



**CITY OF SHAVANO PARK
WIRELESS AND TRANSPORT FACILITIES PERMIT PACKET**

Table of Contents

<u>Item</u>	<u>Page</u>
Wireless and Transport Facilities Permit Application	2
Excavation in Right-of-Way Agreement (if applicable)	3
Wireless Internet Service and Right-of-Way Network Node Regulations*	4
Wireless and Transport Facility Permit Fees*	14
Design Manual	15

*Full Ordinances available

at https://library.municode.com/tx/shavano_park/codes/code_of_ordinances



City of Shavano Park

WIRELESS AND TRANSPORT FACILITIES PERMIT APPLICATION

BEFORE COMPLETING THIS APPLICATION, PLEASE REVIEW THE CITY OF SHAVANO PARK DESIGN MANUAL

TYPES OF INSTALLATION:

NETWORK NODE ON NODE SUPPORT POLE: _____
 NETWORK NODE ON A CITY-OWNED POLE: _____ NUMBER (UP TO 5): _____
 NETWORK NODE ON A ELECTRIC OR TELEPHONE UTILITY POLE: _____ NUMBER (UP TO 5): _____
 TRANSPORT FACILITY: _____

GPS COORDINATES FOR EACH INSTALLATION:

(1) _____ (2) _____ (3) _____ (4) _____ (5) _____

PAPERWORK CHECK LIST: *(The following MUST be submitted with this Permit application)*

- | | |
|--|--|
| <input type="checkbox"/> Complete Sets of Plans (digital plans only) | <input type="checkbox"/> RF Spectrum Analysis (ask for City frequencies) |
| <input type="checkbox"/> CPS Energy Preliminary Site Survey | <input type="checkbox"/> A copy of dig test ticket (if excavating) |
| <input type="checkbox"/> Copy of FCC License | <input type="checkbox"/> Traffic Plans (if impacting street traffic) |

CONTRACTOR INFO: *(must be registered with Civil Systems (civil-systems.com) before a permit can be issued)*

WIRELESS SERVICE PROVIDER: _____

INFRASTRUCTURE PROVIDER: _____

PROJECT CONTACT: _____

OFFICE PHONE: () _____ CELL: () _____

EMAIL: _____

DESCRIPTION/SCOPE OF WORK:

Will the work be within the street? Yes No Will the work impact trees? Yes No

Will work interfere with the normal flow of traffic on streets, sidewalks or public ways? Yes No

Underground facilities? Yes No Ground Equipment? Yes No

I have read the City of Shavano Park Design Manual and understand its requirements Yes No

Must be signed by an authorized representative of the Network Provider.

Date of application: _____ Signature: _____

For Office Use Only Date Received: _____ Calculated Fee: _____

Shot Clocks

Completeness Review Due Date: _____ Approval / Denial Due Date: _____

Application Approved/Denied by: Building Inspector: _____ Date: _____

Application Approved/Denied by: City Engineer: _____ Date: _____

Application Approved/Denied by: Public Works Director: _____ Date: _____

Application Approved/Denied by: City Manager: _____ Date: _____

Reason for Denial:

***NOTE: FAILURE TO OBTAIN A PERMIT PRIOR TO CONSTRUCTION WILL RESULT IN UNAUTHORIZED FACILITIES**

*****ALL CONTRACTOR'S MUST USE REPUBLIC SERVICES FOR WASTE DISPOSAL**

April 2019 Version



**CITY OF SHAVANO PARK
AGREEMENT FOR EXCAVATION IN RIGHT-OF-WAY**

The applicant is required to consult all utility companies operating in this area before marking and excavating. In granting this permit, the City of Shavano Park makes no representation as to the location of utility facilities in the area to be excavated or the effect of the permitted excavation on said utilities.

In consideration for the granting of an excavation permit by the City of Shavano Park, the above named applicant hereby agrees:

1. TO PERFORM THE EXCAVATION APPLIED FOR IN A PROFESSIONAL MANNER AND IN ACCORDANCE WITH THE CITY OF SHAVANO PARK CODE OF ORDINANCES.
2. TO IDEMNIFY THE CITY OF SHAVANO PARK, ITS OFFICIALS AND EMPLOYEES FROM ANY AND ALL COSTS, DAMAGES AND LIABILITIES WHICH MAY ACCRUE OR BE CLAIMED TO ACCRUE BY REASON OF ANY WORK PERFORMED UNDER A PERMIT ISSUED PURSUANT TO THIS APPLICATION.

Signature of Applicant

Date

Permission is hereby granted for the above named applicant to excavate as described in the above application and as amended below:

Public Works Director

Date

City Manager

Date

ARTICLE V. - WIRELESS INTERNET SERVICE AND RIGHT-OF-WAY NETWORK NODE REGULATIONS

Sec. 34-301. - Purpose and scope.

- (a) *Purpose.* The purpose of this chapter is to establish policies and procedures for the placement of node support poles in the right-of-way and network nodes in the public right-of-way and on service poles within the City's jurisdiction, which will provide public benefits and will be consistent with the preservation of the integrity, safe usage, and visual qualities of the City public right-of-way and the City as a whole.
- (b) *Intent.* In enacting this chapter, the City is establishing uniform standards to address issues presented by network nodes, including without limitation, ensuring that network nodes or node support poles do not adversely affect:
- (1) Use of streets, sidewalks, alleys, parkways and other public ways and places;
 - (2) Vehicular and pedestrian traffic;
 - (3) The operation of facilities lawfully located in public right-of-way or public property;
 - (4) The ability of the City to protect the environment, including the prevention of damage to trees;
 - (5) The character of residential and historic areas, and city parks, in which network nodes may be installed; and
 - (6) The rapid deployment of network nodes to provide the benefits of wireless services.
- (c) *Conflicts with other chapters.* This chapter supersedes all chapters, parts of chapters or rules adopted prior hereto that are in conflict herewith, to the extent of such conflict.

Sec. 34-302. - Definitions.

For the purpose of this article, the definitions found in the City Design Manual for the Installation of Network Nodes and Node Support Poles ("the design manual") are hereby incorporated into this article and shall apply unless the context clearly indicates or requires a different meaning. The following definitions as found in the design manual are specifically applicable to this article:

Abandon and its derivatives means the facilities installed in the Public Right-of-Way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by provider in an unused or non-functioning condition for more than 90 consecutive calendar days unless, after notice to provider, provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, are still in active use.

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

Applicable codes means:

- (1) Adopted building codes detailed in chapter 6, article I of the City of Shavano Park Code of Ordinances; and
- (2) City amendments to those codes to the extent not inconsistent with chapter 284.

City means the City of Shavano Park, Texas or its lawful successor.

Chapter 284 means Tex. Local Government Code ch. 284.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

Distributed antenna system or *DAS* shall be included as a type of "network node."

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by [Tex. Local Government Code] § 284.103 and that supports or is capable of supporting antennas.

Micro network node means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned M-U or otherwise designated by municipal code or deed restriction as a public space for the purpose of recreational or community activity.

Municipally owned utility pole means a utility pole owned or operated by a municipally owned utility, as defined by section 11.003, Utilities Code, and located in a public right-of-way.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. Such equipment is also referred to as "Small Cell Equipment". The term:

- (1) Includes:

- a. Equipment associated with wireless communications;
 - b. A radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
 - c. Coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and
- (2) Does not include:
- a. An electric generator;
 - b. A pole; or
 - c. A macro tower.

Network provider means:

- (1) A wireless service provider; or
- (2) A person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - a. Network nodes; or
 - b. Node support poles or any other structure that supports or is capable of supporting a network node. Such a person is also referred to as an "Infrastructure Provider."

