

Greenville Wireless Telecommunications Ordinance- Adopted June 5, 2023

TOWN OF GREENVILLE
WIRELESS TELECOMMUNICATIONS ORDINANCE
(Adopted June 5, 2023)

Section I. Title

This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance" of the Town of Greenville, Maine (hereinafter referred to as the "Ordinance").

Section II. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 et seq., and Title 30- A M.R.S.A., Section 4362 An Act to Facilitate Deployment of Small Cell Wireless Facilities in Maine and Public Utilities, Regulation of Facilities in the Public Way, and Public Utilities, Regulation of Facilities in the Public Way Title 35-A, Chapter 25.

Section III. Purpose

The purpose of this ordinance is to provide a process and a set of standards for the construction of wireless telecommunications facilities in order to:

1. Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;
2. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities;
3. Allow competition in telecommunications service;
4. Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of the Town of Greenville;
5. Permit and manage reasonable access to the public rights of way of the Town of Greenville for telecommunications purposes on a competitively neutral basis;
6. Ensure that all telecommunications carriers providing facilities or services within The Town of Greenville comply with the ordinances of the Town of Greenville;
7. Ensure that the Town of Greenville can continue to fairly and responsibly protect the public health, safety and welfare;
8. Encourage the colocation of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community;
9. Enable the Town of Greenville to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development;
10. Further the goals and policies of the comprehensive plan, while promoting orderly development of the town with minimal impacts on existing uses; and

11. Protect the scenic and visual character of the community.

Section IV. Definitions

The terms used in this ordinance shall have the following meanings:

1. “Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.
2. “Antenna Height” means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
3. “Base Station” means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein nor any equipment associated with a tower. Base station includes, without limitation:
 - a. Equipment associated with wireless communications services as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small wireless networks).
 - c. Any structure other than a tower that, at the time the relevant application is filed with the Town of Greenville, supports or houses equipment described in subsections a and b of this section that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
 - d. The term does not include any structure that, at the time the eligible facilities request application is filed with the town, does not support or house equipment described in subsections a and b of this section.
4. “Colocation” means the mounting or installation of transmission equipment on an existing support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes. Colocation does not include the installation of new poles, towers or other wireless support structures.
5. “Designated Scenic Resource” means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency, that consists of:
 - a. a three-dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such a downtown skyline or mountain range, resulting in a panoramic view corridor; or

- b. lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.
- 6. “Eligible Facilities Request” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - a. Co-location of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.
- 7. “Eligible Support Structure” means any tower or base station as defined in this section; provided, that it is existing at the time the relevant application is filed with the town.
- 8. “Existing” means a constructed tower or base station that has been reviewed and approved under the applicable land use process, or under another state or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
- 9. “Existing Utility Pole” means a Utility Pole in place and in use by a utility prior to an applicant for a Small Wireless Facility requesting permission from the utility to collocate on that Utility Pole.
- 10. “Expansion” means the addition of antennas, towers, or other devices to an existing structure.
- 11. “FAA” means the Federal Aviation Administration, or its lawful successor.
- 12. “FCC” means the Federal Communications Commission, or its lawful successor.
- 13. “Height” means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.
- 14. “Micro Wireless Facility” means any wireless facility that is no larger than 24 inches in length, 15 inches in width and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.
- 15. “New Pole” means a vertical pole placed for the purpose of supporting a Small Wireless Facility.
- 16. “Principal Use” means the use other than one which is wholly incidental or accessory to another use on the same premises.
- 17. “Public Recreational Facility” means a regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.
- 18. “Small Wireless Facility” means a wireless facility each antenna of which could fit within an enclosure of no more than 3 cubic feet and of which all associated wireless

equipment other than antennas, electric meters and concealment elements has a cumulative volume of no more than 28 cubic feet.

19. "Substantial Change" is a modification that substantially changes the physical dimensions of an eligible support structure by meeting any of the following criteria:
 - a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater. The separation of antennas is measured by the distance from the top of the existing antennas to the bottom of the new antennas; or
 - b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet; or
 - c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure; or
 - d. It entails any excavation or deployment outside the current site; except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site; or
 - e. It would defeat the concealment elements of the eligible support structure; or
 - f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.
20. "Targeted Market Coverage Area" means the area which is targeted to be served by a proposed telecommunications facility.
21. "Tower" means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul and the associated site.

