

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING THE AMERICAN CANYON MUNICIPAL CODE TO ADOPT A NEW SECTION 19.53, WHICH PROVIDES A MINISTERIAL PERMIT PROCESS FOR SMALL-CELL ANTENNA FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND ALL ZONING DISTRICTS IN THE CITY OF AMERICAN CANYON

WHEREAS, the City of American Canyon Zoning Code lacks standards for wireless telecommunication facilities; and

WHEREAS, the City of American Canyon has a moratorium on the establishment, development, and operation of wireless telecommunication facilities in the public right-of-way, which is set to expire on August 4, 2018; and

WHEREAS, Small-Cell Antenna Facilities may be an effective solution to expand wireless network coverage and network capacity because they are smaller, have lower power consumption, and cost significantly less than traditional macro wireless telecommunication facilities; and

WHEREAS, Small-Cell Antenna Facilities are typically proposed on the public right-of-way through the use of existing light poles; and

WHEREAS, the Small-Cell Antenna Facilities Ordinance will provide design, development, operation, and maintenance guidelines for Small-Cell Antenna Facilities through a ministerial application process; and

WHEREAS, Small-Cell Antenna Facilities that do not comply with the proposed ordinance standards may be considered through the Design Permit process; and

WHEREAS, the Planning Commission conducted a public hearing on May 14, 2018 and unanimously recommended approval of the ordinance; and

WHEREAS, the Planning Commission clarified minor changes to the SAF ordinance on May 24, 2018; and

WHEREAS, this Ordinance was publicly notified on June 6, 2018; and

WHEREAS, the City Council considered all of the written and oral testimony presented at the public hearing on June 19, 2018 in making its decision.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 19.05.080 Public and Quasi-Public Classifications is amended as follows:

Antenna: a noncommercial device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based structures.

Commercial: an antenna used for commercial purposes. Commercial Antenna also means Macro Wireless Facility, which means any high-powered wireless telecommunication facility used to serve a major coverage area of several miles with multiple antennas.

Small-Cell Antenna Facility: Small-Cell Antenna Facility consisting of antennas, antenna supports, equipment, cabinets, equipment housing and enclosure; and related accessory equipment. SAF also means a Micro Wireless Facility. See section 19.53.030.

SECTION 2: Table 19.05.040 Permitted and Conditionally Permitted Uses in Residential Districts is amended as follows:

RESIDENTIAL DISTRICT Use Classifications	ZONING DISTRICTS						Related Provisions
	RRH	RE	RR	RS	RM	RH	
Public and Quasi-Public							
Antenna	-	-	P	P	P	P	
-Exceeding height limitations	-	-	C	C	C	C	
-Small-Cell Antenna Facility	P	-	-	-	P	P	Chapter 19.53
Community center	-	-	-	C	C	C	GP Policy 1.12.1

SECTION 3: Table 19.11.040 Permitted and Conditionally Permitted Uses in Commercial Districts is amended as follows:

Use Classification	Zoning District		Related Provision
	CN	CC	
Public and Quasi-Public			
Ambulance shelter	-	C	
Antenna	P	P	
Exceeding height limitations	C	C	
Commercial	C	C	
Small-Cell Antenna Facility	P	P	Chapter 19.53
Cemetery	-	-	

SECTION 4: Table 19.13.020 Permitted and Conditionally Permitted Uses in the Public District is amended as follows:

Use Classification	P District	Related Provisions
Public and Quasi-Public		
Ambulance service, public	P	
Animal shelter	C	
Antenna	P	
- Exceeding height limitations	C	

- Commercial	-	
-Small-Cell Antenna Facility	P	Chapter 19.53
Cemetery	C	

SECTION 5: Table 19.14.050 Permitted and Conditionally Permitted Uses in Industrial Districts is amended as follows:

Use Classifications	Zoning District		Related Provisions
	LI	GI	
Public and Quasi-Public			
Ambulance service	P	P	
Animal shelter	C	C	
Antenna	P	P	
-Commercial	-	-	
-Small-Cell Antenna Facility	P	P	Chapter 19.53
Cemetery	-	-	
Charitable uses	-	-	

SECTION 6: Table 19.15.020 Permitted and Conditionally Permitted Uses in Recreation and Open Space Districts is amended as follows:

