



Tips for Passing Strong Local Urgency Wireless Ordinance

Here is a list of items that may help you get an immediate response. Sample letters are below as well (from others who have done this)

To Do List

1) EDUCATE: Educate yourself on hazards, science, permits, city processes

* **Physicians for Safe Technology (PST) - Executive Summary-**

<https://mdsafetech.org/featured-page-one/join-mdsafetech-org/>

* **PST – Scientific Literature-** <https://mdsafetech.org> then go to scientific Literature Tab and scroll to area of the body or mechanism or NTP Study - you want to look at

***PST – Cell tower Health Effects** - <https://mdsafetech.org/cell-tower-health-effects/>

* **PST- Cell Towers and City Ordinances-** Has model ordinances and examples and what is important to include - <https://mdsafetech.org/cell-tower-and-city-ordinances/>

2) Meet with city officials about the permits, timing, if the permits valid. You can ask for all permits in process by filing a Freedom of Information Act request.

3) Contact a trusted attorney who has the best interests of the residents. B K and K are very conservative and will generally not support any setbacks or restrictions on small cell towers.

4) Also Visit

* <https://www.americansforresponsiblettech.org> (ART)

* <https://www.saferemr.com>

* <https://ehtrust.org>

* <https://bioinitiative.org>

* <http://mystreetmychoice.com>

5) Form a small group and rapidly expand. Get others to be involved with different strengths- media, communications, engineers, doctors. Talk to experts as well if you can to help you. Knock on your neighbors doors

6) Meet with your local city council people

7) Create a neighborhood name or association for your group

8) Create Flyer to handout with information on 5G or small cells and your specific city issues (see EHTrust.org)

9) Create a petition on change.org

10) Have neighborhood meetings. Talk face to face. The Neighborhood email list can have trolls join and then derail the group with false information and call you hysterical to discredit you. This happens commonly.

Show a movie about RF that are available on Amazon now.

- Generation Zapped- <https://www.youtube.com/watch?v=h7R4gKs8Vil>
- Mobilize- https://www.youtube.com/watch?v=XBVJ05u_o5I

11) Create an email list to share information- Make a google group with your name i.e. town name- Neighbors Against Cell Towers – through google groups.com. Let people who have emailed you know you have added them to this group for updates, city council meeting dates and letters that need to be sent to city council members

EXAMPLE Letter to neighbors

NO CELL TOWERS NEXT TO OUR HOMES AND SCHOOLS!

1. Email City Council (city council @ _____) to quickly adopt an urgency ordinance with strict regulations for the installation, operation and maintenance of wireless telecommunication facilities such as Mill Valley's.

2. Sign the new change.org petition at _____. (example <http://chng.it/d5zqBsBBSm>)

3. Email local carrier proposing the cell towers - _____ against all cell projects next to our homes and schools

4. ATTEND the Date _____ City Council meeting at x:xx pm

12) Contact local media (even small newspapers) with a compelling story with one or more people. Get a good HOOK for reporter that would make headlines.

13) Attend council meetings, speak up and get to know council members

14) Get many people to attend city council meetings and fill up the seats

15) Keep organizing and work fast

67) Review other ordinances from a number of cities below and add these components and others such as notification requirements, annual monitoring requirements paid for by the telecom(see PST Cell towers and City Ordinances page as above) to make your city ordinance strong. See Mill Valley and Sonoma City Ordinance for strong ordinances.