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

Permit means a written authorization granted pursuant to a Small Cell Application or Transport Facility Application for the use of the public right-of-way from the City before a network provider may perform an action or initiate, continue, or complete a project over which the City has police power authority.

Pole means a service pole, CPS Energy utility pole, node support pole, or utility pole.

Preliminary Site Survey means a field survey applicable to the proposed installation of a Network Node or Node Support Pole attended by CPS Energy and the Network Provider, prior to the submission of an Application to the City, conducted for the purpose of determining the general engineering requirements for providing electricity at the proposed Location.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as "network provider."

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

- (1) A private easement; or

- (2) The airwaves above a public right-of-way with regard to wireless telecommunications.

SCADA or *supervisory control and data acquisition systems* means a category of software application programs and hardware used by the City for process control and gathering of data in real time from remote locations in order to monitor equipment and conditions of the City public water and wastewater utility facilities. These systems may utilize both cable and wireless communications.

Service pole means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (1) A pole that supports traffic control functions;
- (2) A structure for signage;
- (3) A pole that supports lighting, other than a decorative pole; and
- (4) A pole or similar structure owned or operated by a municipality and supporting only network nodes.

Small cell shall be included as a type of "network node."

Shot Clock(s) is a term adopted by the FCC that means established time frames within which State and local governments must complete their reviews.

Street means only the paved portion of the public right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A "street" is generally part of, but smaller in width than the width of the entire right-of-way, while the public right-of-way may include sidewalks and utility easements, a "street" does not. A "street" does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, or under depending on the context.

Utility pole means a pole that provides:

- (1) Electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (2) Services of a telecommunications provider, as defined by Tex. Local Government Code ch. 284 and section 51.002 of the Utilities Code.

Wireless facilities mean "micro network nodes," "network nodes," and "node support poles" as defined in Tex. Local Government Code ch. 284.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Sec. 34-303. - Permitted use; application.

- (a) *Permitted use.* Collocation of network nodes and the placement of node support poles, meeting the parameters set forth in section 34-304 below and in applicable law, shall be a permitted use. No zoning or land use review shall apply.
- (b) *Permit required.* No person shall place a network node, transport facility or node support pole in the public right-of-way, without first filing a permit application and obtaining a permit therefore, except as otherwise provided in this article.
- (c) *Permit application.* All permit applications filed pursuant to this article shall be on a form, paper or electronic, provided by the City. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- (d) *Application requirements.* The permit application shall be made by the network 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.
 - (3) Construction and engineering drawings and information confirming that the construction will be consistent with City Code and design manual.
- (e) *Routine maintenance and replacement.* A permit application shall not be required for:
 - (i) routine maintenance; or for
 - (ii) the replacement of a node with another node that is substantially similar.
- (f) *Information updates.* Any amendment to information contained in a permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.
- (g) *Application fees.* See appendix A - City of Shavano Park Fee Schedule.
- (h) *CPS Energy Coordination.* Although not required by this Article, Network Providers are encouraged to complete a Preliminary Site Survey with CPS Energy before submitting any Application for the installation of Network Nodes or Node Support Poles in City Rights-of-Way. The CPS Energy Preliminary Site Survey will coordinate the safe and efficient supply of electrical power to proposed Network Node installations with minimal disruption to existing infrastructure in the Rights-of-Way. Conducting the Preliminary Site Survey will guide Network Providers in selecting the

sites that are most cost-effective from the perspective of incurring expenses for installation of line extensions necessary to provide electric service to the proposed Network Node. More importantly, by completing the Preliminary Site Survey in advance of submitting an Application, the Network Provider would rule out the possibility that a proposed Network Node site is later found as not eligible for such installation based on technical, engineering or cost considerations. This would avoid unnecessary delays in the City's permitting process and streamline the coordination of electric service for the Network Node installation.

Sec. 34-304. - Action on Right-of-Way Permit Applications

(a) *Application Review and Fees.* The City shall review Applications for Network Nodes, Node Support Poles and Transport Facilities in light of their conformity with applicable law, and the requirements of the City Code and Design Manual; charge reasonable Application fees as permitted by law; and issue Permits to Network Providers for the use of City Rights-of-Way on nondiscriminatory terms and conditions as outlined in the following table and subject to other requirements herein:

Network Node Activity	One-Time Application Fees	Shot Clock Timelines for Review of Application
Network Node on Node Support Pole	\$1,000 per Application	10 days completeness review and 90 days to approve or deny Application. If Application is incomplete, the shot clock timeline will be reset to 90 days upon submission of a complete Application.
Network Node on City-Owned Pole	\$500 for up to 5 Network Nodes per Application and \$250 for each additional Network Node	10 days completeness review and 90 days to approve or deny Application. If Application is incomplete, the shot clock timeline will be reset to 90 days upon submission of a complete Application.
Network Node on Electric or Telephone Utility Pole	\$500 for up to 5 Network Nodes per Application and \$250 for each additional Network Node	10 days completeness review and 90 days to approve or deny Application. If Application is incomplete, the shot clock timeline will be reset to 90 days upon submission of a complete Application.

Transport Facility	No Application Fee	10 days completeness review and 21 days to approve or deny Application. If the Application is incomplete, the shot clock timeline will stop running on the date of notification until such time that a complete Application is submitted.
Micro Network Node	Notice of installation required. No Application Fee	Not Applicable

- 1) Within 10 days of receiving an Application for a Network Node, Node Support Pole or Transport Facility, the City will notify the Applicant if the Application is incomplete and identify the missing information. There shall be no additional fee charged for resubmittal of a complete and revised Application.
 - 2) The City shall advise the Applicant in writing of its final decision, and, if denied, the basis for that denial, including specific provisions of City Code, Design Manual or applicable law on which the denial was based, and send the documentation to the Applicant on or before the day the City denies the application. The City shall approve or deny the revised Application within 90 days of receipt of the amended Application. The subsequent review by the City shall be limited to the deficiencies cited in the original denial.
 - 3) If the City fails to act on an Application within the shot clock review period specified in this Section, the application shall be deemed approved.
 - 4) An Applicant may file a consolidated Application and receive permits for up to 30 Network Nodes. Provided, however, that the City's denial of any Network Node within a single Application shall not affect other Network Nodes submitted in the same Application. The City shall grant permits for any and all Network Nodes in a single Application that it does not deny, subject to the requirements of this Section.
 - 5) A Network Provider proposing to install a Micro Network Node in City Rights-of-Way shall provide the City notice, prior to installation, of the GIS coordinates of the proposed site, along with proof that such Micro Network Node will not interfere with municipal wireless systems that utilize licensed or unlicensed frequencies in City operations.
- (b) *Review of eligible facilities requests.* Notwithstanding any other provision of this chapter, the City shall approve and may not deny applications for eligible facilities requests within 60 days according to the procedures established under 47 CFR 1.40001(c).

- (c) *Exempted work from review.* Notwithstanding any other provision of this article, a network provider is not required to submit an application, obtain a permit, or pay a rate for work described under Tex. Local Government Code § 284.157.

Sec. 34-305. - Network nodes in the public right-of-way; maximum height; other requirements.

- (a) *Maximum size of permitted use.* Collocation of permitted use network nodes in the public right-of-way shall be subject to the size limitations specified in Tex. Local Government Code § 284.003.
- (b) *Compliance with undergrounding requirements.* In accordance with Tex. Local Government Code § 284.107, a network provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.
- (c) *Installation in municipal parks and residential areas.* A network provider may not install a new node support pole in a public right-of-way without the City's discretionary, nondiscriminatory, written consent of the City Manager if the public right-of-way is located in a municipal park or is adjacent to a street or thoroughfare that is 1) not more than 50 feet wide; and 2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions. A network provider shall comply with private deed restrictions and other private restrictions when installing network nodes in parks and residential areas.
- (d) *Zoning.* A network provider seeking to construct, replace or modify a pole or node in the public right-of-way that exceeds the height or size limits contained in this section, shall be subject to applicable zoning requirements.