22. “Transmission Equipment” means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
23. “Utility Pole” means a wood or composite pole owned by a utility company regulated by the Maine Public Utilities Commission (MPUC).
24. “Unreasonable Adverse Impact” means that the proposed project would produce an end result which is:
 - a. excessively out-of-character with the designated scenic resources affected, including existing buildings structures and features within the designated scenic resource, and
 - b. would significantly diminish the scenic value of the designated scenic resource.
25. “Viewpoint” means that location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.
26. “Wireless Telecommunications Facility” or “Facility” means any structure, antenna, tower and telecommunications equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications; radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and rectifiers; and comparable equipment, regardless of technological configuration, including Small Wireless Facility.

Section V. Applicability

This Ordinance applies to all construction and expansion of wireless telecommunications facilities, as defined herein, except:

1. Temporary Wireless Telecommunication Facilities for emergency communications by public officials.
2. Amateur (ham) radio stations licensed by the FCC.
3. Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.
4. Maintenance, repair or reconstruction of an Existing Wireless Telecommunications Facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
5. Temporary Wireless Telecommunications Facility, in operation for a maximum period of ninety (90) days.
6. An Antenna that is an accessory use to a residential dwelling unit.

Section VI. Eligible Facilities Requests

1. Review and Approval Authority

No person shall expand an Existing Wireless Telecommunications Facility that is an Eligible Facilities Request without the approval of the Code Enforcement Officer (CEO).

2. Applications for Eligible Facilities Requests

Applications for a permit to expand an Existing Wireless Telecommunications Tower must be submitted for approval by the CEO, and must include the following materials and information:

- a. Documentation evidencing that the proposed expansion of the Existing Wireless Telecommunications Tower is an Eligible Facilities Request.
- b. Name, address and contact information of the applicant. If applicant is not the owner of the Existing Wireless Telecommunications Tower, evidence of the owner's permission to apply to expand the Existing Wireless Telecommunications Tower.
- c. Location map and elevation drawings of the proposed expansion of the Existing Wireless Telecommunications Tower.
- d. A structural analysis stamped by a Maine licensed professional engineer certifying that the Existing Wireless Telecommunications Tower has sufficient structural integrity to support the proposed expansion.
- e. A report prepared by a radio frequency engineer certifying that the Existing Wireless Telecommunications Tower with the proposed expansion will not exceed the maximum permissible exposure to radio frequency emissions.

3. Review of Eligible Facilities Requests

The CEO will review the application and notify the applicant within thirty (30) days if the application is complete. If the application is not complete, the CEO will notify the applicant in writing of any deficiencies in the application, and what materials need to be submitted to cure those deficiencies. Within thirty (30) days of receiving a complete application for an Eligible Facilities Request, the CEO shall approve the application and issue a permit for construction.

Section VII. New Towers and Tower Modifications

1. Review and Approval Authority

Approval by the Planning Board is required for the construction of a new Wireless Telecommunications Tower and for any modifications or expansions of Existing Wireless Telecommunications Towers that are not Eligible Facilities Requests or Small Wireless Facilities as defined herein.

2. Applications for New Towers or Tower Modifications

- a. All persons seeking approval of the Planning Board under this Ordinance shall meet with the CEO no less than thirty (30) days before filing an application. At this meeting, the CEO shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this ordinance.
- b. An application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the following information:
 - i. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited.
 - ii. The name, address, phone number and email address for the applicant, the property owner, and the owner of the existing or proposed wireless telecommunications tower.
 - iii. A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and certifying compliance with all applicable American National Standards Institute (ANSI) technical and structural codes.
 - iv. A map showing the location of all existing towers over fifty (50) feet within two (2) miles of the Existing or proposed Wireless Telecommunications Tower.
 - v. Certification by the applicant that the proposed Wireless Telecommunications Tower will comply with all FCC standards for radio frequency emissions.
 - vi. A boundary survey for the project area performed by a land surveyor licensed by the State of Maine.
 - vii. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.
 - viii. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
 - ix. A narrative discussing the extent to which the proposed facility would be visible from or withing a Designated Scenic Resource and the distance to the proposed facility from the Designated Scenic Resources' Viewpoints.
 - x. Evidence that applicant has complied with the National Environmental Policy Act (NEPA).
 - xi. Evidence that the applicant has received approval from the FAA to build the new Wireless Telecommunications Tower to the proposed height, and documentation of any lighting and/or marking requirements by the FAA.
 - xii. Application fees.

- xiii. For a new Tower, evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, and no existing Tower can be expanded to accommodate the applicant's proposed facility.
 - xiv. For a new Tower, documentation of commitment to occupy the proposed wireless telecommunications tower by an FCC-licensed wireless telecommunications carrier, radio or television operator, and a narrative discussing how the proposed facility fits into the applications telecommunication's network. This submission requirement does not require disclosure of confidential business information.
3. Submission Waiver
- The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.
4. Review of Applications for New Towers or Tower Modifications
- a. Upon receipt of an application, the CEO shall provide the applicant with a dated receipt. Within ten (10) business days of receipt of an application the CEO shall review the application and determine if the application meets the submission requirements. The Planning Board shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of an application.
 - i. If the application is complete, the CEO shall notify applicants in writing of this determination and require the applicant to provide a sufficient number of copies of the application to the Code Enforcement Office.
 - ii. If the application is incomplete, the CEO shall notify the applicant in writing specifying the additional materials or information required to complete the application.
 - iii. If the application is deemed to be complete, the CEO shall forward the application to the planning board, which shall hold a preliminary meeting on the application within thirty (30) days. At the preliminary meeting, the planning board will schedule a public hearing within thirty (30) days. At its discretion, the planning board may also schedule a site walk which shall be noticed and open to the public.
 - b. Within sixty (60) days of receiving a complete application for approval under Section VII the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based.
5. Standards of Review

An application for approval by the Planning Board under Section VII must meet the following standards.

- a. Location. New wireless telecommunications facilities may be permitted only in the following districts as designated by the Town of Greenville:
 - i. Commercial/Industrial
 - ii. Rural
 - iii. Rural Development 1
 - iv. Rural Development 2
- b. Colocation. A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the district height limitation effectively prevents future colocation.
- c. Height. New Towers shall not exceed one hundred ninety (190) feet in height.
- d. Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The setback may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property.
- e. Landscaping. A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural landforms on the site shall also be preserved to the maximum extent practicable.
- f. Fencing. A new wireless telecommunications facility must be fenced to discourage trespass.
- g. Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. Security lighting may be used as long as it complies with the Town of Greenville Land Use Ordinance, Section 17 Outdoor Lighting.
- h. Color and Materials. A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable.
- i. Structural Standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
- j. Visual Impact. The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency. In determining the potential Unreasonable Adverse Impact of the proposed

facility upon the Designated scenic resources, the Planning Board shall consider the following factors:

- i. The extent to which the proposed Wireless Telecommunications Facility is visible above tree line, from the Viewpoint(s) of the Impacted Designated Scenic Resource;
- ii. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed Facility;
- iii. the extent to which the proposed Wireless Telecommunications Facility would be visible from the Viewpoint(s);
- iv. the amount of vegetative screening;
- v. the distance of the proposed Facility from the Viewpoint and the Facility's location within the Designated Scenic Resource; and
- vi. the presence of reasonable alternatives that allow the Facility to function consistently with its purpose.

6. Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval or conditional approval issued by the Planning Board. Where necessary to ensure that an approved project meets the criteria of this ordinance, the Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

- a. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:
 - i. respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - ii. negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
 - iii. allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation.
- b. Upon request by the municipality, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

7. Amendment to an Approved Application

Any changes to an approved application must be approved by the Planning Board in accordance with this Ordinance.

Section VII. Small Wireless Facilities

1. Review and Approval Authority

- a. No person shall install, construct, or expand any Small Wireless Facility within the Town of Greenville without obtaining approval in the form of a written permit from the Code Enforcement Officer in the form of a location permit for:
 - i. Any expansion or modification of an existing Small Wireless Facility that increases the height or width of the facility;
 - ii. Co-location of a Small Wireless Facility on an Existing Utility Pole or Building;
 - iii. Installation of a New Pole for the purpose of supporting a Small Wireless Facility.
- b. Nothing in this ordinance authorizes a person to place a Small Wireless Facility on property owned by a private party without the consent of the property owner.
- c. Notwithstanding any provision in any municipal ordinance to the contrary, Small Wireless Facilities shall be a permitted use in all zoning districts.

2. Application

- a. All persons seeking permitting under this ordinance shall submit an application as provided below. Applications for permit approval by the Code Enforcement Officer must include the following materials and information:
 - i. Identifying information including the name, address, telephone number, and email address of the:
 - 1. applicant;
 - 2. the owner and operator of the Small Wireless Facility;
 - 3. if Co-located, the owner of the Existing Utility Pole;
 - 4. if on privately owned property (i.e. not in the public right-of-way) the property owner.
 - ii. If the applicant is not the owner/operator of the Small Wireless Facility, the applicant must provide written permission from the Small Wireless Facility owner to make the application on its behalf.
 - iii. If the Small Wireless Facility is to be placed on private property, outside of the public right-of-way, demonstration of right, title or interest in the property on which the applicant proposes to place the Small Wireless Facility.
 - iv. For a Small Wireless Facility collocated on an Existing Utility Pole, evidence of permission from the Utility Pole owner to attach.
 - v. The address of the nearest property.
 - vi. A copy of the FCC license for the facility or a signed statement from the owner of the Small Wireless Facility attesting that the Small Wireless Facility complies with current FCC regulations, including the maximum permissible exposure to radio frequency.
 - vii. The location where the Small Wireless Facility is proposed to be located. If the Small Wireless Facility will be located on a New Pole, the application must include a statement stamped by a Maine licensed surveyor stating that the proposed location is within the public right-of-way.

- viii. For a New Pole, foundation detailed stamped by a Maine licensed professional engineer.
- ix. For a Small Wireless Facility is located within the right-of-way of the Maine Department of Transportation (MDOT), the applicant must provide evidence of permission to locate the Small Wireless Facility within the MDOT right-of-way.
- x. Photographs of the location of the Small Wireless Facility and each Utility Pole on which each proposed Small Wireless Facility would be attached. For a New Pole, applicant shall provide photographs showing the location where the New Pole would be installed.
- xi. Photo simulations showing an accurate depiction of the completed Small Wireless Facility.
- xii. Elevation drawings of the proposed Small Wireless Facility and the Existing Utility Pole or New Pole on which it will be attached, showing height, width, color and identifying structural materials.
- xiii. A structural analysis or statement from a Maine licensed engineer that the Existing Utility Pole or New Pole is adequate to support the proposed Small Wireless Facility.
- xiv. The equipment type and model numbers for the antennas and other equipment associated with the Small Wireless Facility.
- xv. In instances where a New Pole is proposed, the applicant must provide evidence demonstrating that no existing facility owned by the applicant or by others with whom the applicant, or others utilizing similar installations to those of the applicant, has previously co-located facilities can be utilized to provide the service proposed by the applicant, the evidence for which may consist of any one or more of the following:
 - 1. Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements; or
 - 2. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements; or
 - 3. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment; or
 - 4. Evidence that the applicant has made diligent good faith efforts to negotiate co-location on existing facilities, buildings, or structures in the vicinity of the proposed location and has been denied access or met with unreasonable terms for collocation; or
 - 5. Technical evidence that collocation on an existing facility would impede the functional operation of the applicant's proposed Small Wireless Facility or an existing wireless telecommunication facility

to an extent that would significantly impair the function of the existing or proposed facility.

- xvi. A written commitment to notify the municipality within thirty (30) days of cessation of use of any approved facilities and to remove such facilities within ninety (90) days of termination of use.
- xvii. Application fee.

