

ORDINANCE NO. 2020-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING
SECTION 15.38.010 AND SECTION 15.38.030 OF THE SANTA CRUZ MUNICIPAL
SMALL CELL WIRELESS FACILITIES

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Section 15.38.010 of the Santa Cruz Municipal Code is hereby amended to read as follows:

15.38.010 PURPOSE AND INTENT.

The purpose and intent of this chapter is to reasonably regulate and provide a uniform and comprehensive set of standards and requirements for the orderly development, siting, installation, construction, collocation, modification, operation, maintenance, relocation, and removal of small cell facilities in the public right-of-way, consistent with applicable federal and state laws. Due to Section 704 of the Telecommunications Act of 1996 and subsequent Federal Communications Commission Orders, the City is prevented from taking into consideration all citizens' concerns with respect to the health effects of this technology. Pursuant to 47 U.S.C. 332(c)(7), the City may not regulate the placement, construction, and modification of wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions. To the extent permitted by federal law, this chapter seeks to protect and promote public safety, and community welfare, and preserve the City's character and aesthetic quality, while also providing wireless services.

These regulations are further intended to:

- A. Require small cell facilities in the public right-of-way to have minimal impacts on the city's streets and sidewalks.
- B. Require small cell facilities in the public right-of-way to be designed to minimize adverse visual impacts.

These regulations are not intended to, and shall not be interpreted or applied to:

- A. Prohibit or effectively prohibit personal wireless services; or
- B. Unreasonably discriminate among wireless communications providers of functionally equivalent services; or
- C. Regulate the placement, construction, or modification of small cell facilities based on the environmental effects of radio frequency emissions to the extent that such facilities comply with all applicable FCC regulations concerning such emissions; or

D. Prohibit or effectively prohibit any collocation or modification that the city may not deny under applicable California or federal law; or

E. Preempt any applicable California or federal law.

Section 2. Section 15.38.030 of the Santa Cruz Municipal Code is hereby amended to read as follows:

15.38.030 APPLICABILITY.

A. This chapter applies to:

1. All applications to construct, install, operate, collocate, modify, reconstruct, relocate or otherwise deploy small cell facilities within the public right-of-way, except as provided otherwise in this chapter below.
2. All small cell facilities, including, without limitation, all new facilities, existing facilities, and modifications to existing facilities proposed after the effective date of this chapter, unless the facility qualifies for an exemption.

B. This chapter shall not apply to the following facilities:

1. Facilities not proposed or currently located in the public right-of-way.
2. Wireless communication facilities used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g. county 911 emergency services, police, sheriff, fire departments, first responder medical services, hospitals, etc.) and incorporating stealth technologies.
3. Antennas and wireless communications facilities identified by the FCC or the CPUC as exempt from local regulations.

Section 3. This ordinance shall take effect and be in force thirty (30) days after final adoption.

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PASSED FOR PUBLICATION this 11th day of February, 2020, by the following vote:

AYES: Councilmembers Watkins, Mathews, Brown, Glover, Krohn; Vice Mayor Meyers; Mayor Cummings.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR ADOPTION this 25th day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Justin Cummings, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2020-05 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator