

**5G/Small Cell Facilities
State and Federal Regulations
City Ordinance Amendment Schedule**

Small cell/5G facilities are essentially smaller cellular facilities that are used in the deployment of 5G networks. They often are similar in size to pizza boxes but can include other equipment that take up more space. 5G networks rely on numerous small cell facilities that can be attached to utility poles and other existing structures, in comparison to the large cell towers that support 4G and earlier generations of communications networks.

Colorado law has limited local government authority over small cell facilities as follows:

- Small cell facilities are uses by right (permitted uses) in every zone district, which means a municipality cannot prohibit such uses;
- Established application review timelines within which a municipality must take action on small cell requests as follows:
 - 90 days for a facility located on an existing pole or other existing facility
 - 150 days for a new pole or other facility
- Batch (multiple) facility applications are allowed;
- Must allow on local government owned light poles, light standards, traffic signals and utility poles within public right of way;

Federal Communications Regulations limit local government authority over small cell facilities as follows:

- Prohibits state or local regulations from “effectively prohibiting” wireless services;
- Prohibits state or local regulations from discriminating among providers of equivalent services;
- Prohibits state or local regulations from limiting or inhibiting providers’ ability to compete in a fair and balances legal and regulatory environment
- Limits fees for applications
- Limits fees for locating on local government infrastructure
- Limits local zoning regulations including:
 - Spacing limits between facilities
 - Underground requirements
 - Aesthetic regulations (camouflaging, paint colors, size limitations)
 - Must be reasonable
 - Must be no more burdensome than those applied to other types of infrastructure deployments
 - Must be objective and published in advance

The City of Manitou Springs intends to adopt Small Cell/5G regulations so that the City has control over how and where these facilities locate, what they look like, and how much they must pay to locate within our right of way, because without any regulations, these uses must be allowed within all zoning districts with no restrictions. Further, the City is considering updating its regulations related to Wireless Facilities in general. The intended timeline for adoption of these regulations is as follows:

DATE	MEETING	PURPOSE
September 3, 2019	City Council Work Session	Discuss Status and Draft Language
September 11, 2019	Planning Commission	Public Hearing
September 17, 2019	City Council Work Session	Tentative
October 1, 2019	City Council Regular Meeting	First Reading of Ordinance
October 15, 2019	City Council Regular Meeting	Second Reading and Adoption of Ordinance
October 20, 2019	None	Ordinance Effective

DRAFT Regulations can be viewed on the City’s home page at www.manitouspringsgov.com