Table <u>19.15.020</u> PERMITTED AND CONDITIONALLY PERMITTED USES ¹ RECREATION AND OPEN SPACE DISTRICT				
Use Classifications	Zoning District			Related Provision
	OS	OS-CRW	REC	
Public and Quasi-Public				
Animal shelter	-	C	C	
Antenna	-	P	P	
-Exceeding height limitations	-	C	C	
-Small-Cell Antenna Facility	P	P	P	Chapter 19.53

Section 7: Chapter 19.41.030 Design Permit Approval is amended as follows:

B. Planning Commission Approvals. The planning commission may approve the following design permit applications following a public hearing pursuant to the procedures set forth in Chapter 19.40:

1. Multifamily dwelling projects containing five or more units.

2. The construction in one year by a single builder of three or more single-family dwellings in a single subdivision, or on a single block if the lots are not located within a subdivision, except such construction in the PC zone district.
3. Commercial structures containing five thousand total square feet or more and industrial structures containing twenty thousand square feet or more, and/or substantial changes of use to these structures.
4. Enlargements and/or exterior alterations of projects and/or sites involving an area of more than five percent of the project's floor and/or site area, or lesser changes that the community development director has determined potentially represent a significant alteration to a project's and/or site's appearance.
5. Sign programs requiring commission approval, pursuant to Chapter 19.23.
6. Small-Cell Antenna Facilities that do not comply with standards described in Chapter 19.53.
7. Design permit applications referred to the commission by the director because of unique circumstances, potential public controversy or a need for policy direction. (Ord. 2009-10 § 3, 2009; Ord. 2001-02 § 1, 2001)

SECTION 8: Chapter 19.53 Small-Cell Antenna Facilities is amended as follows:

19.53.010 Purpose and Intent.

The purpose and intent of this chapter is to establish ministerial zoning requirements for Small Cell Antenna Facilities (SAFs) that improve high-speed wireless telecommunication services compatible with Federal and State rules and regulations, provide cost recovery for impacts to the City infrastructure, and avoid potential adverse environmental impacts in the community such as noise, aesthetics, and public infrastructure maintenance.

19.53.020 Applicability.

The provisions of this chapter apply to Small Cell Antenna Facilities (SAFs) in the City of American Canyon. Small-cell wireless telecommunication facilities that do not comply with the SAF standards require a Design Permit approved by the Planning Commission in accordance with Chapter 19.41.

19.53.030 Definitions.

"Accessory Equipment" means any equipment installed, mounted, operated or maintained in close proximity to a personal wireless telecommunication facility to provide power to the personal wireless telecommunication facility or to receive, transmit or store signals or information received by or sent from a personal wireless telecommunication device.

"Antenna Enclosure" means any casing or hardware used to enclose or camouflage wireless telecommunication antennas or related equipment.

"Antenna Structure" means any antenna, any structure designed specifically to support an antenna or any appurtenance mounted on such a structure or antenna.

"Applicable Law" means all applicable Federal, State and local laws, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.

"Applicant" includes any person or entity submitting an application to install a commercial wireless telecommunication facility under this chapter.

“Base Station” means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

“CEQA” means the California Environmental Quality Act.

“City” means the City of American Canyon.

“City Property” means any property owned by the City of American Canyon that is outside of the public right-of-way, which includes, but not limited to, parks, City building sites, the Waste-water Reclamation Facility, City Hall, etc.

“Collar Mount” means any band or pieces of a band that fits around the neck of a pole to support an antenna. See Figure 19.53.030-a.

“Collocation” means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

“Council” means the City Council of the City of American Canyon.

“Department” means the Community Development Department of the City of American Canyon.

“Director” means the Community Development Director of the City of American Canyon or his/her designee.

“FCC” means the Federal Communications Commission or any successor to that agency.

“Least Intrusive Means” means that the location or design of a commercial wireless telecommunication facility addresses a significant gap in an applicant’s personal communication service while doing the least disservice to the policy objectives of this Chapter. Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by collocating a new personal wireless telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

“Local Preference” means preference given to an applicant when two or more applicants propose wireless facilities on the same utility pole or structure at the same time.