Key Additions to Ordinance

1) **Location and configuration preferences** as did Mill Valley, Palos Verdes, Suisun City

2) **Right of way rules** including a 1500 ft separation between wireless facilities as did Palos Verdes, Petaluma, Mill Valley and Suisun City

3) **Buffer from residents and schools-** 500 ft (or more- 1500 feet if you wish) buffer from residencies (or schools) as did Petaluma and Suisun City

4) **ADA compliance** language as did Palos Verdes, Mill Valley, and Sonoma City . This ordinance shall be in compliance with the Americans for Disability Act (ADA)

5) **Annual Recertification:** (1) each active small cell installation is covered by liability insurance in the amount of \$2,000,000 per installation, naming the Town as additional insured; and (2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning RF exposure limits. (see **Americans for Responsible Technology Model Ordinance at -**

<https://mdsafetech.files.wordpress.com/2019/07/model-ordinance-americans-for-responsible-technology-2019.pdf>)

6) **You may wish to ignore the FCC ruling** to fast track small cell towers (and which may have questionable legal merit) and add to your ordinance a stipulation that the telecom needs to prove a **significant gap in coverage** and that the **least intrusive method** was used in placement on any cell tower (small or large) as well as that every cell tower is considered the same (small cell or large cell) needs a conditional use permit (not a batch of 30 cell towers), as Sonoma City did.

7) **Work on fiberoptic or preferably cabled options** and highlight all need to keep their landlines.

14) **Review this list of Key Points of Urgency Wireless Ordinances** you may want to include from other ordinances.



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Key Elements of Strong Local Ordinances

- **FCC Clause:** Have a clause voiding the agreement or requiring its modification in the event of a regulatory change (overturning the FCC Order), according to a report by [Next Century Cities](#)
- **Maintain that all wireless facilities both small cells and cell towers require a Conditional Use Permit** by the planning department followed by an encroachment permit. (remove Minor wireless permit section 18.41.050 and add all wireless communications facilities to section 18.41.060) which is reopened every 3 to 5 years- [Sonoma City, California](#)
- **Significant Gap in coverage:** Maintain requirement for significant gap in coverage to be identified for approval of both small cells and cell towers
- **Least Intrusive Methods:** Maintain requirement for the least intrusive methods to fill the gap for both small cells and cell towers. A justification study which includes the rationale for selecting the proposed use; if applicable, a detailed explanation of the coverage gap that the proposed use would serve; and how the proposed use is the least intrusive means for the applicant to provide wireless service. Said study shall include all existing structures and/or alternative sites evaluated for

potential installation of the proposed facility and why said alternatives are not a viable option. (Old-Palos Verdes)

- **1500 Foot Setback** from other small cell installations: Every effort shall be made to locate small cell installations no less than 1500 feet away from the Permittee's or any Lessee's nearest other small cell installation, or within ____ feet of any permanent residential dwelling. (ART Ordinance) Setbacks Between Small Cells: Calabasas, Petaluma, Fairfax, Mill Valley, and San Ramon (all California) require 1,500 feet between SCFs. (Boulder, CO Recommendation-[Boulder Colorado Small Cell Ordinance Legal Opinion Policy Report](#)). ([Los Altos Ordinance](#))
- **Radiofrequency Data Report Requirement:** Have a thorough radiofrequency data requirement as part of the submittal for consultants. For all applications require that both an **RF Compliance Report** signed by a registered Professional Engineer, and a supporting RF Data Request Form as Attachment A as provided is mandatory. RF DATA SHEET (can be an attached form to be filled out and submitted with application).
- **Preferred or Disfavored Locations:** In addition to residential areas, designate areas where cell towers are **disfavored** and not permitted, i.e. near schools, residential areas, city buildings, sensitive habitats, on ridge lines, public parks, Historic Overlay Districts, in open spaces or where they are **favored** i.e. commercial zoning areas, industrial zoning areas. (Boulder, CO Report-[Boulder Colorado Small Cell Ordinance Legal Opinion Policy Report](#)). ([Los Altos Ordinance](#))
- **Disfavored Location:** Every effort should be made to avoid placement of small cell installations in close proximity to residences, particularly from sleeping and living areas. Viable and defensible setbacks will vary based on zoning. (ART ordinance) ([Los Altos Ordinance](#))
- **Prohibited Zones for Small Cells:** Prohibits small cell telecommunication facilities in residential zones and multi-family zoning districts (Mill Valley) ([Los Altos Ordinance](#))
- **Require Mock-up:** Require full-size mock-up of proposed SCFs and other pertinent information in order to adequately consider the same potential impacts. It also may want to adopt Larkspur's approach to require construction drawings, a site survey, and photo simulations. (Boulder, CO Report)
- **Public notifications** of planning commission hearings; Either in newspaper, website no less than 14 days prior to the date of the hearing.
- **Notification of all property owners** within 500 feet of the proposed installation within X timeframe
- **Drip line of tree/heritage trees:** No facility shall be permitted to be installed in the drip line of any tree in the right-of-way.... (Old-Palos Verdes)- 15ft in Los Altos ([Los Altos Ordinance](#))
- **Speculative Equipment Prohibited.** The city finds that the practice of "pre- approving" wireless equipment or other improvements that the applicant does not presently intend to install but may wish to install at some undetermined future time does not serve the public's best interest. The city shall not approve any equipment or other improvements in connection with a Wireless Telecommunications Facility (Old-Palos Verdes)
- **Americans with Disabilities Act (ADA) Compliance.** All facilities shall be in compliance with the Americans with Disabilities Act (ADA). (New Palos Verdes)
- **Authorization from Property Owner:** If the facility will be located on or in the property of someone other than the owner of the facility (such as a street light pole, street signal pole, utility pole, utility cabinet, vault, or cable conduit), the applicant shall provide a duly executed written authorization from the property owner(s) authorizing the placement of the facility on or in the property owner's property. (Palos Verdes)
- **Community Meeting:** The applicant would be **required to hold a community meeting** at least two weeks prior to the planning commission hearing on the use permit. (San Anselmo)
- **Noise Complaints:** If a nearby property owner registers a noise complaint, the city shall forward the same to the permittee. Said complaint shall be reviewed and evaluated by the applicant. The permittee shall have ten (10) business days to file a written response regarding the complaint which shall include any applicable remedial measures. If the city determines the complaint is valid and the applicant has not taken any steps to minimize the noise, the city may hire a consultant to study,

examine and evaluate the noise complaint and the permittee shall pay the fee for the consultant if the site is found in violation of this chapter. The matter shall be reviewed by the director. If the director determines sound proofing or other sound attenuation measures should be required to bring the project into compliance with the Code, the director may impose conditions on the project to achieve said objective. (Old- Palos Verdes)

- **Noise Restrictions:** Each wireless telecommunications facility and wireless telecommunications collocation facility shall be operated in such a manner so as to minimize any possible disruption caused by noise.
 - Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 5:00 p.m. and 7:00 a.m.
 - At no time shall any facility be permitted to exceed 45 DBA and the noise levels specified in Municipal Code XXX. [\(Los Altos Ordinance\)](#)
- **Transfer of Permit:** The **permittee shall not transfer the permit** to any person prior to the completion of the construction of the facility covered by the permit, unless and until the transferee of the permit has submitted the security instrument required by section 12.18.080(B)(5). (Palos Verdes)
- **General Liability Insurance \$ 2-5 million to protect the City:** The permittee shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an **insurance policy or policies of commercial general liability insurance**, with minimum limits of **Two Million Dollars (\$2,000,000)** for each occurrence and Four Million Dollars (\$4,000,000) in the aggregate, that fully protects the city from claims and suits for bodily injury and property damage. The insurance must name the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers as additional named insureds, be issued by an insurer admitted in the State of California with a rating of at least a A:VII in the latest edition of A.M. Best's Insurance Guide, and include an endorsement providing that the policies cannot be canceled or reduced except with thirty (30) days prior written notice to the city, except for cancellation due to nonpayment of premium.... (Old- Palos Verdes)
- **Endangerment, Interference:** No person shall install, use or maintain any facility which in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.
- **Independent Expert.** The director is authorized to retain on behalf of the city an independent, qualified consultant to review any application for a permit for a wireless telecommunications facility. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall address any or all of the following: xxxx (Old- Palos Verdes)
- **Annual Recertification:** Each year, commencing on the first anniversary of the issuance of the permit, the Permittee shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns within the Town by location, certifying that (1) each active small cell installation is covered by liability insurance in the amount of \$2,000,000 per installation, naming the Town as additional insured; and (2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning RF exposure limits. (ART Ordinance)
- **Random Testing for RF Compliance:** The Town shall have the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Town to certify their compliance with all FCC radio-frequency

