

ORDINANCE NO. 2019-07

An Ordinance amending Section 28-155 of Chapter 28 of the Code of Ordinances of the City of Jackson, Michigan to revise aesthetic standards for wireless communication facilities to comply with new federal and state laws, and to minimize the adverse visual effects that can result from the placement and installation of wireless communication facilities.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose. The City Council adopts this Ordinance to comply with new federal and state laws, and to minimize the adverse visual effects that can result from the placement and installation of wireless communication facilities.

Section 2. That Section 28-155 of Chapter 28 of the Code of Ordinances of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

Sec. 28-155. - Wireless telecommunication facilities.

- (1) *Purpose.* The purpose of this section is to permit facilities within the city that are necessary for the operation of wireless communications systems.
 - a. In recognition of the public need and demand for advanced telecommunication and information technologies and services and the impacts such facilities may have on properties within the city, it is the further intent of this section to:
 1. Maximize the use of existing and future wireless communication facilities by encouraging co-location of multiple antennae on a facility where feasible.
 2. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and buildings from potential adverse impacts of such facilities.
 3. Minimize the adverse visual and other impacts of such facilities through innovative design, adequate screening, sufficient setback area, and timely removal of facilities upon the discontinuance of use.
 4. Protect the unique aesthetics and public safety of the rights of way of the City while meeting the needs of its citizens and businesses to enjoy the benefits of expanded wireless communication facilities without obstructing access to or use of the public rights of way, especially handicapped access due to the placement of wireless communication facilities.

5. Encourage the location and colocation of telecommunication facility equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, and to reduce the need for additional antenna-supporting structures.
6. Accommodate the growing demand for wireless services and the resulting need for wireless communication facilities.
7. Regulate wireless communication facilities in accordance with all applicable federal and state laws.
8. It is not the intent of this section to materially limit wireless transmission or reception, or unnecessarily burden access to wireless services or competition among different communication providers.

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o. *Appearance of Support Structures.* The design of wireless communication facilities, support structures and all accessory structures and equipment shall minimize adverse visual impact, visual distraction, and reduction in visibility. Wireless communication support structures and all accessory buildings shall maximize aesthetics and ensure compatibility with its surroundings through careful design, siting, landscaping, screening, camouflaging and stealth design techniques. The following shall be complied with to minimize adverse visual impact:

1. *Camouflaging, Screening and Stealth Installations.* Wireless communication facilities, support structures and all accessory structures and equipment shall, to the extent possible, consist of materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings. Wireless communication facilities support structures and all accessory structures and equipment and its supporting electrical and mechanical equipment, as well as any equipment mounted to existing utility poles, lights structures, traffic signals or similar structures must be stealth facilities, meaning that such facilities shall be concealed or enclosed as much as reasonably possible in an equipment box, cabinet, or other unit, which may include ventilation openings. External cables and wires on or hanging from wireless communication facilities shall be sheathed and enclosed in a conduit so that wires are protected and not visible to the extent reasonably possible. Wireless communication facilities collocated on an existing or new pole must be designed in such a way that all cabling is contained inside such pole to the extent reasonably possible.

2. *Color of Wireless Communication Facilities.* Wireless communication facilities, support structures and all accessory structures and equipment must be of a neutral color so as to exist as visually unobtrusive as possible. Any equipment mounted to a support structure of a wireless communication facility shall also match the support structure in color and general design

unless a different color is needed for public safety or service reliability reasons.

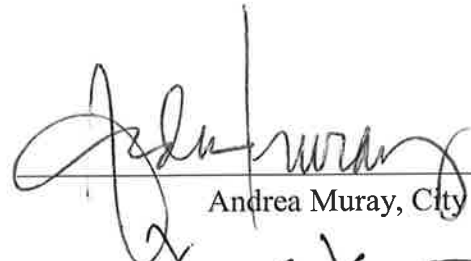
3. *Decorative Light Poles and Other Decorative Structures.* Wireless communication facilities, support structures and all accessory structures and equipment shall not be located on a decorative light pole or any decorative structure or fixture that has been specifically designed for its aesthetic value. The reason for this regulation is that the purpose of the decorative light pole, decorative structure or decorative fixture (to be aesthetically pleasing) would be substantially compromised by the placement of wireless communication facilities
4. *Obstruction of the City Rights of Way.* Wireless communication facilities shall not be located anywhere that would obstruct access to or use of the public rights of way, especially handicapped access.
5. *Other Obstructions.* Any new pole and/or equipment and other improvements associated with a new pole or an existing pole must not obstruct any: (i) worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors; (ii) access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop (including, without limitation, bus stops, streetcar stops, and bike share stations); (iii) worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency; (iv) fire hydrant access; (v) access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right-of-way; or (vi) access to any fire escape.
6. *Historic or Architecturally Significant Structures.* Any new wireless communication facility and/or equipment and other improvements associated with a new pole or an existing pole may not be placed on, directly in front of, or in a location that would distract or detract visually from any historic or architecturally significant structures in prominent or highly visible locations.
7. *Compliance with Historic Preservation Laws.* Wireless communication facilities shall comply with all applicable local, state and federal historic preservation laws and requirements.
8. *Alternate Structures.* Use of artificial trees, clock towers, bell steeples, church spires, light poles and similar alternative-design mounting structures that conceal and/or camouflage the presence of the wireless telecommunication facility support structures and all accessory structures and equipment are encouraged if available.

