

**CITY OF WEST ALLIS
ORDINANCE O-2022-0166**

**ORDINANCE AMENDING PLACEMENT RULES FOR FACILITIES LOCATED IN
THE RIGHT-OF-WAY**

AMENDING SECTION 11.20

WHEREAS, Wis. Stat. 66.0414(3)(c)4. allows cities to adopt aesthetic requirements governing the deployment of small wireless facilities and associated antenna equipment and utility poles in the right-of-way; and

WHEREAS, this amendment is seeking to avoid unsightly or out-of-character facility deployments in the right-of-way;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “11.20 Requirements For Facilities In Right-Of-Way” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

11.20 Requirements For Facilities In Right-Of-Way

Unless compliance is technically infeasible or inconsistent with state law in a particular application, any infrastructure deployments in the right-of-way shall comply with the following requirements:

1. **Compatible Color.** Each new or modified facility and all related components must be compatible in color and shape to similar facilities in the immediate area and must minimize the physical and visual impact on the area.
2. **Antenna Shroud.** Each small wireless facility antenna shall be located entirely within a shroud or enclosure that minimizes the physical and visual impact on the area.
3. **No Pruning.** No new facility may be installed in a manner that requires the removal or pruning of trees, shrubs or any plants other than turf grass.
4. **Wire Concealment.** All cables, wires, and connectors related to a facility must be concealed within a facility, conduit, or similar enclosure that is similar in color to adjacent structures or components. .
5. **Background Colors.** Any small wireless facility or unconcealed cables, wires, and connectors shall match the color of the background upon which they are attached. In the case of existing wood poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes and equipment cabinets shall be the color of brushed aluminum.
6. **Owner Identification.** Any small wireless facility owner shall post its name, location

identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches x 6 inches, unless otherwise required by law (e.g. RF ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the utility pole that supports the small wireless facility.

7. Logos/Decals: The small wireless facility owner shall remove or paint over unnecessary equipment manufacturer decals. The color shall match the surface color. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility radio-frequency (RF) warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.
8. Cooling Fans: In residential areas, the small wireless facility owner shall use a passive cooling system. In the event that a fan is needed, the small wireless facility owner shall use a cooling fan with a low noise profile.
9. Support Equipment: Enclosures and cabinets, including electric meters, shall be as small as possible. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
10. Placement Requirements: All facilities, including small wireless facilities and support equipment, shall be located in accordance with the following:
 - a. Small cell wireless facilities and wireless support equipment structures shall be located at least 250 feet away, radially, from another small cell wireless facility and wireless support equipment structure.
 - b. Placement shall be in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a right-of-way.
 - c. Placement shall be in a manner that does not obstruct the legal use of a right-of-way by a utility provider.
 - d. Placement shall be in a manner that does not negatively impact the structural integrity of the associated wireless support equipment structure.
 - e. Placement shall be in alignment with existing trees, utility poles, and streetlights.
 - f. Placement shall be equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
 - g. Placement shall be with appropriate clearance from existing utilities including privately owned water services, privately owned sanitary sewer laterals and privately owned storm sewer laterals.
 - h. Placement shall be along the secondary property street frontage (side yards). If this is not possible some small cell facilities may be placed in the ROW in front of single family or two family residential properties only at the intersection of property lines or equidistance from any two existing structures so as not to significantly create a new obstruction to property sight lines. The

facilities shall not be installed between the perpendicular extensions of the primary street-facing wall plane of any single or two-family residence.

- i. In areas of the City where multiple structures abut each other, new facilities shall not be located directly in front of an entrance or window of any existing structure.
- j. Placement shall not be within sight triangles at street intersections.
- k. Placement shall be 10 feet away from the triangle extension of an alley way flare.
- l. Wireless support equipment structures shall be located as close as practicable to a utility pole or wireless support structure.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL NOVEMBER 15, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of West Allis



Dan Devine, Mayor, City Of West Allis

