ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, ADDING A NEW CHAPTER 17.46 ENTITLED "WIRELESS TELECOMMUNICATIONS FACILITIES" TO TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE TO PROVIDE UNIFORM AND COMPREHENSIVE REGULATIONS AND STANDARDS, ALONG WITH PERMIT REQUIREMENTS, FOR THE INSTALLATION OF WIRELESS TELECOMMUNICATIONS FACILITIES IN ALL ZONES, INCLUDING SUCH INSTALLATIONS IN THE PUBLIC RIGHT-OF-WAY, MAKING CONFORMING AMENDMENTS TO THE MONROVIA MUNICIPAL CODE, AND REPEALING ORDINANCE NO. 2009-02U, AN INTERIM URGENCY ORDINANCE RELATING TO WIRELESS COMMUNICATION FACILITIES

A. Recitals.

(i) The purpose of this Ordinance is to amend the City’s Municipal Code to provide uniform and comprehensive standards and regulations, along with permit requirements, for the installation of wireless telecommunications facilities in the City, including installations on private property, public property and in the public right-of-way.

(ii) On June 2, 2009, the City Council adopted a forty-five (45) day interim zoning ordinance, Ordinance 2009-02U, as an urgency measure establishing a temporary prohibition on the issuance of approvals for certain specified permits for the installation of commercial wireless communication facilities in the public right-of-way. On July 7, 2009, the City Council adopted Ordinance 2009-04U, extending the temporary moratorium for another ten (10) months and fifteen (15) days from the date Ordinance 2009-02U would have expired but for the extension. On May 18, 2010, the City Council adopted Ordinance 2010-05U, extending the temporary moratorium for another one year from the date Ordinance 2009-02U would have expired but for the extension. Ordinance No. 2009-02U is scheduled to expire on June 1, 2011.

(iii) On April 13, 2011, the Planning Commission of the City of Monrovia held a duly noticed public hearing to consider Ordinance 2011-04, and received testimony from City staff and all interested parties regarding the proposed zoning code amendments. Following the close of the public hearing, the Planning Commission adopted Resolution No. 2011-04 recommending approval of Ordinance 2011-04.

(iv) On May 3, 2011, the City Council of the City of Monrovia conducted and concluded a duly noticed public hearing concerning the zoning code amendments contained herein as required by law, and received testimony from City staff and all interested parties regarding the proposed amendments.

(v) All legal prerequisites to the adoption of the Ordinance have occurred.

B. Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROVIA DOES ORDAIN AS FOLLOWS:
SECTION 1. The facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

SECTION 2. Environmental Review

A. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City staff determined that Ordinance 2011-04 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City staff found that there is no possible significant effect directly related to Ordinance 2011-04 ("project"), therefore no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)). The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City staff has correctly concluded that it can be seen with certainty that there is no possibility the proposed amendments to the Municipal Code and the effects derivative from that adoption may have a significant effect on the environment, because the provisions of this Ordinance provide similar regulations as currently exist and will not in and of themselves cause any change in the environment.

B. The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the City Clerk's office located at 415 South Ivy Avenue, Monrovia, California, 91016.

SECTION 3. Ordinance No. 2009-02U establishing a moratorium on wireless communication facilities and Ordinance Nos. 2009-04U and 2010-05U extending that moratorium are hereby repealed as of the effective date of this Ordinance.

SECTION 4. Section 5.48.320 "Antennas For Telecommunications Services" of Chapter 5.48, Title 5 of the Monrovia Municipal Code is hereby amended in its entirety to read as follows:

"§ 5.48.320 WIRELESS TELECOMMUNICATIONS FACILITIES.

Notwithstanding any other provision of this Chapter, all Zoning Code provisions relating to wireless telecommunications facilities and wireless telecommunications collocation facilities, as defined in Chapter 17.46 of this code, shall apply to such facilities which in whole or in part, itself or as part of another structure, rests upon, in or over the public right-of-way or on public property, including, but not limited to, any such facility owned, controlled, operated or managed by a telephone corporation."

SECTION 5. Section 17.08.010 "Uses Permitted in Each Zone" of Chapter 17.08, Title 17 of the Monrovia Municipal Code is hereby amended by deleting the rows entitled "Wireless communication facilities on existing structures" and "Wireless communication facilities: freestanding antennae" in their entirety.

SECTION 6. Section 17.08.020 "Special References Use Activity" of Chapter 17.08, Title 17 of the Monrovia Municipal Code is hereby amended by inserting into the table in alphabetical order "Wireless telecommunications collocation facility" and "Wireless telecommunications facility", and re-ordering the table accordingly, to read as follows:

<table>
<thead>
<tr>
<th>Special References Use/Activity</th>
<th>Requirement Review</th>
<th>Code Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wireless telecommunications collocation facility</td>
<td>mCUP or CUP</td>
<td>Chapter 17.46, § 17.46.050</td>
</tr>
<tr>
<td>Wireless telecommunications facility</td>
<td>mCUP or CUP</td>
<td>Chapter 17.46, § 17.46.050</td>
</tr>
</tbody>
</table>
SECTION 7. Section 17.08.030 “Use Type Explanations” of Chapter 17.08, Title 17 of the Monrovia Municipal Code is amended by replacing “Wireless Communications Facilities” in its entirety to read as follows:

"WIRELESS TELECOMMUNICATIONS COLLOCATION FACILITY. See definition in Section 17.46.020 of Chapter 17.46.

WIRELESS TELECOMMUNICATIONS FACILITY. See definition in Section 17.46.020 of Chapter 17.46."

SECTION 8. Section 17.44.220 “Wireless Communications Facilities” of Chapter 17.44, Title 17 of the Monrovia Municipal Code is hereby deleted.

SECTION 9. Chapter 17.46 “Wireless Telecommunications Facilities” is hereby added to Title 17 of the Monrovia Municipal Code to read as follows:

"CHAPTER 17.46

WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

17.46.010 Purpose
17.46.020 Definitions
17.46.030 Applicability
17.46.040 Location Preference Requirements
17.46.050 Wireless Telecommunications Facility Permit Requirements
17.46.060 Application for Permit
17.46.070 Design and Development Standards for Facilities not within the Public Right-of-Way
17.46.080 Design and Development Standards for Facilities within the Public Right-of-Way
17.46.090 Conditions of Approval for All Facilities
17.46.100 Additional Conditions of Approval for Facilities in the Public Right-of-Way
17.46.110 Findings
17.46.120 Agreement for Facilities on City-Owned Property or Public Right-of-Way
17.46.130 Nonexclusive Grant
17.46.140 Wireless Telecommunications Collocation Facilities
17.46.150 Business License
17.46.160 Emergency Deployment
17.46.170 Operation and Maintenance Standards
17.46.180 No Dangerous Conditions or Obstructions Allowed
17.46.190 Permit Expiration
17.46.200 Cessation of Use or Abandonment
17.46.210 Removal and Restoration - Permit Expiration, Revocation or Abandonment
17.46.220 Exceptions
17.46.230 Effect on Other Ordinances
17.46.240 Effect of State or Federal Law
§ 17.46.010 PURPOSE.

The purpose and intent of this Chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the city. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This Chapter provides standards necessary (1) for the preservation of land uses and the public right-of-way in the city, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the General Plan, (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations, and (4) to encourage new and more efficient technology in the provision of wireless telecommunications facilities.

§ 17.46.020 DEFINITIONS.

"Accessory equipment" means any equipment associated with the installation of a wireless telecommunications facility, including but not limited to cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

"Antenna" means that part of a wireless telecommunications facility designed to radiate or receive radio frequency signals.

"Building-Mounted" means mounted to the side of a building, to the façade of a building, or to the side of another structure such as a water tank, pump station, church steeple, freestanding sign, or similar structure, but not to include the roof of any structure.

"Cellular" means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

"Collocation" means the addition of wireless telecommunications facilities to an existing wireless telecommunications facility so that one site is shared amongst the same or different carrier.

"COW" means a "cell on wheels," which is a wireless telecommunications facility temporarily rolled in or temporarily installed.

"Facility(ies)" means both wireless telecommunications facilities and wireless telecommunications collocation facilities, unless the context specifically limits it to one or the other.

"Modification" means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement or maintenance if those actions do not involve a change to the existing facility involving any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation.
“Monopole” means a structure composed of a single pole used to support antennas or related equipment and includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole.

“Mounted” means attached or supported.