emission limits as they pertain to exposure to the general public. The reasonable cost of such tests shall be paid by the Permittee. (ART Ordinance)

- **Violation of Compliance Notification:** In the event that such independent tests reveal that any small cell installation or installations owned or operated by Permittee or its Lessees, singularly or in the aggregate, is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Town shall notify the Permittee and all residents living within 1500 feet of the small cell installation(s) of the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance shall result in the forfeiture of all or part of the Compliance Bond, and the Town shall have the right to require the removal of such installation(s), as the Town in its sole discretion may determine is in the public interest. (ART Ordinance)
- **Non- acceptance of Applications:** Where such annual re-certification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid. (ART ordinance)
- **Order of Preference – Location.** The order of preference for the location of small cell installations in the Town, from most preferred to least preferred, is:1. Industrial zone
2. Commercial zone
3. Mixed commercial and residential zone 4. Residential zone (ART Ordinance and New Palos Verdes). [\[Los Altos Ordinance\]](#)
- **Fall Zone:** The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining property
- **1000 Foot Setback From Residencies :** The setback for Calabasas, CA is 1,000 feet (Bolder, CO Report), 500 ft Setback from residences (Petaluma).
- **Aesthetics and Undergrounding:** All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each installation is to have its own dedicated power source to be installed and metered separately.
- **Aesthetic Requirements:** “Law firm Baller Stokes & Lide highlighted the following aesthetic considerations that local governments can consider: “Size of antennas, equipment boxes, and cabling;
 - Painting of attachments to match mounting structures;
 - Use of shrouds, stealth techniques, or other camouflage;
 - Flush-mounting of antennas;
 - Placement of equipment in the pole base rather than on the outside of the pole;
 - Consistency with the character of historic neighborhoods;
 - Minimum spacing between attachments;” and
 - Aesthetic standards for residential neighborhoods, including “any minimum setback from dwellings, parks, or playgrounds and minimum setback from dwellings, parks, or playgrounds; maximum structure heights; or limitations on the use of small, decorative structures as mounting locations.” (Boulder, CO Report)