3. Small Wireless Facility Design Standards

a. Existing Utility Poles

- i. Height. No Existing Utility Pole may be extended to a height of more than 50 feet or by more than 10 percent, whichever is greater, to accommodate the Co-location of a Small Wireless Facility.
- ii. Antenna Placement.
 - 1. Cylindrical antennas. Single, cylindrical antennas shall be mounted to the top of the Utility Pole, aligned with the centerline of the pole. If mounting to the top of the pole is precluded by existing infrastructure or by pole owner standards, a single cylindrical antenna may be offset from the pole with a sidearm mount.
 - 2. Multi-sector antennas. Each antenna in the array should be installed as close to the outside of the pole as possible, and no portion of the antennas shall extend beyond the outside of the pole more than sixteen (16) inches.
- iii. Color. Antennas and all accessory telecommunications equipment mounted on the pole should be painted or coated brown to the maximum extent possible.
- iv. Lighting. No Small Wireless Facility may be lighted unless required by the FAA or any other State or Federal agency. Any internal lights associated with electronic equipment shall be completely shielded view.
- v. Accessory Equipment. All equipment associated with the Small Wireless Facility shall be mounted to the Utility Pole.
- vi. Wiring. All wiring and cables shall be firmly secured to the Utility Pole and enclosed within a separate rigid external conduit/service riser attached directly to the pole or offset not more than four (4) inches by mounting brackets. Spools and/or coils of excess fiber optic or cables or any other wires shall not be stored on the pole except completely within the approved enclosures or cabinets.

b. New Poles

- i. Material. All New Poles shall be constructed of metal, fiberglass, or other composite material and shall be capable of concealing all accessory equipment associated with the Small Wireless Facility.
- ii. Required Setbacks.

1. Minimum Distance from Roadway. All New Poles shall be placed so as not to impede or impair public safety or the legal use of the right-of-way by the traveling public. In no case shall any portion of New Pole be located less than two (2) feet from the edge line of the road, face of curb, sidewalk, bike lane, or shared-use path.
 2. New Poles shall be located a minimum of twelve (12) feet from any lawful, existing, permanent object in the right-of-way.
 3. New Poles shall be located a minimum of twelve (12) feet from a driveway.
 4. New Poles shall not block or obscure all or part of an existing sign.
 5. New Poles shall not block the line of sight at any intersection or interfere with the flow of traffic.
- iii. When adjacent to residential land uses, New Poles should be sited as close as practicable in alignment with adjacent side or rear property to avoid building frontage and field of view of residents.
 - iv. Height. The maximum permitted height for New Poles, including antennas shall not exceed forty (40) feet in height above established grade as measured at the base of the wireless support structure.
 - v. Color. New poles shall be painted or coated brown.
 - vi. Antennas. All antennas must be contained within a shroud or shrouds that match the color of the New Pole, or painted or coated with RF transparent materials that match the color of the New Pole.
 1. Cylindrical antennas. Single, cylindrical antennas shall be mounted to the top of the New Pole, aligned with the centerline of the pole.
 2. Multi-Sector antennas. Each antenna in the array should be installed as close to the outside of the pole as possible, and no portion of the antennas shall extend beyond the outside of the pole more than sixteen (16) inches, exclusive of any concealment mechanism.
 - vii. Accessory equipment. All accessory equipment associated with the Small Wireless Facility, with the exception of the electric meter, if required, must be concealed entirely within the interior of the New Pole.
 - viii. Wires and Cables. All service lines from the power source to the New Pole shall be located underground. All wiring and cables must be housed within the New Pole. Exposed wires, cables, connections and external conduit are prohibited.
 - ix. Dimensions. New Poles may not exceed sixteen (16) inches in diameter, except for the base of the pole, defined as the portion of the pole affixed to the foundation and extending to the height of forty-eight (48) inches above the surface may not exceed twenty-four (24) inches in diameter.
 - x. Lighting. No New Pole may be lighted unless required by the FAA or any other State or Federal agency. Any internal lights associated with electronic equipment shall be entirely shielded from view.

- xi. Foundation. All new wireless support structures shall be mounted to a concrete foundation in a breakaway design.
- c. Building Mounted Small Wireless Facilities
 - i. Antennas. Antennas mounted on buildings must be shrouded, painted, or coated to match the exterior surface of the building on which it is located. No antenna may protrude more than sixteen (16) inches from the building.
 - ii. Accessory equipment. No accessory equipment associated with the Small Wireless Facility may be mounted to an exterior wall of the building. All accessory equipment must be concealed:
 - 1. In the interior of the building;
 - 2. On the rooftop of the building, out of view of the public,
 - 3. In a ground mounted equipment cabinet, designed to conceal the equipment, painted to blend in with the surrounding landscape.
 - iii. Lighting. No building mounted Small Wireless Facility may be lighted. Any internal lights associated with electronic equipment shall be entirely shielded from view.
 - iv. All wiring and cables shall be concealed within the interior of the building. If interior wiring is impractical, all wiring and cabling must be firmly secured to the building exterior and enclosed within a separate rigid external conduit/service riser attached directly to the building and painted to match the building. Spools and/or coils of excess fiber optic or cables or any other wires shall not be stored on or near the building except completely within the approved enclosures or cabinets.

4. Submission Waiver

The Code Enforcement Officer for the Town of Greenville may waive any requirements of application or design standards upon request by the application and upon demonstration of a reasonable justification for that waiver by applicant.

5. Review of Application

- a. Within thirty (30) working days of receipt of an application, the Code enforcement Officer shall review the application and determine if the application meets the submission requirements. If the application is incomplete, the Code Enforcement Officer shall notify the applicant in writing, specifying the additional materials, information, or action required to complete the application.
- b. Once the application has been deemed complete, the Code Enforcement Officer will approve or deny the permit in writing within thirty (30) days.
- c. Applications for Small Wireless Facilities in conformance with this Ordinance will be approved.
- d. If an application is denied, the Code Enforcement Officer will provide a written explanation for the reason for denial.

- e. An applicant who is denied a permit for non-conformance with this Ordinance may revise their application for the same Small Wireless Facility and reapply without the payment of additional application fees.

6. Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval or conditional approval issued by the Code Enforcement Officer:

- a. Small Wireless Facilities shall not interfere with municipal services including, but not limited to, emergency communications networks, municipal wireless internet, traffic signals, and other municipal smart infrastructure systems.
- b. The owner of a Small Wireless Facility permitted pursuant to this ordinance shall be responsible for maintenance and repair, at its sole cost and expense, of the Small Wireless Facility, including any New Pole constructed to support the Small Wireless Facility. Small Wireless Facilities and support structures shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not menace or endanger the health, safety or welfare of any person or property. Examples of poor condition include, but are not limited to: graffiti; peeling, fading, flaking, or blistered paint; visible wires or cables; or rust or other visible deterioration of materials. All Small Wireless Facilities and wireless support structures shall be subject to generally applicable property maintenance requirements and to visual inspection by the code enforcement officer. Notices of violation shall be provided to the owner of the Small Wireless Facility. The notice shall provide that the owner has 30 days from date of receipt of the notice to appeal the notice or to remedy it.
- c. The owner of the Small Wireless Facility will be responsible for any damage caused by work related to the Small Wireless Facility or New Pole constructed to support the Small Wireless Facility to municipal streets, sidewalks, curbs, gutters, trees, parkways, poles, utility lines and systems, sewer or water systems or lines, or other municipal property. The owner shall restore damaged property to substantially the same condition in which it existed prior to the damage.
- d. Owners of Small Wireless Facilities shall provide written notice to the Code Enforcement Officer if it sells or transfers ownership of its small cell facilities within the jurisdiction of the municipality. Such notice shall include the name and contact information of the new facility owner.
- e. Owners of Small Wireless Facilities shall notify the Town of Greenville if any Facility is abandoned, decommissioned, or no longer in use.
- f. All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate radio frequency exposure standards.

Section IX. Approval Validity

Any Wireless Telecommunications Facility approved under this Ordinance must be completed within twelve (12) months of approval. The CEO may extend any approval for an additional six (6) months in his/her sole discretion upon showing of good cause for the delay.

Section X. Abandonment

1. A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.
2. If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.
3. If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

Section XI. Appeals

Any person aggrieved by a decision of the CEO or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals, as provided by Article II of the Town of Greenville Land Use Ordinance. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

Section XII. Administration and Enforcement

The CEO shall enforce this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance.

The Select Board or their authorized agent, are authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow a violation of this ordinance to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by an authorized municipal official upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage.

Section XIII. Penalties

Any person who owns or controls any building or property that violates this ordinance shall be fined in accordance with Title 30-A M.R.S.A. § 4452. Each day such violation continues after notification by the CEO shall constitute a separate offense.

Section XIV. Conflict and Severability

In the event that applicable federal or state laws or regulations conflict with the requirements of this ordinance, the wireless provider shall comply with the requirements of this ordinance to the maximum extent possible without violating federal or state laws or regulations.

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation, or statute, the more restrictive provision shall apply.

The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.