

Public noticing requirements contained within Telecommunication Aesthetic Guidelines and related documents.

**RESOLUTION:**

**SECTION 7: PUBLICATION ADMINISTRATION.** The City Council authorizes the Director of Public Works, or designee, to interpret and administer the Aesthetic Guidelines, Permit Guidelines, and Engineering Standards and Permit Conditions in the review and processing of applications for Small Cell Wireless Facilities Permits and other relevant permits; and directs City staff to publish and disclose these documents on the City website and in any other manner deemed necessary to ensure that the **advance public notice requirements** of the FCC Regulations are satisfied.

**EXHIBIT A – Aesthetic Guidelines...**

- L. All wireless facilities must include signage that accurately identifies the equipment owner/operator, the site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under existing and future FCC or other United States governmental agencies for compliance with RF emissions regulations. **RF notification signs** should be placed where appropriate, and not at pedestrian eye level, unless required by the FCC or other regulatory agencies.

**EXHIBIT B – Permit Guidelines...**

**APPLICATION CHECKLIST – REQUIRED MATERIALS:**

- **PUBLIC NOTIFICATION** AND VERIFICATION

**II. INFORMATIONAL MEETING – OPTIONAL**

A pre-application informational meeting is voluntary and is recommended. Public Works Department staff will provide applicant with an appointment for the informational meeting upon request.

The purpose of the meeting is to:

- d. **Provide the applicant with a public notice template**, the *Aesthetic Guidelines and Standards for the Deployment of Telecommunication Facilities, Engineering Design Standards and Permit Conditions for Telecommunication Facilities, Small Cell Wireless Facilities Permit Guidelines* and permit application form.

#### IV. PUBLIC NOTIFICATION

##### Instructions:

1. As part of the application submittal, the applicant shall, within five (5) ~~calendar~~ working days of submitting a Permit Application, provide notice:
  - By first class United States mail, to all residents and property owners within three-hundred (300) feet of the project site(s).
  - Notice shall be submitted for publication at least once in a newspaper of general circulation in the City.
  - The notification shall also be posted at or near the project site, and all other locations as directed by the Public Works Director. Posting on barricades, utility poles, etc., at or near the project site(s) is acceptable, at the discretion of the Public Works Director.
2. Contents of Notice. The notice shall include:
  - a) applicant's identification and contact information;
  - b) a general project description;
  - c) identify the location of the project site(s) in text and/or diagram;
  - d) photo-simulations of the project;
  - e) a statement that interested parties may submit comments to the applicant or Public Works Department regarding the project within five (5) business days of the notice;
  - f) a statement that the City will conduct a preliminary review of the project under the California Environmental Quality Act (CEQA) as part of the application process;
  - g) a statement that, "Appeals shall not be permitted when based solely on the environmental effects from radio frequency (RF) emissions that are compliant with applicable FCC regulations and guidelines".
3. Based on the interest of the residents and property owners and prior to application submittal, it is recommended that the applicant hold a voluntary neighborhood informational meeting to discuss the proposed project, and to receive feedback from interested parties.
4. The Fort Bragg City Council will be notified that an application has been submitted and may choose to consider and review the application in a public forum.

Commented [VT1]: ???

5. Public notification documentation including, notice, concerns/comments, questions, responses, log (by location with information on comments, questions, responses, and delivery including person, date, and method of delivery), proof of notification, and list of recipients, must be submitted to the City prior to approval of any permit.

**EXHIBIT C – Permit Application**

**GENERAL PERMIT CONDITIONS\***

7. **Public Noticing.** Permittee must provide advance notification to all parties that may be affected by the Permit activities. Notification shall be reviewed by the City prior to distribution and include dates of work and a contact name and a phone number. All residences and/or businesses impacted by project construction are to be notified in writing at least forty-eight (48) hours in advance describing work schedule, including dates, time frames, and on-site project manager name and cell phone number prior to commencing work.

**Commented [VT2]:** See Exhibit B – Permit Guidelines IV. Public Notification

**EXHIBIT D – Engineering Design Standards...**

**SECTION 3: CONDITIONS OF APPROVAL.**

7. **Public Noticing.** Permittee must provide advance notification to all parties that may be affected by the Permit activities. Notification shall be reviewed by the City prior to distribution and include dates of work and a contact name and a phone number. All residences and/or businesses impacted by project construction are to be notified in writing at least forty-eight (48) hours in advance describing work schedule, including dates, time frames, and on-site project manager name and cell phone number prior to commencing work.

**Commented [VT3]:** See Exhibit B – Permit Guidelines IV. Public Notification

**EXHIBIT E – Master License Agreement...**

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**7. EQUIPMENT INSTALLATION**

**7.7.3 Job Site Notices**

Licensee shall post at the job site notices in compliance with Title I of the California Code of Regulations Section 16451.

**16 HAZARDOUS MATERIALS**

**16.2 Hazardous Material Release Notice**

Licensee shall promptly notify the City if and when Licensee learns or has reason to believe any Hazardous Material Release has occurred in, on, under or about the License Area or other City Property caused by Licensee, its Agents or its Invitees, however, no default may be declared by the City pursuant to this Section 16.2 unless Licensee has actively concealed the Hazardous Material Release after Licensee learns or has reason to believe that the Hazardous Material Release has occurred. Licensee will not be deemed to have assumed liability for any such Release by giving such notice, unless such Release was caused by or arose in connection with Licensee’s or its Agent’s or Invitee’s acts, omissions or negligence.

**27.1. Notices**

Except as may be specifically provided otherwise in this Master License, all notices, demands or other correspondence required to be given in connection with or pursuant to this Master License must be written and delivered through (i) an established national courier service that maintains delivery records and confirmations; (ii) hand delivery; or (iii) overnight Federal Express or priority U.S. Mail, and addressed as follows:

**TO CITY:**

City of Fort Bragg  
Attention:  
\_\_\_\_\_

**TO LICENSEE:**

\_\_\_\_\_  
\_\_\_\_\_

All notices, demands or other correspondence in connection with this Master License shall be deemed effective upon delivery or refusal of delivery. Telephone, facsimile and email information are provided for convenience and for couriers who may require such information, and any notice given solely through electronic means will not be deemed to be effective notice. Any copies required to be given constitute an administrative step for the parties’ convenience and not actual notice. The parties may change the notice addresses above from time-to-time through written notice to the addresses above or the then-current notice address.