Examples of City Small Cell Wireless Facilities Emergency Ordinances

- City of Belvedere, California <https://www.cityofbelvedere.org/DocumentCenter/View/5641/Item-11>
- Calabasas, California (very strong) . [https://www.cityofcalabasas.com/pdf/wireless/Wireless Facility Ordinance-w CC Changes052312.pdf](https://www.cityofcalabasas.com/pdf/wireless/Wireless_Facility_Ordinance-w_CC_Changes052312.pdf)
- Fairfax, California. [Fairfax Emergency Wireless Ordinance 2018](#)
- Hillsborough Wireless Update January 2019(weak) https://library.municode.com/ca/hillsborough/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.32WICOFA or <https://www.hillsborough.net/482/Wireless>
- Los Altos, California (very strong) passed Aug 5, 2019
 - Ordinance Wireless Facilities https://www.losaltosca.gov/sites/default/files/fileattachments/city_council/page/48421/2019-08-05_19-460_1.pdf
 - Resolution No. 2019-35 of the City of Los Altos Adopting Design and Siting Guidelines and Standards for Wireless Facilities. Main document. [.https://www.losaltosca.gov/sites/default/files/fileattachments/city_council/page/48421/resolution_no.2019-35.pdf](https://www.losaltosca.gov/sites/default/files/fileattachments/city_council/page/48421/resolution_no.2019-35.pdf)
 - Fee Chart for Wireless Facilities in Los Altos, California. Resolution 2019-36.https://www.losaltosca.gov/sites/default/files/fileattachments/city_council/page/48421/resolution_no.2019-36.pdf
- City of Mill Valley, California (strong) http://cityofmillvalley.granicus.com/MetaViewer.php?view_id=2&clip_id=1290&meta_id=59943
- Newark, California. <http://www.newark.org/home/showdocument?id=4629>
- Palos Verdes, California (Medium) **New Ordinance 2019** – <https://www.rpvca.gov/DocumentCenter/View/13741/RPV—ROW-Wireless-Telecommunications-Urgency-Ordinance-April-2-2019>. **Old Ordinance 2016-** <https://www.rpvca.gov/DocumentCenter/View/7952/RPV—ROW-Wireless-Telecommunications-Urgency-Ordinance>
- Petaluma, California (setbacks good) <https://www.codepublishing.com/CA/Petaluma/html/Petaluma14/Petaluma1444.html>
- San Anselmo, California <https://www.townofsananselmo.org/DocumentCenter/View/23883/Wireless-Policy-in-effect-September-26-2018>
- San Raphael, California <https://www.cityofsanrafael.org/documents/ordinance-1967/> and <https://www.cityofsanrafael.org/documents/resolution-14621/>
- Sebastopol, California. <https://www.ci.sebastopol.ca.us/getattachment/4371a3fe-b28f-4e19-a4b2-bedd0073ab92/Ordinance-Number-11-23-TELECOMMUNICATIONS-FACILITIES-AND-MINOR-ANTENNAS-Appvd-5-7-2019.pdf.aspx?lang=en-US&ext=.pdf>
- Sonoma City, California (strong) <https://sonomacity.civicweb.net/document/17797>
- Suisun, California (medium) <https://www.suisun.com/small-cells/>

The City of San Mateo, California has set up it's own **small cell website** with **FAQ's** as it works through a new ordinance.

Sample letter to neighbors

Dear Neighbor,

I recently received a notice indirectly from (telecom company), learning of their plan to install a cell tower *** feet from my house. (bedroom window) . It's not just (***)telecom Name), but AT&T, Verizon, T-Mobile, Sprint & others are quietly bypassing local ordinances and not properly notifying residents in order to accelerate the deployment of 5G. They target cities that are under staffed and under resourced. In order to prevent local opposition, these wireless companies do not share master plans with the city and only apply for permits a few towers at a time to avoid scrutiny and public outcry (such as [Palo Alto](#), [Mill Valley](#), [San Mateo](#), [Hillsborough](#), [Oakland](#), [Rancho Palos Verdes](#) and many others). Proposed 5G technology has limited range, which requires significantly more cell towers than before. In addition most of these so-called “small cells” will have 4G well before 5G (if ever comes to pass). Since none of the telecommunication companies share cell towers, our town of (***) will be littered with cell towers on every utility pole every few hundred feet and right in front of our homes or backyards.

Why should you care?

We're in favor of smart and sensible deployment of telecommunication in (***) Town) We're not in favor of allowing the wireless companies to place towers wherever they want without any input from local residents. Cell towers bring noise, unknown health effects, negatively impact property values and aesthetics, violate our privacy, security and safety, and DO NOT belong near our homes, schools or parks. If we don't provide our urgent response now, it will be too late once they begin deploying them.

What can you do?

- 1) [Sign this petition](#) for smart and sensible placement of cell towers in (Your town) – This is sample petition from Los Altos, California.
 - 2) Join (***)your town google or yahoo group) to stay informed and get updates
 - 3) Call and/or email the (Your town) Council at (***)phone number), or email them all at (***) .city council.gov)
 - 4) Attend the next city council meeting at *** pm, on ***date, at *** location.
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