“Macro Sites” means any high-powered wireless telecommunication facility used to serve a major coverage areas of several miles with multiple antennas.

“Major Street Trenching” means any proposed trenching of a public right-of-way of more than ten (10) feet in length.

“MLA” means Master Lease Agreement.

“Micro Wireless Facility,” shall be defined as a small cell that is no larger than twenty-four (24) inches long, fifteen (15) inches in width, twelve (12) inches in height, and that has an exterior antenna, if any, no longer than eleven (11) inches.

“Monopole” means a structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole.

“MPE” means maximum permissible exposure.

“Non-tower Supporting Structure” means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this code and which is not a wireless tower.

“OET” or “FCC OET” means the Office of Engineering & Technology of the Federal Communications Commission.

“Open space” includes: (1) land which is zoned OS, OS-CRW, or REC as defined in Chapter 19.05.070 and 19.05.080; (2) land in residential zones upon which structures may not be developed by virtue of a restriction on title; (3) all common areas, public and private parks, slope easements, recreational areas and open portions of recreational facilities; and (4) any other area owned by a homeowners association or similar entity.

“Personal Communication Service” means commercial mobile services provided under a license issued by the FCC.

“Personal Wireless Telecommunication Facility,” “Wireless Telecommunication Facility,” or “Wireless Facility” means a structure, antenna, pole, tower, equipment, accessory equipment and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including, but not limited to, cellular phone service, personal communication service and paging service.

“RF” means radio frequency.

“Section 6409” means Title 47, United States Code, Section 1455.

“Side-Arm Assembly” means an articulated mounting assembly that connects an antenna to the pole, see Figure 19.53.030-b.

“SAF” means Small-Cell Antenna Facility consisting of antennas, antenna supports, equipment, cabinets, equipment housing and enclosure; and related accessory equipment. SAF also means a Micro Wireless Facility. See Figure 19.53.030-c.

“State” means the State of California.

“Stealth Facility” or “Camouflaged Facility” means a SAF or any wireless telecommunication facility, including its antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related aboveground accessory equipment, which: (1) are integrated as an architectural feature of an existing structure such as a cupola; Or (2) are integrated in an outdoor structure such as a flagpole or streetlight; or (3) use a design which mimics and is consistent with nearby natural or architectural features, or is incorporated into or replaces existing permitted facilities (including, but not limited to, utility poles or stop signs or other traffic signs or freestanding light standards) so that the presence of the wireless telecommunication facility is not readily apparent. See Figure 19.53.030-d.

“Transmission Equipment” or “Wireless Transmission Equipment” means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber optic cable, and regular and backup power supplies.

“Wireless Telecommunication Facility” means any Federal Communications Commission licensed or authorized wireless telecommunications service.

“Wireless tower” or “Telecommunications Tower” means any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, freestanding tower or other structure, designed and constructed for the primary purpose of supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.

19.53.030-a: Collar Mounts

Collar Mount

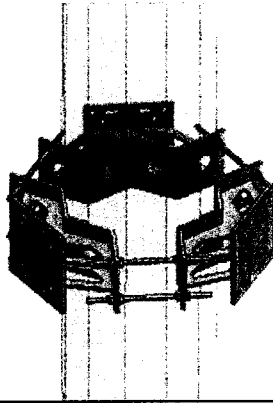


Figure 19.53.030-a: Collar Mounts for antennas are not permitted for small cell

19.53.030-b: Side-arm Mounts



Figure 19.53.030-b: Side-arm mounted antennas are not permitted.

19.53.030-c SAF Components.