“Pole” means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

“Public right-of-way” or “right-of-way” means any public street, public way, public alley or public place, now laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, under the jurisdiction of the city.

“Reviewing Authority” means the Development Review Committee (DRC) or the Planning Commission (PC), as applicable, who has the authority to review and either grant or deny a wireless telecommunications facility permit or wireless telecommunications collocation facility permit pursuant to this Chapter.

“Roof-Mounted” means mounted directly on the roof of any building or structure, above the eave line of such building or structure.

“Telecommunications tower” means a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless telecommunications facility antennas.

“Utility Pole” means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

“Wireless telecommunications collocation facility” means a wireless telecommunications facility specifically designed for subsequent collocation as a permitted use.

“Wireless telecommunications facility” means any facility that transmits and/or receives electromagnetic waves. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other accessory development.

Exceptions: The term “wireless telecommunications facility” does not apply to the following:

(a) A facility that qualifies as an amateur station as defined by the FCC, 47 C.F.R. Part 97, of the Commission's Rules, or its successor regulation.

(b) Any antenna facility that is subject to the FCC Over-The-Air-Receiving Devices rule, 47 C.F.R. Section 1.4000, or its successor regulation, including, but not limited to, direct-to-home satellite dishes that are less than one meter in diameter, TV antennas used to receive television broadcast signals and wireless cable antennas.

(c) Portable radios and devices including, but not limited to, hand-held, vehicular, or other portable receivers, transmitters or transceivers, cellular phones, CB radios,
emergency services radio, and other similar portable devices as determined by the Director.

(d) Government owned and operated telecommunications facilities.

(e) Emergency medical care provider-owned and operated telecommunications facilities.

(f) Mobile services providing public information coverage of news events of a temporary nature.

(g) Any wireless telecommunications facilities exempted from this code by federal law or state law.

"Wireless telecommunications facility permit" means any permit required by this Chapter prior to installation or modification of a wireless telecommunications facility.

"Wireless telecommunications services" means the provision of services using a wireless telecommunications facility or a wireless telecommunications collocation facility, and shall include, but not be limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. §332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications.

§ 17.46.030 APPLICABILITY.

This Chapter applies to all wireless telecommunications facilities and wireless telecommunications collocation facilities, as follows:

A. All facilities for which applications were not approved prior to June 18, 2011, shall be subject to and comply with all provisions of this Chapter;

B. All facilities, notwithstanding the date approved, shall be subject immediately to the provisions of this Chapter governing the operation and maintenance (section 17.46.170), cessation of use and abandonment (section 17.46.200), removal and restoration (section 17.46.210) of wireless telecommunications facilities and wireless telecommunications collocation facilities and the prohibition of dangerous conditions or obstructions by such facilities (section 17.46.180); provided, however, that in the event a condition of approval conflicts with a provision of this Chapter, the condition of approval shall control until the permit is amended or revoked.

§ 17.46.040 LOCATION PREFERENCE REQUIREMENTS.

A. Preferred Locations. In order to minimize their visual, noise and other impacts on the surrounding community, wireless telecommunications facilities and wireless telecommunications collocation facilities are encouraged to locate in certain districts, zones, areas and locations, and on existing buildings and structures, in the following order of preference ("Preferred Locations"):  

1. Within NC, CRS, RCC, RCM, O/RD/LM, BE, M or P/QP zones if:
   a. Collocated with existing facilities;
   b. Building-mounted or roof-mounted to an existing or new building;
c. Mounted to an existing pole or a new pole used to replace an existing pole.

d. Mounted to a new telecommunications tower.

2. Public right-of-way located in NC, CRS, RCC, RCM, O/RD/LM, BE, M or P/QP zones or where one of those zones is the closest adjacent zone, if:

   a. Collocated with existing facilities;

   b. Mounted to an existing pole or a new pole used to replace an existing pole.

