

## Chapter 100 - SMALL WIRELESS FACILITY DEPLOYMENT

### Sec. 100-1. - Definitions.

As used in this chapter:

- (1) *Affiliate* means an entity that directly or indirectly controls, is controlled by, or is under common control with another party.
- (2) *Antenna* means communications equipment that transmits or receives an electromagnetic radio frequency signal in the provision of wireless service.
- (3A) *Antenna equipment* means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure is mounted or installed at the same time as the antenna.
- (3B) *Antenna equipment* does not include:
  - a. The structure or improvements on, under, or within which the equipment is collocated; or
  - b. Wireline backhaul facilities, coaxial or fiber optic cable that is between structures, or coaxial or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.
- (4) *Antenna facility* means an antenna and associated antenna equipment.
- (5) *Applicable codes* means uniform electrical reliability, building, fire, electrical, plumbing, or mechanical codes, as adopted by a recognized national code organization, or local amendments to the codes that are of general application, or local ordinances that are of general application, that address public health, safety, or welfare and are consistent with this subchapter.
- (6) *Applicant* means a person who submits an application as or on behalf of a wireless provider.
- (7) *Application* means a request submitted by an applicant to an authority for a permit:
  - a. To collocate small wireless facilities; or
  - b. To install, modify, or replace a pole on which a small wireless facility is or will be collocated, in the right-of-way.
- (8A) *Authority* means a county, a municipality, a subdivision, or instrumentality thereof, including without limitation:
  - a. A public utility district;
  - b. An irrigation district; or
  - c. A municipal electric utility.
- (8B) *Authority* does not include a state court having jurisdiction over an authority.
- (9) *City pole* means a pole owned, managed, or operated by or on behalf of the City of Springdale.
- (10) *Collocate* or *collocate on* means the placement, mounting, replacement, or modification of a small wireless facility on, or of ground-mounted antenna equipment adjacent to, a structure. "Collocate" or "collocate on" includes collocated ground-mounted antenna equipment as a small wireless facility if it meets the requirements of (25A)c.—e. herein, and the associated facilities on the adjacent structure meet the requirements of (25A)a.—e. herein.
- (11) *Communications service* means:
  - a. A cable service, as defined in 47 U.S.C. § 522(6), as it existed on January 1, 2019;
  - b. A telecommunications service, as defined in 47 U.S.C. § 153(53), as it existed on January 1, 2019;

- c. An information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019;  
or
  - d. Wireless service.
- (12) *Communications service provider* means:
- a. A cable operator, as defined in 47 U.S.C. § 522(5), as it existed on January 1, 2019;
  - b. A provider of information service, as defined in 47 U.S.C. § 153(24), as it existed on January 1, 2019;
  - c. A telecommunications carrier, as defined in 47 U.S.C. § 153(51); or
  - d. A wireless provider.
- (13) *Control* means the direct or indirect ownership of at least 50 percent of the equity, ability to direct at least 50 percent of voting power, or ability otherwise to direct management policies.
- (14) *Controlled-access facility* means a highway or street described in A.C.A. § 27-68-102;
- (15) *Decorative pole* means an city pole that is specifically designed and placed for aesthetic purposes and on which limited appurtenances or attachments, such as a small wireless facility, lighting, 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 authority rules or codes.
- (16) *Facility* means an antenna facility or a structure that is used for the provision of wireless service.
- (17) *Fee* means a one-time, nonrecurring charge.
- (18) *Historic district* means a group of buildings, properties, or sites that are either:
- a. Listed in the National Register of Historic Places;
  - b. A historic district designated under the Historic Districts Act, A.C.A. § 14-172-201 et seq.;  
or
  - c. A historic district otherwise designated under a local ordinance as of January 1, 2019.
- (19) *Micro-wireless facility* means a wireless facility that:
- a. Is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height;
  - b. Has an exterior antenna that is no longer than 11 inches; and
  - c. Is not placed any farther than ten feet down the span as measured from the side of the pole.
- (20) *Permit* means an authorization, written or otherwise, required by the city to perform an action or initiate, continue, or complete a project for the deployment of wireless service at a specified location.
- (21) *Person* means an individual, corporation, limited liability company, partnership, association, trust, authority, or other entity or organization.
- (22A) *Pole* means a pole in a right-of-way that may be used by or for wireline communications, electric distribution, lighting, traffic control, signage, or similar function, or for collocation of small wireless facilities.
- (22B) *Pole* does not include a wireless support structure or an electric transmission structure.
- (23) *Rate* means a recurring charge.
- (24A) *Right-of-way* means an area on, below, or above a public utility easement, roadway, highway, street, sidewalk, alley, or similar property.

- (24B) *Right-of-way* does not include a federal interstate highway, controlled-access facility, or a public utility easement that does not authorize the deployment sought by the wireless provider.
- (25A) *Small wireless facility* means a wireless facility that meets all of the following:
- a. The facility is mounted on a structure 50 feet or less in height, including the antennas; is mounted on a structure no more than ten percent taller than other adjacent structures, or does not extend an existing structure on which it is located to a height of more than 50 feet or by more than ten percent, whichever is greater.
  - b. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume.
  - c. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than 28 cubic feet in volume.
  - d. The facility does not require antenna structure registration under 47 C.F.R. Part 17, as it existed on January 1, 2019.
  - e. The facility does not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as it existed on January 1, 2019.
- (25B) *Small wireless facility* does not include the structure or improvements on, under, or within which the equipment is located or collocated or to which the equipment is attached; and any wireline backhaul facility or coaxial or fiber optic cable that is between wireless support structures or utility poles, or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (26) *Structure* means a pole or wireless support structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service.
- (27) *Technically feasible* means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location, can be implemented without a material reduction in the functionality of the small wireless facility.
- (28) *Wireless infrastructure provider* means a person or an affiliate thereof, including a person authorized to provide communications service in the state, that builds or installs facilities for the provision of wireless service, but that is not a wireless service provider.
- (29) *Wireless provider* means a wireless infrastructure provider or a wireless service provider.
- (30) *Wireless service* means any service using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.
- (31) *Wireless service provider* means a person who provides wireless service.
- (32A) *Wireless support structure* means a structure, including:
- a. A monopole;
  - b. A tower, either guyed or self-supporting;
  - c. A billboard;
  - d. A building; or
  - e. Any other existing or proposed structure designed to support or that is capable of supporting small wireless facilities, other than a structure designed solely for the collocation of small wireless facilities.
- (32B) *Wireless support structure* does not include a pole.
- (33) *Wireline backhaul facility* means an aboveground or underground facility used to transport communications services from a wireless facility to a network.

( [Ord. No. 5440](#), § 1, 12-10-19)

**Sec. 100-2. - Use of rights-of-way by wireless provider.**

Subject to this chapter, a wireless provider shall have the right, as a permitted use not subject to zoning review or approval, to collocate, maintain, modify, operate, and replace small wireless facilities and to install, maintain, modify, and replace poles it owns or manages or, with the permission of the owner, a third party's pole, associated with a small wireless facility, along, across, upon, and under the right-of-way. Small wireless facilities and associated poles shall be installed and maintained as to not obstruct or hinder the usual travel or public safety of the right-of-way or the usage of the right-of-way by utilities.

( [Ord. No. 5440](#), § 1, 12-10-19)

**Sec. 100-3. - Requirements—Height limits—Standards.**

- (a) Each new or modified pole installed in the right-of-way for the purpose of collocation of small wireless facilities shall not exceed the greater of:
  - (1) Fifty feet in height above ground level; or
  - (2) Ten percent taller than the tallest existing pole in place in the same right-of-way as [of] September 1, 2019, within 300 feet of the new or modified pole.
- (b) A new small wireless facility in the right-of-way shall not extend more than ten percent above the existing structure on which it is located or 50 feet above ground level, whichever is greater.
- (c) A wireless provider shall have the right to collocate a wireless facility and install, maintain, modify, and replace a pole that exceeds the height limits provided herein along, across, upon, and under the right-of-way, subject to the requirements of this chapter and any applicable zoning regulations.
- (d) A wireless provider shall not install a small wireless facility or pole in a historic district without complying with the requirements of general application for structures within the historic district.
- (e) A wireless provider may replace decorative poles when necessary to deploy a small wireless facility so long as the replacement reasonably conforms to the design of the original decorative pole.

( [Ord. No. 5440](#), § 1, 12-10-19)

**Sec. 100-4. - Damage and repair—Replacements—Abandonment—Removal.**

- (a) A wireless provider shall repair all damage to the right-of-way directly caused by the activities of the wireless provider in the right-of-way and return the right-of-way to its functional and aesthetic equivalence before the damage under the competitively neutral, reasonable requirements and specifications of the city. If the wireless provider fails to make the repairs required by the city within a reasonable time after written notice, the city may make those repairs and charge the applicable party the actual and reasonable documented cost, including overhead, of the repairs.
- (b) A wireless provider is not required to replace or upgrade an existing pole except for reasons of structural necessity or compliance with applicable codes. A wireless provider may, with the permission of the pole owner, replace or modify existing poles, but any such replacement or modification shall substantially conform to the design aesthetics of the pole being modified or replaced.
- (c) A wireless provider shall notify the city at least 30 days before the wireless provider's abandonment of a small wireless facility. If the wireless provider fails to remove the abandoned small wireless facility within 90 days after the notice, the city may undertake the removal and recover the actual and

reasonable documented cost, including overhead, of the removal from the wireless provider, or its successors or assigns.

- (d) The city may order the removal of a small wireless facility or associated pole in the right-of-way that violates any provisions of this chapter. The city shall provide written notice of the violation to the owner of the small wireless facility at least 30 days before removal to afford the owner the opportunity to conduct repairs or removal, or otherwise remedy the violation. If the city determines that a wireless provider's activity in a right-of-way under this subchapter creates an imminent risk to public safety, the city may provide written notice to the wireless provider and demand that the wireless provider address the risk. If the wireless provider fails to reasonably address the risk within 24 hours of the written notice, the city may take or cause to be taken action to reasonably address the risk and charge the wireless provider the reasonable documented cost of the actions.
- (e) A wireless provider shall not collocate a small wireless facility or install, modify, or replace a pole in the right-of-way that:
  - (1) Materially interferes with the safe operation of traffic control equipment;
  - (2) Materially interferes with sight lines or clear zones for transportation or pedestrians;
  - (3) Materially interferes with compliance with the Americans with Disabilities Act of 1990, or similar federal or state standards regarding pedestrian access or movement; or
  - (4) Fails to comply with applicable codes.

Compliance with these criteria will be determined during the permitting process set forth herein.

( [Ord. No. 5440](#), § 1, 12-10-19)

**Sec. 100-5. - Aesthetic standards.**

- (a) The purpose of the aesthetic standards applicable to small wireless facilities and associated poles is to ensure coordinated, adjusted, and harmonious development.
- (b) The city shall not limit the collocation of small wireless facilities by minimum horizontal separation distance requirements from existing small wireless facilities, poles, or wireless support structures. However, the city may require wireless providers to comply with reasonable horizontal spacing requirements for new poles and ground-mounted small wireless facilities, but the requirements shall not prevent a wireless provider from serving any location.
- (c) Any design or concealment measures are not considered a part of the small wireless facility for purposes of the size parameters in the definition of "small wireless facility."
- (d) The city may deny an application for not complying with aesthetic requirements if the denial does not prohibit or have the effect of prohibiting the provision of wireless service.
- (e) The city may prohibit wireless providers from installing poles in the right-of-way in areas where the city has required that all communications and electric lines be placed underground, if:
  - (1) The city has required all electric and communications lines to be placed underground by a date certain that is three months before the submission of the application;
  - (2) Any poles the city allows to remain shall be made available to wireless providers for the collocation of small wireless facilities, and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, in compliance with this chapter;
  - (3) A wireless provider may install a new pole in the designated area that otherwise complies with this section when it is not able to provide wireless service by collocating on a remaining structure; and
  - (4) For small wireless facilities installed before the city adopted requirements that communications and electric lines be placed underground, the city shall:

- a. Permit a wireless provider to maintain the small wireless facilities in a place on any pole not required to be removed, subject to any applicable pole attachment agreement with the pole owner; or
  - b. Permit the wireless provider to replace an existing pole within 50 feet of the prior location.
- (f) When a wireless provider applies to install a new pole in the right-of-way in an area zoned for residential use, the city may propose an alternative location in the right-of-way within 100 feet of the location stated in the application, and the wireless provider shall use the city's proposed alternative location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made the determination in good faith, based on the assessment of a licensed engineer, and the wireless provider shall provide a written summary of the basis for the determination.
- (g) The board of zoning adjustment hears appeals of the decision of the administrative officer in respect to the enforcement/application of the aesthetic standards, and may affirm or reverse, in whole or in part, the decision of the administrative officer; and hear requests for variances from the literal provisions of the aesthetic standards and grant the variances only when it is necessary to avoid the prohibition of wireless service or otherwise comply with state or federal law. Decisions of the board shall be subject to appeal only to a court of record having jurisdiction.

( [Ord. No. 5440](#), § 1, 12-10-19)

**Sec. 100-6. - Collocation on city poles.**

- (a) This section applies to activities of a wireless provider collocating small wireless facilities on city poles in the city's right-of-way or in a right-of-way controlled by ArDOT located within the city. A person who purchases or otherwise acquires a city pole is subject to the requirements of this section. The city will allow the collocation of small wireless facilities on city poles using the permitting process and fees described in this chapter.
- (b) As part of an application to collocate a small wireless facility on a city pole, the wireless provider shall submit make-ready design drawings and work descriptions that enable the pole to support the requested collocation by the wireless provider, including pole replacement if necessary. The city may amend the make-ready design drawings and work to comply with applicable codes before the issuance of a permit. The city shall not require more make-ready work than required to meet applicable codes or industry standards nor may the fees for make-ready work include costs related to preexisting or prior damage or noncompliance. Make-ready fees charged by the city may include the amount the city pays an Arkansas professional engineer to review the wireless provider's make-ready work plans, and shall not include any revenue or contingency-based consultant's fees or expenses of any kind.
- (c) The city may require replacement of a city pole if the collocation would make the city pole structurally unsound, and the replaced city pole shall have the same functionality as the pole being replaced. If the city pole is replaced, the city shall take ownership of the new pole and operate city fixtures on the pole.
- (d) Within 60 days of the receipt of the application to collocate on a city pole, the city shall either:
- (1) Elect to perform the make-ready work necessary to enable the pole to support the requested collocation by a wireless provider and provide a good-faith estimate for the work, including pole replacement, if necessary; or,
  - (2) Authorize the wireless provider to perform the make-ready work.

The city shall complete make-ready work it elects to perform, including any pole replacement, within 60 days of written acceptance of the good faith estimate of the applicant. If the city has not completed the make-ready work within 60 days after the written acceptance and deposit of the good faith estimate by the applicant, the applicant may demand a return of any deposited funds and proceed with the make-

ready work as described in its application, using authorized, qualified contractors approved by the city with the authorization not to be unreasonably withheld, conditioned, or delayed.

- (e) The city may reserve space on city poles for future public safety/transportation uses in a documented/approved plan in place at the time an application is filed. A reservation of space shall not preclude placement of a pole or collocation of a small wireless facility. If replacement of the city's pole is necessary to accommodate the collocation of the small wireless facility and the future use, the wireless provider shall pay for the replacement of the city pole and the replaced pole shall accommodate future use.

( [Ord. No. 5440](#), § 1, 12-10-19)

#### **Sec. 100-7. - Permits.**

This section applies to all permits required for the collocation of small wireless facilities and to the permitting of the installation, modification, and replacement of associated poles by a wireless provider that is in the city's right-of-way or is in a right-of-way controlled by ArDOT.

- (1) For deployment in the city's right-of-way or on a city-owned pole in the ArDOT right-of-way located within the city, the applicant shall submit the following:
  - a. Identification of the applicant;
  - b. A map or description of the location of the facilities;
  - c. An illustration that shows the final appearance of the facilities;
  - d. Engineering drawings of the facilities to be installed, including required make-ready work to be performed;
  - e. Electrical load information;
  - f. Pole loading calculations;
  - g. Worker safety information related to small wireless facility installation;
  - h. Evidence of bonding, if required;
  - i. Evidence of insurance, if required; and
  - j. Required application fees.
- (2) For deployments of or on poles that are not owned by the city located in the ArDOT right-of-way located within the city, the applicant shall submit the following:
  - a. Identification of the applicant;
  - b. A map or description of the location of the facilities;
  - c. An illustration that shows the final appearance of the facilities; and
  - d. Required application fees.
- (3) The applicant shall attest that the small wireless facilities for which a permit is granted shall be completed and will be operational for use by a wireless service provider within one year of after the permit issuance date, unless the city and the applicant agree to extend this period or delay is caused by lack of commercial power, communications, transport facilities to the site, or any other factors outside of the applicant's control. Approval of an application authorizes the applicant to undertake the installation or collocation.
- (4) Subject to applicable relocation requirements and the applicant's right to terminate at any time, the applicant shall operate and maintain the small wireless facilities and any associated poles covered by the permit for a period of not less than ten years, which shall be renewed for

equivalent durations so long as the small wireless facilities do not violate any of the provisions which would result in an initial permit denial as set forth in this chapter.

- (5) The city shall not require an application for:
- a. Routine maintenance;
  - b. The replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or
  - c. The installation, placement, maintenance, operation, or replacement of a micro-wireless facility that is suspended on cables that are strung between existing poles and that complies with the applicable codes. The city may require a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the right-of-way for the activities.

( [Ord. No. 5440](#), § 1, 12-10-19)

**Sec. 100-8. - Permit processing.**

- (a) Within ten working days of receiving a permit application, the city shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the city shall specifically identify the missing information in writing. The processing deadline shall restart on the date the applicant provides the missing information to complete the application.
- (b) Permit applications shall be processed by the city within 60 days of receipt of an application for the collocation of a small wireless facility; and within 90 days for an application to install, modify, or replace a pole on which a small wireless facility is or will be collocated.
- (c) The processing deadline may be tolled by agreement of the applicant and the city. If the city fails to act on a complete application within the applicable deadline, the application shall be deemed to be approved ten working days after written notice is provided by the applicant to the city that the time period for acting on the application has lapsed.
- (d) An applicant seeking to collocate small wireless facilities within the city shall be allowed at the applicant's discretion to file a batched application for small wireless facilities and associated poles and receive a single permit for the collocation of multiple small wireless facilities and the placement of associated poles. Batched applications shall be collectively processed according to the procedures in this section. A consolidated application that includes new pole deployments shall be subject to the 90-day timeframe stated in subsection (b) herein. The denial of one or more small wireless facilities in a batched application shall not delay processing of any other small wireless facilities or poles in the same consolidated application.
- (e) All applications must meet the following:
  - (1) Each new or modified pole installed in the right-of-way for the purpose of collocation of small wireless facilities shall not exceed the greater of 50 feet in height above ground level or ten percent taller than the tallest existing pole in place in the same right-of-way as [of] September 1, 2019, within 300 feet of the new or modified pole.
  - (2) A new small wireless facility in the right-of-way shall not extend more than ten percent above the existing structure on which it is located or 50 feet above ground level, whichever is greater.
  - (3) A wireless provider shall have the right to collocate a wireless facility and install, maintain, modify, and replace a pole that exceeds the height limits required under subsection (e)(1) along, across, upon, and under the right-of-way, subject to this section and any applicable zoning regulations.
  - (4) A wireless provider shall not install a small wireless facility or pole in a historic district without complying with the requirements of general application for structures within the historic district.



- (5) A wireless provider may replace decorative poles when necessary to deploy a small wireless facility so long as the replacement reasonably conforms to the design of the original decorative pole.

( [Ord. No. 5440](#) , § 1, 12-10-19)

**Sec. 100-9. - Permit denials.**

- (a) For deployment in the city's right-of-way, a permit may be denied if the proposed facility:
  - (1) Materially interferes with the safe operation of traffic control equipment;
  - (2) Materially interferes with sight lines or clear zones for transportation or pedestrians;
  - (3) Materially interferes with compliance with ADA, or similar federal or state standards regarding pedestrian access or movement;
  - (4) Fails to comply with applicable codes; or
  - (5) Fails to comply with aesthetic or historic district standards.
- (b) For a city-owned pole in the ArDOT right-of-way located within the city, a permit may only be denied if the proposed facility:
  - (1) Materially interferes with the safe operation of traffic control equipment;
  - (2) Fails to comply with applicable codes; or
  - (3) Fails to comply with aesthetic or historic district standards.
- (c) For a non-city-owned pole in ArDOT right-of-way, the city may only deny the permit for failure to comply with aesthetic or historic district standards;
- (d) If the city denies a permit, the city shall document in writing the basis for the denial, including the specific code, rule, or statutory authority on which the denial is based, and send the documentation to the applicant. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days of the denial without paying an additional application fee. The city shall approve or deny the revised application within 30 days of resubmission and limit its review to the deficiencies cited in the denial.
- (e) The denial of one or more small wireless facilities in a batched application shall not delay processing of any other small wireless facilities or poles in the same consolidated application.

( [Ord. No. 5440](#) , § 1, 12-10-19)

**Sec. 100-10. - Fees and rates.**

- (a) This section shall govern the city's rates and fees for use of city poles and the placement of a small wireless facility or associated poles. The city shall not require a wireless provider to pay any rates, fees, or compensation to the city other than what is expressly authorized herein for the right to use or occupy a right-of-way, for collocation of small wireless facilities on or in structures in the right-of-way, or for the installation, maintenance, modification, and replacement of associated poles in the right-of-way.
- (b) Application fees for a permit:
  - (1) One hundred dollars for each small wireless facility; or
  - (2) Two hundred fifty dollars for the installation, modification, or replacement of a pole together with the collocation of an associated small wireless facility in the right-of-way.
- (c) A wireless provider shall pay the city annual compensation as follows:

- (1) For use of the right-of-way: \$30.00 per small wireless facility.
  - (2) For collocation of small wireless facilities on city poles: \$240.00 for each city pole.
- (d) A wireless provider is not required to pay any compensation for:
- (1) Routine maintenance;
  - (2) The replacement of small wireless facilities with small wireless facilities that are substantially similar or the same size or smaller; or,
  - (3) The installation, placement, maintenance, operation, or replacement of a micro-wireless facility that is suspended on cables that are strung between existing poles in the right-of-way as long as the wireless provider compensates the city through other licenses or franchises held directly or through one of the wireless provider's affiliates for the placement of the suspension cables in the right-of-way.
- (e) The rates provided herein, together with the one-time application fee, shall be the total compensation that the wireless provider is required to pay the city for the deployment of small wireless facilities in the right-of-way and any associated poles.

( [Ord. No. 5440](#) , § 1, 12-10-19)

**Sec. 100-11. - Indemnification, insurance, and bonding.**

- (a) A wireless provider shall defend, indemnify and hold harmless the city and its officers, agents and employees against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney's fees resulting from the installation, construction, repair, replacement, operation, or maintenance of poles, small wireless facilities, or attachments to city poles to the extent directly caused by the negligence of the wireless provider, its contractors, subcontractors and their officers, employees or agents. A wireless provider has no obligation to defend, indemnify, or hold harmless the city or its officers, agents, or employees against any liabilities or losses due to or caused by the sole negligence of the city or its employees or agents.
- (b) A wireless provider shall maintain insurance coverage against the claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney's fees referred to herein. A wireless provider with net assets of at least \$500,000,000.00, including the assets of its affiliates, may self-insure. The city may require reasonable proof that the wireless provider is eligible to self-insure. A wireless provider shall immediately notify the city of any change in its self-insured status as to any coverage required herein, and of any change in the ability of the wireless provider to cover the losses specified herein.
- (c) The bonding requirements of section 110-86 shall apply for small wireless facility collocations. The purpose of the bonds shall be to:
  - (1) Provide for the removal of abandoned or improperly maintained small wireless facilities, including those that the city determines needs to be removed to protect public health, safety, or welfare; and
  - (2) Recoup rates or fees that have not been paid by a wireless provider in over 12 months, so long as the wireless provider has received reasonable notice from the city of any noncompliance and an opportunity to cure. Bonding requirements shall not exceed \$1,000.00 per small wireless facility. For wireless providers with multiple small wireless facilities within the city, the total bond amount across all facilities may not exceed \$10,000.00, which amount may be combined into a single bond instrument. The city may waive bonding requirements for a wireless provider that already maintains bonding for other operations. The city shall not require a cash bond, unless either of the following applies:
    - a. The wireless provider has failed to obtain or maintain a bond required under this section; or

- b. The surety has defaulted or failed to perform on a bond given to the city on behalf of the wireless provider.

( [Ord. No. 5440](#), § 1, 12-10-19)