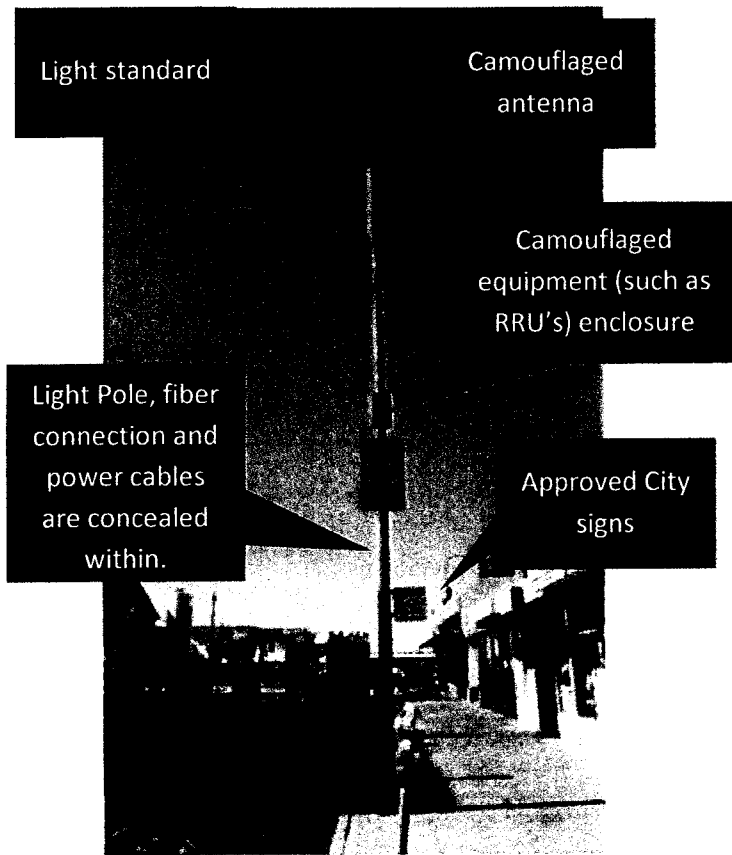


Figure 19.53.030-c: Small Cell Antenna Facilities consists of the antenna, equipment enclosures, and the light pole. All cables need to be concealed within the pole or shrouded. All ground equipment are prohibited in the Public Right-of-Way.

19.53.030-d Stealth SAF Components

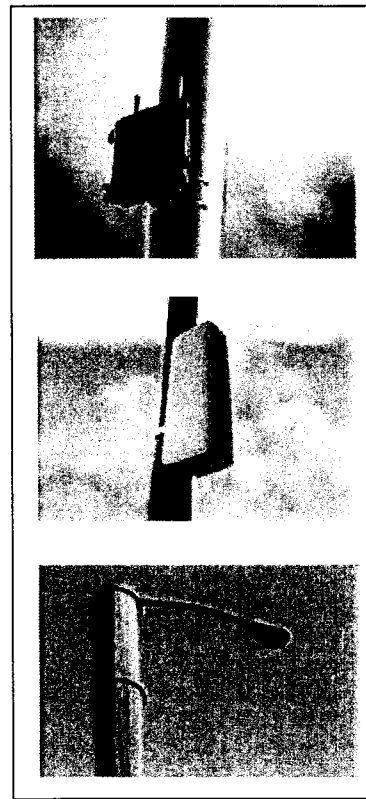


Figure 19.53.030-d: camouflaged antenna equipment and antenna.

19.53.030-e Stealth SAF Components on a wider transit poles



Figure 19.53.030-e: Example of a transit light pole with a small-cell antenna placed on top, and the accessory equipment painted to match the color and material of the pole.

19.53.040 Review and Approval.

- A. All SAFs require a SAF Permit and Building Permit.
- B. All SAFs on City property require master licensing agreements.
- C. All SAFs on public right-of-way requires an encroachment permit with the City.
- D. Figure 19.53.040 – SAF Types and requirements

SAF Location Type	Type 1	Type 2	Type 3
SAF Requirements	Private Property	City-owned Property	Public ROW
SAF Permit	Y	Y	Y
Building Permit	Y	Y	Y
Master Lease Agreement		Y	
Encroachment Permit			Y

19.53.050 Development Standards – All SAFs.

All Small-Cell Antenna Facilities shall comply with all the following development standards.

- A. A maximum of one SAF is permitted on a single support structure.
- B. All SAFs shall be designed as a Stealth Facility as defined in Section 19.53.030.
- C. The combined volume of SAF accessory equipment, including an electric meter, on a single pole shall not exceed six (6) cubic feet, whether an array or separate.
- D. The antenna enclosure and accessory equipment is permitted a maximum of ten and half inches (10.5 inches) wide when placed on slim light poles (less than 10 inches width) and a maximum of fifteen inches (15 inches) on wide poles (greater than 10 inches width).
- E. Equipment normally placed at ground level must be placed in an underground vault.
- F. All conduit and facility wiring must be concealed within the support structure.
- G. Unless otherwise required by city, county, state or federal rules or regulations, SAFs shall have all manufacturer labels removed. No logos or advertising is permitted.
- H. SAFs shall be painted a non-reflective neutral color finish consistent with the predominant color of the support structure.
- I. Unless otherwise required by applicable county, state, or federal rules, the SAF may not have any artificial lighting.
- J. All SAFs shall be designed with passive cooling.
- K. All facilities shall be designed so as to be graffiti resistant.
- L. To protect residential views, a SAF proposed within nine (9) feet of a residential window is prohibited, and any SAF shall not negatively impact or impede views of the ridgelines to the East of the City or the Napa River watershed to the West.
- M. A SAF on City property outside of the public right-of-way is required to obtain its own electrical service and meter.
- N. Outside the public right-of-way, the overall height of the SAF may not exceed the maximum building height permitted in site zoning district.
- O. The Director retains the discretion to determine the applicability of CEQA for SAFs and require the preparation of an Initial Study (CEQA Guidelines Section 15365) for any permit application to properly determine the potential impacts of any application on the physical environment.

19.53.060 Development Standards – SAFs in public right-of-way.

In addition to the development standards identified in Section 19.53.050, the following standards apply to SAFs in the public right-of-way.

- A. No major street trenching is permitted.
- B. A SAF antenna shall be positioned on top of the support structure. A SAF antenna may not be placed on a support structure with a collar mount, or side-arm assembly. SAF accessory equipment may be placed on collar mounts when they comply with the development standards of 19.53.050.
- C. A SAF may not include any ground-mounted equipment.
- D. Where feasible, support structure-mounted accessory equipment shall be installed behind existing traffic signs.
- E. The overall height of the SAF may not exceed six (6) feet above any adjacent streetlight or utility pole, whichever is less.

19.53.070 Conditions of Approval.

The following standard conditions of approval shall apply to all SAF projects.

- A. To help screen each proposed SAF in the public right-of-way, the encroachment permit shall identify an appropriate street tree and location in the public right-of-way as close to each proposed SAF as feasible. The tree shall meet the following standards:

1. The minimum tree size shall be fifteen gallon (15) gallon size.
 2. The tree shall match the species of trees along the same street. If no street trees exist, the tree shall be a variety native to the region and drought-tolerate, subject to approval of the Public Works Director.
 3. If installing a street tree is infeasible on the basis of inadequate sidewalk width, utility interference, or public health, safety, or welfare reasons, at the approval of the Public Works Director, the applicant shall provide an "in-lieu" payment into the City's "Street Tree" fund. In-lieu street tree payment shall be paid prior to the building permit issuance.
 4. Care and Maintenance of Street Trees. The City shall assume the duty of a "property owner". The applicant shall fund 10 years care and maintenance of any street tree required to be installed in the public right-of-way under this section.
 5. The applicant shall provide a security bond that is reviewed and found satisfactory by the City Attorney to guarantee funding for 10 years of tree maintenance.
- B. The applicant shall verify that the SAF when operational complies with the noise standard in Section 19.53.090(b).
- C. The applicant shall provide written agreement to relocate the SAF facility at the applicant's expense when public projects, services or improvements conflict with its installation with reasonable notice.

19.53.080 Application and Submittal Requirements.

- A. Each SAF requires a SAF permit.
- B. Each SAF requires a building permit.
- C. Each SAF in the public right-of-way requires an encroachment permit.
- D. Each SAF requires a security bond that is reviewed and found satisfactory to ensure the proper removal of older, obsolete, or abandoned SAF equipment.
- E. In conjunction with the building permit application, each SAF application shall include the following information:
 1. Site Plan. Provide a site plan of each project area drawn to scale depicting the existing conditions and proposed project.
 2. Elevations. Provide elevation plans for each location, drawn to scale depicting the existing support structure and the proposed project.
 3. Provide a sheet with specifications of all proposed equipment.
 4. Provide scale drawings of each SAF component.
 5. Identify location of power source.
 6. EMF Report. Provide documentation demonstrating that the facility will comply with applicable radio frequency (RF) emission standards. Such documentation may be satisfied by a written demonstration of compliance with FCC Bulletin OET-65, as amended. Provide a written agreement, which indicates that no SAF facility or facilities proposed for this application, shall produce power densities that exceed the Federal Communication Commission's (FCC) Maximum Permissible Exposure (MPE); and written agreement to comply with FCC Office of Engineering Technology (OET) Bulletin 65, as amended.
 7. Interference Report. Provide a written description of the proposed method(s) of correcting any potential interference with consumer electric products that may result from the operation of the facility.
 8. Noise Study. Include manufacturer information on the amount of noise generated by the facility, including but not limited to retractable monopole motors, antenna rotators, power generation and related equipment. Such information shall include the estimated times, frequency, duration and decibel levels of the noise.

9. Coverage Maps. Each application shall include the following:
 - a. Map showing all current and planned facility sites within and adjacent to the City that are owned and/or operated by the service operator.
 - b. Name(s), address(es), telephone number(s), and e-mail(s) that own the facility and that will be responsible for its operation and maintenance.
 - c. Any proposed access roads or parking areas.
 - d. Documentation verifying that the operator has obtained licenses and/ or approvals that are required by federal and/ or State agencies.
10. Visual impact analysis showing a silhouette or other visualization(s) or photo simulations of the proposed facility within the context of its surroundings, such as the ridgelines to the East of the City or the Napa River watershed to the West; and/ or
11. Written authorization for the City to hire an independent, qualified consultant to evaluate technical and other aspects of the proposal, including but not limited to, compliance with applicable emission standards, potential for interference with consumer electronic products and/or public safety communications and the appropriateness of granting any requested exceptions. Such authorization shall include a written agreement by the applicant to advance or promptly reimburse the City for all reasonable costs associated with the consultation.
12. Payment of the applicable SAF Plan Review fee.
13. Security bond to ensure the proper removal of older, obsolete, or abandoned SAF equipment
14. Master Lease Agreement (Type 2).
15. Applicants that propose SAF projects adjacent to a public school, property owned by a public agency, or public park are required to submit verification that they have consulted with the applicable public agency representative.
16. Applicants that propose a SAF project in a Residential zoning district shall mail a notice to property owners located within three hundred (300) feet of the proposed site. The public notice shall inform property owners of the proposed SAF project and invite their feedback.
17. Design Standards Self-Assessment Checklist.
18. Electronic copies of all submitted items.

19.53.090 Operation Standards.

- A. Health & Safety regulations, EMF report. No SAF by itself or in combination with other such facilities shall be sited or operated in such a manner that it poses a potential threat to the public health or safety. To that end, no facility or facilities shall produce power densities that exceed the Federal Communication Commission's (FCC) Maximum Permissible Exposure (MPE). Compliance with FCC Office of Engineering Technology (OET) Bulletin 65, as amended, is mandatory. The SAF applicant, operator, or owner shall copy the City on any filings and reports with the California Board of Equalization and the California Public Utilities Commission concerning the SAF. Applicant shall provide notice of the SAF permit to the California Board of Equalization and California Public Utilities Commission to facilitate appropriate reimbursement to the City for the SAF authorization
- B. Noise compliance: Each SAF shall be operated in such a manner so as to minimize any noise impacts. A SAF shall generate no more than forty-five (45) decibels of noise at three (3) feet from the nearest building façade or sensitive receptor (e.g. school playground).
- C. Each SAF installed on a streetlight in the public right-of-way shall obtain its electric power within the electric streetlight source.
- D. Maintenance: A SAF Applicant or property-owner shall, at its sole cost, be responsible to repair to City Standard Specifications or replace in-kind any City facilities or improvements disturbed or damaged during the installation, maintenance, operation, repair or removal of the SAF and any support infrastructure.

- E. Interference. To the extent allowed under applicable federal rules and regulations, the operator of a SAF shall correct interference problems experienced or caused by the facility to any person or entity with respect to equipment such as television, radio, computer, and telephone reception or transmission. The operator is under an affirmative duty to promptly provide the Community Development Director a copy of any notice of such violation issued by any local, state, or federal agency.
- F. Applicant shall warrant and ensure that its services will be made available to businesses and residents of the City.