B. **Discouraged Locations.** Wireless telecommunications facilities and wireless telecommunications collocation facilities shall not locate in any of the following districts, zones, areas or locations ("Discouraged Locations"): 

   1. Zoning districts RF, RE, RL, RM, RM/RH, RH, HWP, HR, HCD, or ANF;

   2. Public property (e.g., city facilities) in residential zones;

   3. Any location within one hundred (100) feet of a residential zone or a permitted residential use;

   4. Planned Development and Specific Plan zones, if the zone or plan prohibits such facilities;

   5. Planned Development and Specific Plan zones that are exclusively residential, unless the zone or plan specifically provides otherwise;

   6. In Planned Development and Specific Plan zones that include a mix of residential and non-residential uses, those areas of a Planned Development or Specific Plan zone that are designated as residential, unless the zone or plan specifically provides otherwise;

   7. Public right-of-way within or directly adjacent to RF, RE, RL, RM, RM/RH, RH, HWP, HR, HCD, or ANF zones;

   8. Public right-of-way within any district, zone, area or location if mounted to a new pole that is not replacing an existing pole; or

   9. Any public right-of-way location that abuts the property line of a structure recognized as a local, state or national historic landmark, historic district or on the register of historic places.

C. If a district, area or location could qualify as both a Preferred Location and a Discouraged Location, it shall be deemed a Discouraged Location and the provisions of this Chapter governing Discouraged Locations shall control.

D. **Accessory equipment.** In order of preference, accessory equipment for wireless telecommunication facilities and wireless telecommunications collocation facilities shall be located underground, within a building or structure, on a screened roof top area or structure, or in a rear yard if not readily visible from surrounding properties and the
roadway, unless the reviewing authority finds that another location is preferable under the circumstances of the application.

§ 17.46.050 WIRELESS TELECOMMUNICATIONS FACILITY PERMIT REQUIREMENTS.

A. **Permits Required.** No wireless telecommunications facility or wireless telecommunications collocation facility shall be located within the city on any property, including the public right-of-way, unless the permits required by this Chapter have been obtained from the city. No modification to a wireless telecommunications facility or wireless telecommunications collocation facility shall be made unless the permits required by this Chapter have been obtained from the city. Such permits are in addition to any other permit required pursuant to this code.

B. **No Speculative Facilities.** A wireless telecommunications facility, wireless telecommunications collocation facility, and/or a telecommunications tower, which is built on speculation and for which there is no wireless tenant is prohibited within the city.

C. **Permit Required for Facilities Not In Right-of-Way.** The provisions of this paragraph shall apply to wireless telecommunications facilities and wireless telecommunications collocation facilities that are located outside the public right-of-way. The level of permitting required for the installation or modification of such wireless telecommunications facilities or wireless telecommunications collocation facilities in each zone shall be as shown in the following table:

| Wireless Telecommunications Facility – building-mounted or roof-mounted, mounted to an existing pole or collocated with an existing facility | RL | RM | RH | NC | CRS | RCM | O/RD/LM | BE | M | P/QP | HWP | HCD | SP | PD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Wireless Telecommunications Facility – mounted to a replacement pole or new telecommunications tower | DL | DL | DL | C | C | C | C | C | C | C | DL | DL | ** |
| Wireless Telecommunications Collocation Facility | DL | DL | DL | C | C | C | C | C | C | C | DL | DL | ** |

D. **Permit Required for Facilities in the Public Right-of-Way.** Only applicants who have been granted the right to enter the public right-of-way pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the public right-of-way, shall be eligible for a permit to install or modify a wireless telecommunications facility or a wireless telecommunications collocation facility in the
public right-of-way. The level of permitting required for the installation or modification of wireless telecommunications facilities or wireless telecommunications collocation facilities which in whole or in part, itself or as part of another structure, rests upon, in or over the public right-of-way, shall be based upon the zone in which the right-of-way is located or the closest zone adjacent to the facility's location (if the right-of-way borders two (2) zones), as shown in the following table:

<table>
<thead>
<tr>
<th>Wireless Telecommunications Facility – mounted to an existing pole, mounted to a replacement pole or collocated with existing facility</th>
<th>RF RL</th>
<th>RE RM/ RH</th>
<th>RH</th>
<th>NC</th>
<th>CRS RCC</th>
<th>RCM</th>
<th>O/ RD/ LM</th>
<th>BE</th>
<th>M</th>
<th>P/Q P</th>
<th>HWP HR</th>
<th>HCD</th>
<th>SP PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>DL</td>
<td>DL</td>
<td>DL</td>
<td>mC</td>
<td>mC</td>
<td>mC</td>
<td>mC</td>
<td>mC</td>
<td>DL</td>
<td>DL</td>
<td>**</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wireless Telecommunications Facility – mounted to a new pole</th>
<th>RF RL</th>
<th>RE RM/ RH</th>
<th>RH</th>
<th>NC</th>
<th>CRS RCC</th>
<th>RCM</th>
<th>O/ RD/ LM</th>
<th>BE</th>
<th>M</th>
<th>P/Q P</th>
<th>HWP HR</th>
<th>HCD</th>
<th>SP PD</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Wireless Telecommunications Collocation Facility – mounted to an existing pole, mounted to a replacement pole or collocated with existing facility</th>
<th>RF RL</th>
<th>RE RM/ RH</th>
<th>RH</th>
<th>NC</th>
<th>CRS RCC</th>
<th>RCM</th>
<th>O/ RD/ LM</th>
<th>BE</th>
<th>M</th>
<th>P/Q P</th>
<th>HWP HR</th>
<th>HCD</th>
<th>SP PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>DL</td>
<td>DL</td>
<td>DL</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>DL</td>
<td>DL</td>
<td>DL</td>
<td>DL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wireless Telecommunications Collocation Facility – collocation</th>
<th>RF RL</th>
<th>RE RM/ RH</th>
<th>RH</th>
<th>NC</th>
<th>CRS RCC</th>
<th>RCM</th>
<th>O/ RD/ LM</th>
<th>BE</th>
<th>M</th>
<th>P/Q P</th>
<th>HWP HR</th>
<th>HCD</th>
<th>SP PD</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

E. Legend and Explanations. The following Legend and explanations apply to the charts in this Section.

**Legend**

<table>
<thead>
<tr>
<th>Character</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>If a wireless telecommunications collocation facility has been approved pursuant to Section 17.46.140, additional collocations are permitted if they meet the requirements of that Section.</td>
</tr>
<tr>
<td>mC</td>
<td>Means the use requires a minor conditional use permit (also abbreviated “mCUP”)</td>
</tr>
<tr>
<td>C</td>
<td>Means the use requires a major conditional use permit (also abbreviated “CUP”)</td>
</tr>
<tr>
<td>DL</td>
<td>For permitting requirements for Discouraged Locations, see paragraph 2 below. See 17.46.040(B) for a list of discouraged locations</td>
</tr>
<tr>
<td>**</td>
<td>See paragraph 1 and 2 below, the list of discouraged locations in 17.46.040(B) and the Land Use Element of the General Plan for permitting requirements</td>
</tr>
</tbody>
</table>
1. Planned Development and Specific Plan Zones

a. In addition to any other permit required pursuant to this code, the installation or modification of a wireless telecommunications facility or wireless telecommunications collocation facility in a Planned Development or Specific Plan zone that specifically permits such facilities shall require a conditional use permit, unless the zone or plan specifies a different permitting requirement.

b. In addition to any other permit required pursuant to this code, the installation or modification of a wireless telecommunications facility or wireless telecommunications collocation facility in a Planned Development or Specific Plan zone that is silent or defers to the code in regards to such facilities, and is not a Discouraged Location, shall require a conditional use permit.

2. Discouraged Locations. In addition to any other permit required pursuant to this code, the installation or modification of a wireless telecommunications facility or wireless telecommunications collocation facility, which will be located in a Discouraged Location, shall require a conditional use permit and approval of an exception.

§ 17.46.060 APPLICATION FOR PERMIT.

A. Purpose. This section sets forth the application submittal requirements for all permits required by this Chapter. The purpose of this section is, in part, to ensure that this Chapter is implemented to the full extent permitted by the Telecommunications Act of 1996.

B. Application Content. The Director shall develop a supplemental application form and make it available to applicants upon request. A supplemental application for the approval of the installation or modification of a wireless telecommunications facility or a wireless telecommunications collocation facility, regardless of location, shall be made in writing and shall include the following information, in addition to all other information determined necessary by the Director as well as all other information required by the city as part of an application for a conditional use permit:

1. Full name and contact information for the facility owner, facility operator, agent (if any), and property owner, and related letter(s) of authorization.

2. The type of facility, including a full written description of the proposed facility, its purpose and specifications.

3. A detailed site and engineering plan of the proposed facility containing the exact proposed location of the facility, created by a qualified licensed engineer and in accordance with requirements set by the Director.

4. Photographs of facility equipment and an accurate visual impact analysis with photo simulations.

5. Completion of an RF exposure guidelines checklist, and proof of all applicable licenses or other approvals required by the Federal Communications Commission.
6. If the application is for a facility that will be located within the public right-of-way, the applicant shall certify that it is a telephone corporation or state the basis for its claimed right to enter the right-of-way, and provide a copy of its certificate of public convenience and necessity (CPCN), if a CPCN has been issued by the California Public Utilities Commission.

7. A written description identifying the geographic service area for the subject installation, accompanied by a two-year master plan of anticipated future installations and/or modifications, including maps.

8. If the applicant claims it requires an exception to the requirements of this Chapter, all information and studies necessary for the city to evaluate that claim.

9. An application and processing fee, a deposit for a consultant review as set forth in paragraph (C) of this section, and a deposit for review by the city's attorney, in an amount set by resolution by the City Council.

10. Any other studies or information determined necessary by the Director may be required.

C. 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 or wireless telecommunications collocation facility. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility or wireless telecommunications collocation facility and shall address any or all of the following:

1. Compliance with applicable radio frequency emission standards;

2. Whether any requested exception is necessary to close a significant gap in coverage and is the least intrusive means of doing so;

3. The accuracy and completeness of submissions;

4. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;

5. The applicability of analysis techniques and methodologies;

6. The validity of conclusions reached or claims made by applicant;

7. The proposal of alternative sites and alternative designs; and

8. Any other specific technical issues designated by the city.

The cost of this review shall be paid by the applicant through a deposit pursuant to an adopted fee schedule resolution.

§ 17.46.070 DESIGN AND DEVELOPMENT STANDARDS FOR FACILITIES NOT WITHIN THE PUBLIC RIGHT-OF-WAY.

A. Basic Requirements. All wireless telecommunications facilities and wireless telecommunications collocation facilities that are located outside the public right-of-way
shall be designed and maintained so as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the design and development standards in this section.

B. General Guidelines.

1. The applicant shall employ screening and camouflage design techniques in the design and placement of wireless telecommunications facilities and wireless telecommunication collocation facilities in order to ensure that the facility is as visually inconspicuous as possible, to prevent the facility from dominating the surrounding area and to hide the facility from predominant views from surrounding properties, all in a manner that achieves compatibility with the community.

2. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment including landscaping, color, and other techniques to minimize the facility’s visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.

3. In no event shall the installation of facilities replace or interfere with parking spaces in such a way as to reduce the total number of parking spaces below the number that is required.

C. Traffic Safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.

D. Antennas. The applicant shall use the least visible antennas possible to accomplish the coverage objectives. Antenna elements shall be flush mounted, to the extent feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Antennas shall be situated as to reduce visual impact without compromising their function. Whip antennas need not be screened.

E. Building-Mounted and Roof-Mounted Facilities. Building-mounted and roof-mounted facilities shall be designed and constructed to be fully concealed or screened in a manner compatible with the existing architecture of the building the facility is mounted to in color, texture and type of material. Screening shall not increase the bulk of the structure nor alter the character of the structure.

F. Facilities Mounted to a Telecommunications Tower.

1. Facilities mounted to a telecommunications tower shall be located in close proximity to existing above-ground utilities, such as electrical towers or utility poles (which are not scheduled for removal or under grounding for at least eighteen (18) months after the date of application), light poles, trees of comparable heights, and in areas where they will not detract from the appearance of the city.

2. Facilities mounted to a telecommunications tower, including, but not limited to, the attached antennas, shall be designed to be the minimum functional height and width required to adequately support the proposed facility and meet Federal
Communications Commission requirements. The applicant shall provide documentation satisfactory to the Director establishing compliance with this subsection.

a. No facilities mounted to a telecommunications tower shall (i) exceed sixty (60) feet if located in a preferred location or (ii) exceed forty-five (45) feet if an exception is granted for locating the proposed facilities in a discouraged location.

b. No telecommunications tower shall be installed within two (2) times its height from any right-of-way.

3. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the telecommunications tower and shall be camouflaged or hidden to the fullest extent feasible without jeopardizing the physical integrity of the tower.

4. Monopole installations shall be situated so as to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening.

5. All antenna components and accessory wireless equipment shall be treated with exterior coatings of a color and texture to match the predominant visual background and/or existing architectural elements so as to visually blend in with the surrounding development. Subdued colors and non-reflective materials that blend with surrounding materials and colors shall be used.