Sec. 34-306. - Effect of permit.

- (a) *Authority granted.* A permit from the city authorizes an applicant to undertake only certain activities in accordance with this chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the public right-of-way.
- (b) *Time of installation.* A network provider shall begin the installation for which a permit is granted not later than six months after final approval and shall diligently pursue the installation to completion. Provided, however, the City may place a longer time limit on completion or grant reasonable extensions of time as requested by the network provider.
- (c) *Right to occupy.* Once a network provider has collocated a network node or placed a node support pole pursuant to a permit, the provider shall be permitted to continue

to maintain such collocation or such pole unless required to remove or relocate under the terms of this chapter.

Sec. 34-307. - Removal, relocation or modification of network nodes in the ROW.

- (a) *Notice.* Within 90 days following written notice from the City, a network provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any network node or node support pole within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.
- (b) *Emergency removal or relocation of facilities.* The City retains the right and privilege to disconnect or move any network node located within the public right-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the network provider and allow the network provider an opportunity to move its own facilities prior to the City disconnecting or removing a facility and shall notify the network provider after disconnecting or removing a network node or node support pole.
- (c) *Abandonment of facilities.* Upon abandonment of a network node or node support pole within the public right-of-way, the network provider shall notify the City within 90 days. Following receipt of such notice, the City may direct the network provider to remove all or any portion of a network node or node support pole if the City, or any of its departments, determines, subject to City Code, that such removal is necessary to protect public health, safety and welfare.

Sec. 34-308. - Public right-of-way rate.

- (a) *Annual rate.* See appendix A - City of Shavano Park Fee Schedule. Once a network provider has installed and made operational a network node in the public right-of-way, network provider shall pay to the City compensation for use of the public right-of-way annually per node in the City public right-of-way as authorized by state law. If fee is increased by state law, this fee shall be adjusted to reflect state law.
- (b) *Cease payment.* A network provider is authorized to remove its facilities at any time from the public right-of-way and cease paying the City compensation for use of the public right-of-way following removal and notification to the City of such removal.

Sec. 34-309. - Attachment to service poles in the public right-of-way.

A network provider shall be permitted to attach network nodes to city-owned service poles, consistent with applicable law and City Code and subject to the requirements specified herein.

- (1) *Permits.* A network provider shall obtain a permit, pursuant to the terms of this chapter, prior to collocating network nodes on service poles.
- (2) *Make ready.* Network provider shall be responsible for costs for make ready work on City service poles to which provider seeks to place a network node.
- (3) *Technical limitations.* In the event the City determines, based upon technical grounds, that inadequate space exists on a service pole to accommodate the proposed network node, such pole may be replaced by network provider, at the network provider's expense, with a service pole with adequate space to accommodate the proposed network node.
- (4) *Facilities rearrangements.* If another provider would have to rearrange or adjust any of its facilities to accommodate a new network node, the City shall use reasonable efforts to work with the affected providers to coordinate such activity. The applicant shall not be responsible for any third-party costs, including those of other network providers, to adjust existing attachments.
- (5) *Service pole attachment fee.* See appendix A - City of Shavano Park Fee Schedule.
- (6) *Cease payment.* A network provider is authorized to remove its facilities at any time from a service pole in the public right-of-way and cease paying the attachment fee to the City upon notification to the City that the facilities have been removed.

Sec. 34-310. - Transport facilities.

Installation of transport facilities, including applicable compensation to the City for such facilities, shall be governed by Tex. Local Government Code § 284.055. See appendix A - City of Shavano Park Fee Schedule for fees detailed in this section.

Sec. 34-311. - Design manual.

A network provider shall comply with the City's design manual, included as Attachment A to this article, in place on the date a permit application is filed in relation to work for which the City has approved a permit application. The City's design manual may not conflict with applicable law and must be competitively neutral. The design manual is on file with the City Secretary.

APPENDIX A - CITY OF SHAVANO PARK FEE SCHEDULE

Editor Note: This is an excerpt of applicable fees located in Appendix A.

<u>NETWORK PROVIDERS' ACCESS TO PUBLIC RIGHTS-OF-WAY FEES</u>	
COLOCATION FEE FOR NETWORK NODES ON SERVICE POLES:	
Annual fee for each service pole	\$20.00
NETWORK NODES APPLICATION FEE:	
For each application containing up to five (5) network nodes	\$500.00
For each additional network node beyond five (5)	\$250.00
NETWORK NODE ANNUAL SITE RENTAL FEE:	
For each network node site <i>Note: Adjusted on an annual basis, by an amount equal to one-half of the annual change, if any, in the Consumer Price Index</i>	\$250.00
For each Network Node attached to City-owned pole: <i>Note: Adjusted on an annual basis, by an amount equal to one-half of the annual change, if any, in the Consumer Price Index</i>	\$270.00
NODE SUPPORT POLE APPLICATION FEE:	
For each node support pole	\$1,000.00
TRANSPORT FACILITY APPLICATION FEE:	
For each application containing up to five (5) network nodes	\$500.00
For each additional network node beyond five (5)	\$250.00
TRANSPORT FACILITY MONTHLY RENTAL FEE:	
For each network node site <i>Note: Not to exceed the monthly aggregate per-note fee</i>	\$28.00

Design Manual for the City of Shavano Park, Texas

for the

*Installation of Network Nodes and Node Support Poles
pursuant to Tex. Loc. Gov. Code, Chapter 284.*

Table of Contents

SECTION 1. PURPOSE AND APPLICABILITY.....	3
SECTION 2. DEFINITIONS.....	3
SECTION 3. PROHIBITED AND PREFERRED LOCATIONS OF MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.....	8
SECTION 4. GUIDELINES ON PLACEMENT.....	10
SECTION 5. GENERAL AESTHETIC REQUIREMENTS	19
SECTION 6. ELECTRICAL SUPPLY	20
SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.....	20
SECTION 8. REQUIREMENTS IN REGARD TO REMOVAL, REPLACEMENT, MAINTENANCE AND REPAIR.....	21
SECTION 9. INSTALLATION AND INSPECTIONS.....	23
SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE NETWORK NODES OR NODE SUPPORT POLES	23
SECTION 11. GENERAL PROVISIONS.....	24
SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION.....	26
SECTION 12. APPLICATION PROCESS AND APPLICATION FEE.....	26
SECTION 14-19 RESERVED	27
SECTION 20. DESIGN MANUAL - UPDATES.....	27

SECTION 1. PURPOSE AND APPLICABILITY.

The City of Shavano Park, Texas (“City”) recognizes its duty to manage Public Right-of-Way for the health, safety, and welfare of the public.

Purpose: Loc. Gov. Code, Chapter 284 allows certain wireless Network Providers to install in the Public Rights-of-Way their small cell wireless facilities, described and defined in Chapter 284, Sec. 284.002 as Network Nodes (which includes Micro Network Nodes), Node Support Poles, and City-owned Service Poles.

As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301¹, the City enacts the provisions of this Design Manual in order to meet its obligations to manage its Public Rights-of-Way, and to streamline the process for the timely, efficient, and safe installation of Network Nodes or Small Cell Equipment on Node Support Poles, City owned Service Poles, electric utility poles and telephone poles. The Design Manual is also intended to provide Network Providers guidance with respect to appropriate concealment measures for their installations.

Applicability: This Design Manual shall apply to any Collocations that occur in, on, over or under the Public Rights-of-Way of Network Nodes, Node Support Poles, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.

This Design Manual is also intended to protect the integrity of residential and commercial architectural and design features representative of the City’s history and culture, while promoting the deployment of advanced wireless technology by establishing technical and design standards for the installation of Network Nodes, Node Support Poles and related ground equipment installed pursuant to Loc. Gov. Code, Chapter 284.

SECTION 2. DEFINITIONS.

The definitions as used in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual, unless otherwise noted in this Section 2, below.²

Abandon and its derivatives means the facilities installed in the Public Right-of-Way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, Network Nodes and Node Support Poles, or portion thereof) that have been left by a provider in an unused or non-functioning condition for more than 120 consecutive calendar days unless, after notice to provider, provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, are still in active use.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services.

Applicable Codes means:

- (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) City amendments to those codes to the extent not inconsistent with Chapter 284.

Application means a Small Cell Application or Transport Application.

City means the City of Shavano Park, Texas or its lawful successor.

City Code means the code of ordinances of the City of Shavano Park.

City Council means the municipal governing body of the City of Shavano Park, Texas.

Chapter 284 means Tex. Loc. Gov. Code, Chapter 284.

Collocate and *Collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of Network Nodes in a Public Right-of-Way on or adjacent to a Pole.

Concealment or Camouflaged means any Wireless Facility any other applicable equipment that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Sec. 284.105 in Historic or Design Districts. A Concealed or Camouflaged Wireless Facility also includes any Wireless Facility conforming to the surrounding area in which the Wireless Facility is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree or plant features.

CPS Energy Pole means a Utility Pole owned and operated by CPS Energy, a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a Public Right-of-Way.

Decorative Pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

Disaster Emergency or Disaster or Emergency means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the City is threatened, and includes, but is not limited to any declaration of emergency by City, state or federal governmental authorities.

Design District means an area that is zoned or otherwise designated by the City Code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Distributed Antenna System or DAS shall be included as a type of “Network Node.”

Federal Communications Commission or FCC means the federal administrative agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway Right-of-Way means right-of-way adjacent to a state or federal highway.

Historic District means an area that is zoned or otherwise designed as a historic district under City, state, or federal law.

Infrastructure Provider shall be included as a type of Network Provider.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City approved and lawfully permitted location for the Network Node.

Macro Tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting Antennas.

Manager means the City Manager for the City of Shavano Park, Texas, or designee.

Micro Network Node means a Network Node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal Park means an area that is zoned or otherwise designated by the City Code as a public park for the purpose of recreational activity.

Network Node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. Such equipment is also referred to as “*Small Cell Equipment*”. The term:

- (A) includes:
 - (i) equipment associated with wireless communications;
 - (ii) a radio transceiver, an Antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
 - (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular Collocation; and
- (B) does not include:
 - (i) an electric generator;
 - (ii) a Pole; or
 - (iii) a Macro Tower

Network Provider means:

- (A) a Wireless Service Provider; or
- (B) a person that does not provide Wireless Services and that is not an electric utility but builds or installs on behalf of a Wireless Service Provider:
 - (i) Network Nodes; or
 - (ii) Node Support Poles or any other structure that supports or is capable of supporting a Network Node. Such a person is also referred to as an “*Infrastructure Provider*.”

Node Support Pole means a pole installed by a Network Provider for the primary purpose of supporting a Network Node.

Permit means a written authorization granted pursuant to a Small Cell Application or Transport Facility Application for the use of the Public Right-of-Way required from the City before a Network Provider or Infrastructure Provider may perform an action or initiate, continue, or complete a project over which the City has police power authority.

Pole means a Service Pole, CPS Energy Pole, Node Support Pole, or Utility Pole.

Preliminary Site Survey means a field survey applicable to the proposed installation of a Network Node or Node Support Pole attended by CPS Energy and the Network Provider, prior to the submission of an Application to the City, conducted for the purpose of determining the general engineering requirements for providing electricity at the proposed Location.

Private Easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as “Network Provider.”

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest. The term does not include:

- (A) a Private Easement; or
- (B) the airwaves above a Public Right-of-Way with regard to wireless telecommunications.

Public Right-of-Way Management Ordinance means the City of Shavano Park Code of Ordinances.

Residential Area means single-family residential lots or undeveloped land that is designated for single-family use by Section 36-36 of the City of Shavano Park zoning regulations or private deed restrictions.

SCADA or Supervisory Control and Data Acquisition Systems means a category of software application programs and hardware used by the City for process control and gathering of data in

real time from remote locations in order to monitor equipment and conditions of all City public utility facilities. These systems may utilize both wireline and wireless communications.

Service Pole means a pole owned or operated by the City and located in a Public Right-of-Way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by the City and supporting only Network Nodes.

Small Cell Application means a written request submitted to the City for a Permit for the Collocation of a Network Node or Node Support Pole in Public Right-of-Way. A Small Cell Application must include all the information required by the City at the time of submission in order to be considered complete at submission.

Small Cell Equipment shall be included as a type of “Network Node.”

Street means only the paved portion of the Public Right-of-Way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A Street is generally part of, but smaller in width than the width of the entire Public Right-of-Way, while the Public Right-of-Way may include sidewalks and utility easements, which a Street does not. A Street does not include the curb or the sidewalk, if either are present at the time of a Small Cell Application or if added later.

SWPPP shall mean Storm Water Pollution Prevention Plan.

TAS means Texas Accessibility Standards.

Traffic Signal means any device, whether manually, electrically, or mechanically operated attached to a Service Pole by which traffic is alternately directed to stop and to proceed.

Transport Facility means each transmission path physically within a Public Right-of-Way, extending with a physical line from a Network Node directly to a communications network, for the purpose of providing backhaul connectivity for Network Nodes.

Transport Facility Application means a written request submitted to the City for a Permit for the purpose of installing a Transport Facility in Public Right-of-Way. A Transport Facility Application must identify the Network Node it is intended to serve and include all the information required by the City at the time of submission in order to be considered complete at submission.

Underground Compliance Area shall mean means an area where Poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to City ordinances, zoning regulations, state law, private

deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a Public Right-of-Way.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a Street or Pubic Right-of-Way, depending on the context.

Utility Pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

Wireless Facilities mean “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles” as defined in Texas Local Government Code Chapter 284.

Wireless Service means any service, using licensed or unlicensed radio frequencies, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a Network Node.

Wireless Service Provider means a person that provides Wireless Service to the public.

SECTION 3. PROHIBITED AND PREFERRED LOCATIONS OF MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

A. Prohibited or Restricted Areas for Certain Wireless Facilities, Except with Separate City Agreement or Subject to Concealment Conditions.

1. ***Municipal Parks and Residential Areas.*** In accordance with Chapter 284, Sec. 284.104 (a), a Network Provider may not install a Node Support Pole in a Public Right-of-Way without the City's discretionary, nondiscriminatory, and written consent if the Public Right-of-Way is in a Municipal Park or is adjacent to a street or thoroughfare that is:
 - a. not more than 50 feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and
 - b. adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
 - 1.1. In accordance with Chapter 284, Sec. 284.104 (b), a Network Provider installing a Network Node or Node Support Pole in a Public Right-of-Way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
 - 1.2. Each Permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.

2. ***Compliance with Undergrounding Requirements.*** In accordance with Chapter 284, Sec. 284.107, a Network Provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, state law, and other applicable Law, that prohibit installing above-ground structures in a Public Right-of-Way without first obtaining land use approval from the City.
 - 2.1. Areas may be designated from time to time by the City as Underground Requirement Areas in accordance with filed plats, and or conversions of overhead to underground areas, as may be allowed by law.
 - 2.2. Each Application shall disclose if it is within an area that has undergrounding requirements.

B. Least Preferable Locations.

1. ***Residential Areas and Parks.*** A Network Provider is discouraged from installing a Network Node on an existing Pole in a Public Right-of-Way without written consent from the City Council if the Public Right-of-Way is located in or adjacent to a Street or thoroughfare that is adjacent to a Municipal Park or Residential Area.
 - 1.1. In accordance with Chapter 284, Sec. 284.104 (b) a Network Provider installing a Network Node or a Node Support Pole in a Public Right-of-Way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

C. Most Preferable Locations

1. The most preferable Locations for the installation of Network Nodes and Node Support Poles are:
 - a. Commercial zoning districts (*B-1, B-2, O-1*) if not adjacent to a Municipal Park or a Residential Area.
 - b. Highway Rights-of-Way areas if not adjacent to a Municipal Park or Residential Area.

D. Designated Areas

1. The City Council may designate an area as a Historic District or a Design District pursuant to Section 284.105 of Chapter 284, Texas Local Government Code at any time.
2. The failure to designate an area pursuant Chapter 284 shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these districts at any time. Such a designation does not require a zoning case.

3. While not required under Chapter 284 to designate Underground Compliance Areas to prohibit above ground Wireless Facilities, the City may also, from time to time, designate Underground Compliance Areas.

E. Exceptions

1. The City by its discretionary consent and agreement may grant exceptions to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by Chapter 284, Sec. 284.109 and Sec. 284.110.

F. Order of Preference Regarding Network Node Attachment to Existing Facilities and New Node Support Poles.

1. *Existing Utility Poles* shall be the preferred support facility for Network Nodes and related ground equipment.
2. *Municipal Service Poles* include the following:
 - a. Non-decorative street lights with a height of more than 20 feet.
 - b. Traffic Signal structures when such installation will not interfere with the integrity of the facility and will not interfere with the safety of public and in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).
 - c. Street Signage shall be a low priority use for attachment of a Network Node.
 - d. Other municipal Service Pole use is discouraged.
3. *New Node Support Poles* shall be the least preferred type of allowed facility for attachment of Network Nodes.
4. *Ground Equipment.* Ground equipment should be minimal and the least intrusive.

SECTION 4. GUIDELINES ON PLACEMENT.

A. Generally.

1. In accordance with Chapter 284.102, a Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:
 - a. obstruct, impede, or hinder the usual travel or public safety on a Public Right-of-Way;
 - b. obstruct the legal use of a Public Right-of-Way by other utility providers;
 - c. violate nondiscriminatory applicable codes;

- d. violate or conflict with the City's publicly disclosed Public Right-of-way Management Ordinance or this Design Manual.
- e. violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101, et seq.).

B. General Requirements and Information:

1. *Registration and Application Requirements*

- a. Registration Requirement for Micro Network Nodes. A Network Provider that proposes to install Micro Network Nodes along Public Rights-of-Way shall register with the City and provide 24/7 contact information for a network operator.
- b. No Application Required for Micro Network Nodes. Micro Network Nodes may be suspended on communications lines attached between existing Utility Poles, provided they do not exceed statutory dimensions. Such Micro Network Nodes are not subject to the City's Application requirements for use of Public Rights-of-Way.
- c. No Interference with City SCADA and WiFi Access Points by Micro Network Nodes. No less than 10 days prior to installation, a Network Provider shall provide the City written notice that identify the GIS coordinates of such proposed installation. The Network Provider shall not interfere with any SCADA system or any WiFi Access Points used for City operations that utilize unlicensed frequencies. The Network Provider shall meet with the City to discuss ways to reduce or eliminate potential interference related to Micro Network Nodes installed along Public Rights-of-Way. In the event of interference with any SCADA or WiFi Access Points components, the Network Provider shall work with the City on a prompt resolution for eliminating the interference.
- c. Requirements for Small Cell Application. A Network Provider shall include in a Small Cell Application the following information for each proposed installation:
 - i. If applicable, a copy of the Preliminary Site Survey form;
 - ii. The GIS coordinates of the proposed Location for the Network Node;
 - iii. Detailed engineering design drawings of the proposed Network Node prepared by a license professional engineer that meet at a minimum the following requirements:
 - (1) All radio equipment and electronics must be enclosed in an equipment cabinet;
 - (2) Antennas shall be enclosed in one cylinder enclosure or inside the equipment cabinet, unless the technical specification for the installation require that they be exposed to avoid interference with signal propagation;

- (3) Any pole-top installation shall include a single cylinder enclosure for Antennas atop the Pole, but subject to the same technical limitation as provided in subsection (2) above;
- (4) The equipment cabinet may be attached to a Pole or mounted on a pad in the ground;
- (5) Ground mounted equipment cabinets shall be installed to be as inconspicuous as possible;
- (6) Wires for the installation shall not be exposed;
- (7) Any installation on a metal or composite Service Pole shall have wires hidden inside the pole;
- (8) Any installation subject to aesthetic or camouflage elements shall include a pictorial simulation of the proposed installation; and
- (9) The installation must be in compliance with all applicable provisions of this Design Manual and Laws;

iv. Copy of FCC license for the proposed installation; and

v. Application must be signed by an authorized representative of the Network Provider.

d. Requirement for Transport Facility Application.

- i. The GIS coordinates of the Network Node Location that the Transport Facility will serve;
- ii. Detailed engineering design drawings of the proposed Transport Facility prepared by a license professional engineer that meet at a minimum the following requirements:
 - (1) The path along the Public Right-of-Way where the Transport Facility is expected to be installed;
 - (2) Identification of locations along the path subject to aerial or underground construction and the length for each;
 - (3) The type of Transport Facility being installed;
 - (4) The point of demarcation where the Transport Facility will terminate at the Network Node and the point of entry into a communications network or the point of interconnection with another provider, as applicable;

- (5) The estimated length of the Transport Facility;
 - (6) Identify all pole structures to which the Transport Facility will be attached;
 - (7) Identify the location of any railroad crossings or major highway crossings;
 - (8) Note the location of any anticipated clearance issues for aerial installations that will require coordination with City or other providers;
 - (9) Identify any cabinets or equipment to be installed in Public Right-of-Way; and
 - (10) The installation must be in compliance with all applicable provisions of this Design Manual and Laws;
- ii. Construction schedule for the Transport Facility project;
 - iii. The cable drop to a Node Support Pole must be installed underground; and
 - v. Application must be signed by an authorized representative of the Network Provider.
2. ***State and Federal Rights-of-way Permit.*** If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the state or federal governmental agency with jurisdiction over said right-of-way.
 3. ***CPS Energy Utility Poles.*** If the project utilizes a CPS Energy Utility Pole as the support facility for a Network Node or Node Support Pole, the Network Provider is strongly encouraged to obtain a Preliminary Site Survey from CPS Energy prior to submitting a Small Cell Application with the City.
 4. ***Confirmation of Non-Interference with City Safety Communication or SCADA Networks.***
 - a. The Network Provider needs to provide analysis that the proposed Network Node shall not cause any interference with City public safety radio system, traffic signal light system, SCADA system, or other city safety communications components in accordance with Chapter 284, Sec. 284.304. The City will provide the Network Provider a list of licensed and unlicensed frequencies used by the City. If necessary, the City may reveal the location of SCADA or wireless system components that may be subject to interference. In such case, the Network Provider shall maintain the location of such SCADA or wireless system components confidential. In the event of interference with any SCADA or wireless system components, the Network Provider shall immediately shut down the Micro Network Node upon notice from the City, and shall not reactive it until the source of the interference has been identified and eliminated.

- b. It shall be the responsibility of the Network Provider to evaluate, prior to submitting an Application for a Permit, the compatibility between existing City infrastructure and the Provider’s proposed Network Node. A Network Node shall not be installed in a Location that causes any interference to City operations. Network Nodes shall not be allowed on City’s public safety radio infrastructure.

5. ***Improperly Located Network Node facilities, Node Support Poles and related ground equipment.***

- a. Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Public Right-of-Way. If any Network Node, Node Support Pole, or related ground equipment is installed in a location that is not in accordance with the plans approved by the City Director of Community Development Services Department and impedes pedestrian or vehicular traffic or does not comply, or otherwise renders the Public Right-of-Way non-compliant, with applicable Laws, including the American Disabilities Act, then Network Provider shall promptly remove the Network Node, Node Support Poles, and related ground equipment.
- b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days’ notice to remove of Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect permitted location, if not relocated the Network Provider shall be subject to a penalty of \$500.00 per day penalty until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider’s contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City ordinances, and other applicable ordinances concerning improperly located facilities in the rights-of-way.

C. Specific Requirements

In accordance with Texas Local Government Code, Section 284.108, the following shall apply to all Network Node installations in the Public Rights-of-Way:

- 1. Network Providers shall be responsible for ensuring compliance with all applicable federal, state, and other local installation and construction standards and industry best practices, as well as the Americans with Disabilities Act.
- 2. New Node Support Poles shall be located at least two hundred (200) feet from any existing Pole.
- 3. Electrical power to Network Nodes and related equipment shall be wholly separate from electrical power serving equipment including traffic signal devices, street lighting, etc. In

addition, applicants shall be responsible for compliance with applicable CPS Energy Electric Service Standards.

4. All electrical and communication cabling to Network Nodes and related equipment shall be run in its own conduit path outside of the conduit path used by City infrastructure.
5. In order to permit emergency power shut-downs, an electrical cutoff, accessible by City personnel, shall be provided at each Network Node installation with separate electrical power service.
6. Installation of Network Nodes and related equipment shall not hinder the intended operation and visibility of all traffic control devices, including, but not limited to, signal faces, signals, detectors, or push buttons.
7. All excavations, construction activities, and aerial installations on Poles in the Public Right-of-Way shall be carried on as to minimize interference with the use of such Public Rights-of-Way and with the use of private property, in accordance with all regulations of the City necessary to provide for public health, safety and convenience.

D. Underground Requirement Areas.

1. In accordance with Chapter 284.107, a Network Provider shall, in relation to installation for which the City approved a Permit, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a Public Right-of-Way without first obtaining zoning or land use approval.
2. If a location is designated by the City as an Underground Requirement Area, then a Network Provider's Permit for the installation of a Network Node or Node Support Pole, and related ground equipment, at such location will be revoked 90 days after the designation, and the Network Provider will be subject to potential modifications, including removal, of said Network Node or Node Support Pole in compliance with an underground revitalization plan.
3. Before commencing underground installation, 811 Dig Test must be called so that the area can be flagged for underground utilities.

E. Network Node Facilities Placement.

1. **Public Right-of-Way:** A Node Support Poles and related ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Public Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a Public Right-of-Way.
2. **Height above Ground.** Network Node components on a Pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Sec. 284.108, and if a Network

Node is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

3. ***Protrusions.*** In accordance with Chapter 284, Sec. 284.003 (a) (1) (C), Sec. 284.003 (a) (2) (C) and Sec. 284.003 (a) (3) (B) no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.
4. ***Limit on Number of Network Nodes per Site.*** There shall be no more than one Network Node on any one Pole.

F. New Node Support Poles.

1. ***New Node Support Poles Spacing.*** New Node Support Poles shall be spaced apart from existing Utility Poles or Node Support Poles at the same spacing between Utility Poles in the immediate proximity, but no less than at a minimum 200 feet from a Utility Pole or another Node Support Pole to minimize the hazard of Poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.
2. ***Height of Node Support Poles or modified Utility Pole.*** In accordance with Chapter 284, Sec. 284.103 a Node Support Pole or modified Utility Pole may not exceed the lesser of:
 - a. 10 feet in height above the tallest existing Utility Pole located within 500 linear feet of the new Pole in the same Public Right-of-Way; or
 - b. 50 feet above ground level.

G. Ground Equipment.

1. ***Ground Equipment near street corners and intersections.*** Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102 (1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a Public Right-of-Way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 250 feet of a street corner or a street intersection.
2. ***Ground Equipment near Municipal Parks.*** For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City Manager in writing.
3. ***Minimize Ground equipment density:*** In accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City Manager, or designee, may deny a request for a proposed Location if the

Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more.

3. ***Water, Sewer and Storm Drainage Lines:*** Special precautions must be taken where underground fiber optic cable is installed in sections of Public Right-of-Ways commonly used for utility corridors.
 - a. Underground utilities and service connections must be identified prior to excavation. Texas 811 One-Call Notification Centers must be contacted to identify the locations of subsurface utilities.
 - b. If temporary disruption of service is required, the installation contractor must notify the City, the affected service or utility provider, and customers at least 24 hours in advance. No service on such utility lines may be disrupted until prior approval from the City and the applicable provider is obtained.
 - c. At locations where the fiber optic cable will cross other subsurface utilities or structures, conduit must be installed to provide a minimum of 12 inches of vertical clearance between it and the other subsurface utilities or structures, while still maintaining the other applicable minimum depth requirement. To maintain the minimum depth requirement, the conduit must be installed under the existing utility. If the minimum 12-inch clearance cannot be obtained between the proposed conduit and the existing utility, the fiber optic cable must be encased in steel pipe to avoid future damage.
 - d. Existing Water Lines. No communication line shall be placed on top of a water line, but conduit for the communications line may be placed to the side of a water line at least 4 feet from the center line of the water line. When crossing a water line, a 12-inch vertical or horizontal clearance must be maintained. Node Support Poles must be installed no closer than 3 feet from a water line.
 - e. Existing Sewer Lines. No communication line shall be placed on top of a sewer line but, conduit for the communications line may be placed to the side of a sewer line at least 4 feet from the center line of the sewer line. When crossing a sewer line, a 12-inch vertical or horizontal clearance must be maintained. Node Support Poles must be installed not closer than 3 feet from a sewer line.
 - f. Existing Storm Drainage Lines. No communication line shall be placed on top of a storm drainage line, but conduit for the communication line may be placed to the side of a storm drainage line at least 4 feet from the center line of the storm drainage line. When crossing a storm drainage line, a 12-inch vertical or horizontal clearance must be maintained. Node Support Poles must be installed no closer than 3 feet from a storm drainage line.

4. ***Blocking Streets, Roads, Alleys or Lanes:*** The Texas Department of Transportation (TxDOT) standards must be followed for work zone areas that will block streets, roads, alleys or lanes. A traffic plan must be submitted to the City prior to construction.

H. Municipal Service Poles

1. ***In Accordance with Agreement:*** Installations on all Service Poles shall be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).
2. ***CPS Energy Pole Attachment Standards:*** Installations on all Municipal Service Poles shall conform to CPS Energy Pole Attachment Standards' technical provisions in subsections III. – V., as amended from time to time.
3. ***Required industry standard pole load analysis:*** Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.
4. ***Height of attachments:*** All attachments on all Service Poles shall be at least 8 feet above grade, in accordance with Chapter 284, Sec. 285.108 (a) (1) - (2) and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.
5. ***Installations on Traffic Signals:*** Network Node installations on all Service Poles that function as traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any such traffic signal structures shall:
 - a. Be encased within the Service Pole and in a separate conduit or similar method to physically separate equipment intended for the traffic light electronics;
 - b. Have a separate electric power connection than the traffic signal structure;
 - c. Have a separate access point than the traffic signal structure; and
 - d. All Pole-mounted components (existing and included with the Permit) on the exterior of a Service Pole must not encumber more than one-half of the circumference of the Service Pole at any location on the pole.
6. ***Installations on Street Signage:*** Network Node installations on all Service Poles that function as street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any such street signage structures that has electronics shall:

- a. Be encased within the Service Pole and in a separate conduit or similar method to physically separate equipment intended for any City signage electronics;
 - b. Have a separate electric power connection than the signage structure;
 - c. Have a separate access point than the signage structure; and
 - d. All Service Pole-mounted components (existing and included with the Permit) on the exterior of a Service Pole must not encumber more than one-half of the circumference of the Service Pole at any location on the pole.
7. ***Restoration of City Facilities and Private Property:*** A Network Provider shall be responsible for repairing any damage to any street, street right-of-way, ditch or any structure to its original condition immediately upon completing the installation. Any change to the slope of the land must be remedied, and there must be replacement of top soil and grass to its original condition.

SECTION 5. GENERAL AESTHETIC REQUIREMENTS

A. Concealment.

1. Concealment of Network Nodes and Node Support Poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105.
2. It is the City's preference that all new Node Support Poles be camouflaged. Companies shall submit their proposal for camouflage with the Permit Application.
3. At a minimum, Network Node radio equipment shall be enclosed in an equipment cabinet, either attached to a Pole or installed in Public Right-of-Way. Antennas must be installed within a cylinder enclosure, and all wires must be enclosed in a conduit, so that wires are protected and not exposed. The profile of the Network Node shall be minimized in following CPS Energy's Pole Attachment Standards, as appropriate, for Node Support Poles.

B. New Node Support Pole Spacing.

New Node Support Poles shall be at a minimum 200 feet from a Utility Pole or another Node Support Pole to minimize the hazard of Poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

C. Minimize Ground Equipment Concentration.

In order to minimize negative visual impact to the surrounding area, and in accordance with Chapter 284, Sec. 284.102, to enhance the safety requirements of line of sight of pedestrians, particularly small children, a Small Cell Application will be denied if the Network Provider

proposes to install a Network Node ground equipment cabinet within 300 feet of an existing ground equipment cabinet that occupies a footprint of at least 25 square feet. This is intended to minimize effect on property values and aesthetics on the area.

D. Allowed Colors.

1. Colors in Historic Districts and Design Districts must be in strict accordance with the City’s Public Rights-of-Way Management Ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.
2. Colors in Historic Districts and Design Districts must closely resemble the palette of approved colors for the particular district. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

SECTION 6. ELECTRICAL SUPPLY

A. Obtaining Electrical Power.

1. A Network Provider shall be responsible for obtaining any required electrical power service to Network Node and Node Support Pole electronic components.
2. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to any Network Node or Node Support Pole facilities, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

B. No Generators in Public Rights-of-Way.

1. A Network Provider shall not allow or install generators or back-up generators in the Public Right-of-Way in accordance with Chapter 284, Sec. 284.002 (12) (B) (1).

C. Coordination with CPS Energy.

1. Network Providers are encouraged to complete a Preliminary Site Survey with CPS Energy before submitting any Small Cell Application.
2. The Preliminary Site Survey will coordinate the safe and efficient supply of electrical power to Network Provider installations with minimal disruption to existing infrastructure in the Public Rights-of-Way.

SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.

A. Insurance, Bonding, and Security Deposit.

1. Insurance, bonding and security deposits shall be in strict accordance with the City's ordinances, except to the extent not consistent with Chapter 284.

B. Indemnification.

1. Indemnity shall be in accordance with Chapter 284, Sec. 284.302, as provided for in Chapter 283, Sec. 283.057 (a) and (b) of the Texas Loc. Gov't Code.

SECTION 8. REQUIREMENTS IN REGARD TO REMOVAL, REPLACEMENT, MAINTENANCE AND REPAIR

A. Removal or Relocation by Network Provider.

1. Removal and relocation by a Network Provider of its Network Node or Node Support Pole or related ground equipment at its own discretion, shall be in strict accordance with the City's ordinances, except to the extent not consistent with Chapter 284.
2. If the Network Provider removes or relocates a Network Node facilities, Node Support Pole, or related ground equipment at its own discretion, it shall notify the City Manager in writing not less than 10 business days prior to removal or relocation. A Network Provider shall obtain all permits required for relocation or removal of its Network Node, Node Support Poles, or related ground equipment prior to relocation or removal.
3. The City shall not issue any refunds for any amounts paid by Network Provider for a Network Node, Node Support Pole, or related ground equipment that is removed.

B. Removal or Relocation Required for City Project.

1. Removal or relocation of a Network Provider's Network Node or Node Support Pole, or portion thereof, required for a City civic project shall be in strict accordance with the City's ordinances, except to the extent such ordinances are not consistent with Chapter 284, Sec. 284.107, or applicable Law.
2. In accordance with Chapter 284, Sec. 284.107, except as provided in existing state and federal law, a Network Provider shall relocate or adjust a Network Node or Node Support Pole, and related ground equipment in a Public Right-of-Way in a timely manner and without cost to the City managing the Public Rights-of-Way.
3. The City may require Network Provider to remove or relocate its Network Node or Node Support Pole, or any portion thereof, from the Public Right-of-Way for City civic construction projects as allowed by state and federal law, including the common-law.
4. Network Provider shall, at the City Manager's direction, remove or relocate its Network Nodes or Node Support Poles, at Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever such relocation or removal is needed for any of the following purposes: Required for the construction, completion,

repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project of a street or Public Rights-of-Way to enhance the traveling public's use for travel and transportation.

5. If a Network Provider fails to remove or relocate the affected Network Node or Node Support Pole, or portion thereof, as requested by City ordinances within 90 days of Network Provider's receipt of the request, then the City shall be entitled to remove the Network Node or Node Support Pole, or portion thereof, at the Network Provider's sole cost and expense, without further notice to Network Provider.
6. Network Provider shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of a Network Node or Node Support Pole, or portion thereof.

C. Removal Required by City for Safety and Imminent Danger Reasons.

1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Network Node or Node Support Pole, and related ground equipment within the time frame and in the manner required by City ordinances, should the City Manager reasonably determine that the disconnection, removal, or relocation of any part of a Network Node or Node Support Pole, and related ground equipment, (a) is necessary to protect the public health, safety, welfare, or City property; (b) the Network Node or Node Support Pole, or portion thereof, is adversely affecting proper operation of Traffic Signals or City property; or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Network Node or Node Support Pole, or fails to use of any Location under applicable Law in strict accordance with the City's ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Network Node or Node Support Pole, and related ground equipment, at the Network Provider's sole cost and expense in strict accordance with the City's ordinances, except to the extent such ordinances are not consistent with Chapter 284.
3. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Network Node or Node Support Pole, and related ground equipment, within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Network Node, Node Support Pole, or any related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property; (b) the Network Node or Node Support Pole, or portion thereof, is adversely affecting proper operation of Traffic Signals or City property; or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Network Node or Node Support Pole for use of any Location under applicable law. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately

disconnect, remove, or relocate the applicable Network Node or Node Support Pole, and related ground equipment, at the Network Provider’s sole cost and expense.

4. The City Manager shall provide 90 days written notice to the Network Provider before removing a Network Node or Node Support Pole under this Section, unless there is imminent danger to the public health, safety, and welfare.
5. Network Provider shall reimburse City for the City’s actual cost of removal of Network Node or Node Support Pole within 30 days of receiving the invoice from the City.

SECTION 9. INSTALLATION AND INSPECTIONS

A. Installation.

1. Network Provider shall, at its own cost and expense, install a Network Node or Node Support Poles in a good and workmanlike manner in strict accordance with the City’s ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. Network Provider shall, at its own cost and expense, install a Network Node or Node Support Poles in a good and workmanlike manner and in accordance with the requirements promulgated by City ordinances, as such may be amended from time to time. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of a Network Node or Node Support Pole shall be in compliance with all applicable Laws.

B. Inspections.

1. The City Manager, or designee, may perform visual inspections of any Network Node or Node Support Pole located in the Public Right-of-Way in accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284. If the inspection requires physical contact with the Network Node or Node Support Pole, or related ground equipment, the City Manager shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE NETWORK NODES OR NODE SUPPORT POLES.

A. Removal of Abandoned or Obsolete Network Nodes or Node Support Poles.

1. Abandoned or obsolete Network Nodes or Node Support Poles, and related ground equipment, shall be removed in strict accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284.

B. Time Period for Removing Abandoned or Obsolete Network Nodes or Node Support Poles.

1. Network Provider shall remove Network Nodes or Node Support Pole, and related ground equipment, when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the Network Node or Node Support Pole being abandoned or within 90 days of receipt of written notice from the City.
2. When Network Provider removes or abandons permanent structures in the Public Right-of-Way, the Network Provider shall notify the City Manager in writing of such removal or Abandonment and shall file with the City Manager the location and description of each Micro Network Node, Network Node, Node Support Pole and related ground equipment removed or Abandoned. The City Manager may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Public Right-of-Way.

SECTION 11. GENERAL PROVISIONS.

A. As-Builts, Maps, and Records.

1. Network Provider's as-built engineering diagrams, maps, and records shall be in strict accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. A Network Provider shall maintain accurate maps and other appropriate records of its Network Nodes or Node Support Poles as they are actually constructed in the Public Rights-of-Way, including, upon request, the use of Auto CAD/GIS digital format. Network Provider will provide additional maps to the City upon request.

B. Courtesy and Proper Performance.

1. Courtesy and proper performance of Network Provider's personnel and contractors shall be in strict accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. A Network Provider and its contractors shall make citizen satisfaction a priority in using the Public Rights-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Network Nodes or Node Support Pole located in the Public Rights-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public.

C. Allocation of Funds for Removal and Storage.

1. The City Council has currently appropriated no funds to pay for the cost of any removal or storage of Network Nodes or Node Support Poles as authorized under the Law.

D. Ownership.

1. Ownership of Network Nodes or Node Support Poles shall be in strict accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. No part of a Network Node or Node Support Pole erected or placed on the Public Right-of-Way by Network Provider will become, or be considered by the City as being affixed to or a part of, the Public Right-of-Way. All portions of the Network Node or Node Support Pole constructed, modified, erected, or placed by Network Provider on the Public Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City Manager or designee prior to any work in the Public Right-of-Way.

E. Tree Maintenance.

1. Tree maintenance shall be in strict accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. A Network Provider, its contractors, and agents shall obtain a tree permit before trimming trees hanging over its Network Nodes or Node Support Poles to prevent branches of such trees from contacting the Network Nodes or Node Support Poles. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.

F. Signage.

1. Signage shall be in strict accordance with the City's sign ordinance, and other applicable ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node or Node Support Pole that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by Law (e.g. radio frequency ground notification signs).
3. Except as required by Law or by the Utility Pole owner, a Network Provider shall not post any other signage or advertising on the Network Node, Node Support Pole, Service Pole, or Utility Pole.

G. Graffiti Abatement.

1. Graffiti abatement shall be in strict accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Network Nodes or Node Support Poles located in the Public Rights-of-Way. The foregoing

shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinances or regulations.

H. Restoration.

1. A Network Provider shall restore and repair of the Public Rights-of-Way from any damage, or any facilities located within the Public Right-of-Way, and the property of any third party resulting from Network Provider’s removal or relocation activities (or any other of Network Provider’s activities hereunder) in strict accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284.
2. The Network Provider shall conduct such repairs within 10 calendar days following the date of such removal or relocation, at Network Provider’s sole cost and expense, including restoration of the Public Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged trees, shrubs or other vegetation.

I. Network Provider’s Responsibility.

1. A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider’s employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider’s and subcontractors in connection with the installations of any Network Node, Node Support Pole or Transport Facility as if such acts or omissions were Network Provider’s acts or omissions in strict accordance with City ordinances, except to the extent such ordinances are not consistent with Chapter 284.

SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION

Should the Network Provider desire to deviate from any of the standards set forth in the Design Manual, the Network Provider may request an Administrative Hearing before a Board of Appeals. The City Council shall act as the Board of Appeals for a Request for Exemption. The process for an application, hearing and vote shall follow the process described in Sec. 28-9 of the City of Shavano Park Code of Ordinances.

SECTION 13. APPLICATION PROCESS & APPLICATION FEES

A. Application Process.

1. Submit completed Application form, including application fee calculation.
2. Pay application fee by mechanically printed company check or cashier’s check, payable to the City.

Submit Application form and application fee at Shavano Park City Hall located at 900 Saddletree Court, Shavano Park, Texas 78231.

Applications must be submitted in the name of the Network Provider registered with the City pursuant to City ordinances. Failure of a Network Provider to register is grounds for denial of an Application.

B. Application Fees.

1. An application fee of \$500.00 for an Application for up to 5 Network Nodes and an additional \$250.00 fee for each additional Network Node per Application.
2. An application fee of \$1,000.00 per Application for each Node Support Pole.

C. Pending Applications.

1. A person shall not file, or have pending, more than 5 Permit Applications for the installation or Collocation of Network Nodes at any time.
2. As the number of Permits pending drops below 5, a Network Provider may file additional Applications until the number of Applications pending once again reaches 5.

SECTION 14-19 RESERVED

SECTION 20. DESIGN MANUAL - UPDATES

Placement or Modification of Micro Network Node, Network Node, Node Support Pole, Transport Facility, and related ground equipment shall comply with the City’s Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

¹ Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS. (a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

(b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

(c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

² The definitions as used in Tx. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual.

Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002. DEFINITIONS. In this chapter:

(1) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(2) "Applicable codes" means:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with this chapter.

(3) "Collocate" and "collocation" mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

(4) "Decorative pole" means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

(5) "Design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(6) "Historic district" means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

(7) "Law" means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

(8) "Macro tower" means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Section 284.103 and that supports or is capable of supporting antennas.

(9) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

(10) "Municipally owned utility pole" means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

(11) "Municipal park" means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

(12) "Network node" means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

(i) equipment associated with wireless communications;

(ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and

(iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

(i) an electric generator;

(ii) a pole; or

(iii) a macro tower.

(13) "Network provider" means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

- (i) network nodes; or
- (ii) node support poles or any other structure that supports or is capable of supporting a network node.

(14) "Node support pole" means a pole installed by a network provider for the primary purpose of supporting a network node.

(15) "Permit" means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

(16) "Pole" means a service pole, municipally owned utility pole, node support pole, or utility pole.

(17) "Private easement" means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

(18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

(19) "Public right-of-way management ordinance" means an ordinance that complies with Subchapter C.

(20) "Public right-of-way rate" means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.

(21) "Service pole" means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

(22) "Transport facility" means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

(23) "Utility pole" means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Section 51.002, Utilities Code.

(24) "Wireless service" means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

(25) "Wireless service provider" means a person that provides wireless service to the public.