19.53.100 Density of Small-cell Antenna Facilities.

- A. No Wireless Service Provider may locate a SAF within 100 feet of another SAF that the service provider owns or controls.
- B. A SAF proposed on two or more support structures may not be placed on adjacent support structures.
- C. All SAFs on City property require a Master Lease Agreement (“MLA”) prior obtaining an encroachment permit or building permit. The MLA shall be recorded with the Napa County Recorder by the applicant at its sole expense.
- D. Local Preference: For projects where two applicants propose a SAF on the same support structure(s), Local Preference will grant a permit to the applicant with a wireless telecommunication retail store in the City. The sale of wireless devices must be the primary business of the retail store. In the event both applicants have a retail store in the City, local preference will be granted to the applicant that has the retail store in the City for the longest continuous period of time.

19.53.110 Permit Duration and Renewal.

The following guidelines explain the City’s requirements for SAF permit renewals and modifications.

- A. A Type 2 SAF Permit shall be renewed on the ten (10) year anniversary of its original final date or subsequent renewal date.
 - 1. Renewal Permitted. At the end of the term set forth above, the Department may renew a SAF Permit for an additional ten (10) year term.
 - 2. SAF Renewal Application Required. An applicant seeking to renew a SAF Permit shall file a Renewal Application with the Department no later than six (6) months prior to the anniversary date of the existing Permit. The renewal Application shall include a written report from a certified engineer confirming the following:
 - a. That the permitted Wireless Facility complies with the Public Health Compliance Standards.
 - b. The SAF continues to remain in operation.
 - c. That the SAF meets or exceeds current stealthing technology.
 - d. The SAF Renewal Application fee is paid.
 - e. For Type 2 Permits, the revised MLA shall be recorded with the Napa County Recorder by the applicant at its sole expense.
 - 3. SAF Permit Renewal on City property requires a renewed Master Lease Agreement after the ten (10) year period.
- B. Modifications to existing SAF projects will require a new SAF permit and submittal requirements for any changed elements as outlined in Section 19.53.080.
- C. A SAF facility shall be relocated at the applicant’s expense, upon receipt of reasonable notice, when public projects, services, or improvements conflict with its installation.

19.53.120 Discontinuation of Use

Antenna, support structures and related equipment shall be removed within thirty (30) calendar days after discontinuation of a wireless facility and the site shall be restored to its previous condition. The service provider shall provide the Community Development Department with a notice of intent to vacate the site a minimum of thirty (30) calendar days prior to vacation. For Type 2 SAFs located on City property, this requirement shall be included in the terms of the lease. For Type 1 SAFs, the property owner shall be responsible to remove all antennas, structures and related equipment within (30) calendar days following discontinuation of the use. Upon submittal of proof to the City that the site has been restored to its previous condition, the City shall cause the release of the security bond set forth in Section 19.53.080(E)(13).

SECTION 9: Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") The proposed municipal code amendment is exempt from the requirement for environmental review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) as a project that has no potential to cause a significant effect on the environment; CEQA Guidelines § 15060(c)(2) as a project that will not result in a direct or reasonably foreseeable indirect physical change in the environment; CEQA Guidelines § 15302 as the replacement or reconstruction of existing structures or facilities; and CEQA Guidelines § 15303 as the construction or installation of small structures, facilities or equipment.

SECTION 10: Effective Date. This ordinance shall become effective thirty (30) days following adoption.

SECTION 11: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 12: Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.


SECTION 13: Restatement of Existing Law. Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City related to the same subject matter or relating to the enumeration of permitted uses under the City's zoning code, shall be construed as restatements and continuations, and not as new enactments.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 19th day of June, 2018, by the following vote:

AYES: Council Members Aboudamous, Joseph, Oro, Vice Mayor Leary, and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None


The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 3rd day of July, 2018, by the following vote:

AYES: Council Members Aboudamous, Joseph, Oro, Vice Mayor Leary and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



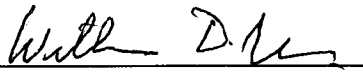
Leon Garcia, Mayor

ATTEST:



Suellen Johnston, CMC, City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney