



Legislation Details (With Text)

File #: 582-21 **Version:** 2 **Name:**

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File created: 12/16/2021 **In control:** City Council

On agenda: 12/21/2021 **Final action:** 1/9/2024

Title: Order: Be it hereby ordained that the City of Malden Revised Ordinances of 2020 Section 11.24.020 SITING AND INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT be amended by adding the following additional language; (see attached).

Sponsors: Craig Spadafora

Indexes:

Code sections:

Attachments: 1. 5g updated ord. dec 21

Date	Ver.	Action By	Action	Result
1/9/2024	2	City Council	placed on file	Pass
2/15/2022	1	Rules & Ordinance Committee	recommended favorably as amended	Pass
12/21/2021	1	City Council	referred	Pass

Order: Be it hereby ordained that the City of Malden Revised Ordinances of 2020 Section 11.24.020 SITING AND INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT be amended by adding the following additional language; (see attached).

By adding the following language under section L,

Application must include. Photo simulations in digital format of a sufficient size to be posted on the City website or transmitted electronically, from four different angles, showing the pole and streetscape before the installation, as well as after installation

Adding section S the following

All Installation(s) shall comply with the following requirements:

- 1.No Installations, other than a collocation at the same location, shall be located closer than 150 feet radially from another Installation, unless the Applicant proves with substantial evidence that locating further than 150 feet from another Installation would constitute an effective prohibition of wireless services, and that collocation with an existing Installation within that radius is impracticable.
- 2.. All equipment associated with an Installation shall be consistent with ADA regulations. Installations shall not obstruct ADA access and circulation including maintaining clear landing at the top of crosswalk curb ramps and minimum distance between the base of the new Installation.
- 3.No new Installation or any related structures shall be placed less than 6 feet away from the edge of a driveway of a residential or commercial property; and shall be placed at least 15 feet from the outer edge of the curb at any intersection of two or more public rights of way.
4. No Installation shall be placed where, in the determination of the City, it would limit the City's ability to plant future street trees based upon the existing City plans for planting of street trees.
5. No Installation shall be placed where, in the determination of the City, it would limit the City's ability to install any city infrastructure, transportation elements or facilities including bike lanes, bike racks or other street furniture and the like based upon existing City plans for installation of such facilities.

6. Where the City has planned a redevelopment or change to a street, sidewalk, square, or other area of the City, Applicants shall remove their Installation at their own cost upon reasonable notice by the City, shall comply with all provisions of this section upon re-installation and may apply to place their installation in a different location upon the City's redevelopment or change to such area, but in an emergency such as a flood, hurricane, war, or other such emergency, Applicant shall remove their Installation immediately.

15. Applicants of proposed Installations must consider other optional siting locations to avoid placing Installations in front of storefront windows, primary entrances, exits, in front of primary walkways or area in such a manner that would hinder service to the building or delivery.

Adding SECTION T

Siting for utilization of existing utility or City-owned poles or other City-owned property for Installations will be given priority, and any requests to install a new Installation or other structure in the public way shall be denied unless the Applicant proves with substantial evidence that this restriction would constitute an effective prohibition of wireless services. Specifically, Applicants seeking installation existing poles are expected to document why neither collocation upon, or replacement of, an existing pole proximate to the proposed location is practicable, thus necessitating the addition of additional poles to the public way.

Adding Section U

All installation of wireless communications equipment only allowed on poles that have existing utilities.