9. *Environmental Compatibility.* Wireless telecommunication facility support structures and all accessory structures and equipment must not disturb the natural aesthetics of any wetland, woodland or an environmental feature.
 10. *Clear Vision Area.* Wireless telecommunication facility support structures and all accessory structures and equipment shall not interfere with any clear vision area or sight distance triangle and will not be a distraction to motorists due to its location, size or appearance.
 11. *Public Safety.* In order to protect the public safety, wireless communication facilities shall cause no signal, frequency, nor operational interference with public safety facilities or traffic control devices, or access thereto, and shall not physically interfere with other attachments that may be located on the existing pole or structure.
 12. *Signs or Lighting.* No advertising, signs, logos, or lighting shall be permitted on wireless communication facilities except for official or public notice or warning signs required by a valid and applicable federal, state, or local law or regulation, or by order of a court of competent jurisdiction.
 13. *Undergrounding.* Service and utility lines or wires serving wireless communication facilities shall be undergrounded whenever feasible and compatible with the requirements of this section.
- p. *Lighting.* Lighting on a wireless communication facility shall be prohibited unless otherwise required by the Federal Aviation Administration or Michigan Aeronautics Commission. The planning commission may require a height reduction to eliminate the need for lighting unless the applicant provides adequate technical data demonstrating the need for the requested height, including an analysis demonstrating that other sites are unavailable or inadequate for their purposes. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting required for maintenance must be shielded and directed downward, and only used when necessary.
- q. *Collocation Offer Required.* An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. If, during a period of thirty (30) days after the notice letters are sent to potential users, a user requests in writing to collocate on the new support structure, the applicant shall accommodate the request(s) unless collocation is not feasible based on the criteria of this section.
- r. *Removal.* When a wireless communication facility has not been used for one hundred eighty (180) consecutive calendar days, the party who owns or controls such a facility shall notify the city in writing of its discontinued use and shall undertake removal of all or parts of the wireless communication facility by the users or owners or their successors of the facility and owners of the property on which the facility is located within ninety (90) days of notifying the city.


1. The removal of antennae or other equipment from the facility, or the cessation of operations (transmission or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communication facility is required may be applied and limited to a portion of the facility.
 2. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communication facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the facility.
 3. If the required removal of the wireless communication facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice sent by certified mail, the city may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility or, if necessary, through appropriate judicial remedies.
- s. *Effect of Approval.* Final approval for a wireless communication support structure shall be effective for a period of one hundred eighty (180) calendar days. One extension of up to an additional one hundred eighty (180) calendar days may be granted, provided that a written request is submitted prior to the expiration date.
- t. *Additional Obligations Due to Agreements and Permits.* The provisions of this section are in addition to, and do not replace, any obligations an applicant may have under franchises, license, encroachments or other permits issued by the City.
- u. *Wireless Communication Facilities Design Manual.* The City Manager is hereby authorized to draft a City of Jackson Wireless Communication Facilities Design Manual. Approved designs and specific design criteria contained in the City of Jackson Wireless Communication Facilities Design Manual shall apply to all wireless communication facilities.
- v. *Changes in Federal or State Law.* In the event that state or federal court decisions, or changes in state or federal legislation, alter the rights and/or obligations of wireless communication facilities or municipalities, the revised law shall supersede the provisions of this section.

Section 3. This Ordinance takes effect thirty (30) days from the date of adoption.

Adopted: The foregoing Ordinance 2019-07 was adopted by the Jackson City Council on March 12, 2019 and a summary was published on March 17, 2019.



Andrea Muray, City Clerk



Derek J. Bobies, Mayor