

PUBLIC NOTICE OF ADOPTION OF ORDINANCE
CITY OF ARVIN

ORDINANCE NO. 2019-457

NOTICE IS HEREBY GIVEN that on March 26, 2019, the City Council of the City of Arvin adopted Ordinance No. 2019-457, entitled:

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ARVIN, CALIFORNIA, ADDING CHAPTER 13.16 OF
TITLE 13 OF THE ARVIN MUNICIPAL CODE**

SUMMARY

The ordinance allows and regulates wireless telecommunications facilities in the public right-of-way (PROW) and corresponding design standards and special procedures for small wireless facilities (SWF). The ordinance and corresponding design standards and special procedures for SWFs are in response to recent legal standards imposed by the FCC (the “FCC Order”). The FCC Order was issued on September 27, 2018. In summary:

- For all wireless facility installations in the PROW, the ordinance establishes new permit and review procedures as well as the operation and maintenance standards. The ordinance treats wireless installations in the PROW similar to other installations in the PROW by requiring an encroachment permit. Once the encroachment permit is issued, the carrier may still need to obtain traffic control plans, construction permits and if necessary, a license to attach to PROW infrastructure.
- The proposed ordinance presents a new administrative review process for SWF applications, with the Director of Planning taking the lead of administratively reviewing SWF applications.
- Major wireless structures in the PROW shall continue to be subject to hearing and discretionary review.
- The new ordinance recognizes, and establishes procedures and standards for, “eligible facility requests” pursuant to Federal law. These are ministerial modifications and collocations that must be approved by-right pursuant to Section 6409 of the Federal Spectrum Act (47 CFR § 1.40001 - Wireless Facility Modifications).
- The ordinance contains a comprehensive list of permit conditions that will apply to wireless encroachment permits, including insurance requirements, indemnity, performance bond for removal upon abandonment, and maintenance and inspection requirements. The permits are in effect for a term of 10 years, which stems from a State law that allows the City to limit the permits to 10 years; compared to utility poles, for example, which are erected in perpetuity.
- The ordinance allows the flexibility and allows for SWF design standards to be adopted as administrative regulations that may be readily and quickly adapted given the frequency and magnitude of changes in law and technology surrounding wireless installations.

The City Council also considered and approved a separate City Council Policy that provides the industry direction on the City's aesthetic, location and design requirements. Additional information regarding the ordinance, including the grounds for its urgency, is available for review as part of the agenda packet and presentation for this item considered by the City Council on March 26, 2019.

The Ordinance was adopted by the following vote:

AYES: TRUJILLO, FRANETOVICH, ROBLES, GURROLA

NOES:

ABSTAIN:

ABSENT: MARTINEZ

A certified copy of the full text of Ordinance No. 2019-457 is available for review in the Office of the City Clerk, City of Arvin, 200 Campus Drive, Arvin, CA 93203. A copy is also available on the City's website at Arvin.org. Anyone having questions may contact the City Clerk at (661) 854-3134.

/s/

Cecilia Vela, City Clerk
City of Arvin

PUBLISHED: Bakersfield Californian, April 10, 2019