wireless equipment in and on a right-of-way owned by the city in the manner prescribed by *Carson City Public Works Placement of Small Cell Wireless Equipment in Carson City Right-of-Way Policy*, as may be amended, which sets forth the fees, policies, procedures and other requirements for the installation of small cell wireless equipment in accordance with any applicable state or federal law or any regulation adopted thereto, and is hereby adopted by reference. A copy of the policy is available, without charge, from the Development Engineering Division of the Carson City Community Development Department, 108 E. Proctor Street, Carson City, Nevada 89701, and on the Internet website at <https://carson.org/government/departments-g-z/public-works>.**