6. Monopoles and antennas and similar structures shall be no greater in diameter or other cross-sectional dimensions than is necessary for the proper functioning of the facility. The applicant shall provide documentation satisfactory to the Director establishing compliance with this subsection.

7. If a faux tree is proposed for the monopole installation (i.e., monopine, monopalm, etc.), it shall be of a type of tree compatible with those existing in the immediate areas of the installation. If no trees exist within the immediate areas, the applicant shall create a landscape setting that integrates the faux tree with added species of a similar height and type. Additional camouflage of the faux tree may be required depending on the type and design of faux tree proposed.

G. Accessory Equipment. All accessory equipment associated with the operation of any wireless telecommunications facility or wireless telecommunications collocation facility shall be fully screened or camouflaged, and located in a manner to minimize their visibility to the greatest extent possible utilizing the following methods for the type of installation:

1. Accessory equipment for building-mounted or roof-mounted facilities shall be installed inside the building to which it is mounted or underground, if feasible. If not feasible, such accessory equipment may be located on the roof of the building that the facility is mounted on, provided that both the equipment and screening materials are painted the color of the building, roof, and/or surroundings. All screening materials for roof-mounted facilities shall be of a quality and design that is architecturally integrated with the design of the building or structure.
2. Accessory equipment for facilities mounted to a telecommunications tower shall be visually screened by locating the equipment either within a nearby building, in an underground vault (with the exception of required electrical panels) or in another type of enclosed structure, which shall comply with the development and design standards of the zoning district in which the accessory equipment is located. Such enclosed structure shall be architecturally treated and/or adequately screened from view by landscape plantings, decorative walls, fencing or other appropriate means, selected so that the resulting screening will be visually integrated with the architecture and landscaping of the surroundings.

H. Landscaping. Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, whether or not utilized for screening. Additional landscaping shall be planted where such vegetation is deemed necessary by the city to provide screening or to block the line of sight between facilities and adjacent uses.

I. Signage. Wireless telecommunications facilities and wireless telecommunications collocation facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

J. Lighting. No wireless telecommunications facility or wireless telecommunications collocation facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Lightning arresters and beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as telecommunications towers.

K. Noise.

1. 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.

2. 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 7:00 PM and 7:00 AM.

3. At no time shall equipment noise from any facility exceed an exterior noise level of fifty (50) dBA at the facility's property line if the facility is located in a business, commercial or manufacturing zone or a planned development or specific plan zone that permits those uses, provided, however, that for any such facility located within five hundred (500) feet of any property zoned residential or improved with a residential use, such equipment noise shall at no time be audible at the property line of such residential property, measured pursuant to the procedures specified in Chapter 9.44 of this code. For any facility located within a residential zone, such equipment noise shall at no time be audible at the property line of any residentially improved or residentially zoned property, measured pursuant to the procedures specified in Chapter 9.44 of this code.

4. All air conditioning units and any other equipment that may emit noise that would be audible from beyond the facility's property line shall be enclosed or equipped with noise attenuation devices to the extent necessary to ensure compliance with applicable noise limitations under this code.
L. **Security.** Each wireless telecommunications facility and wireless telecommunications collocation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The reviewing authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance.

M. **Modification.** At the time of modification of a wireless telecommunications facility or wireless telecommunications collocation facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

**§ 17.46.080 DESIGN AND DEVELOPMENT STANDARDS FOR FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY.**

A. **Basic Requirements.** All wireless telecommunications facilities and wireless collocation telecommunications facilities that are located within the public right-of-way shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the design and development standards in this section.

B. **General Guidelines.**

1. The applicant shall employ screening and camouflage design techniques in the design and placement of wireless telecommunications facilities and wireless telecommunication collocation facilities in order to ensure that the facility is as visually inconspicuous as possible, to prevent the facility from dominating the surrounding area and to hide the facility from predominant views from surrounding properties, all in a manner that achieves compatibility with the community.

2. Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise, and/or blend into the environment including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.

C. **Traffic Safety.** All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.

D. **Antennas.**

1. The applicant shall use the least visible antennas possible to accomplish the coverage objectives. Antenna elements shall be flush mounted, to the extent feasible. Whip antennas need not be screened.

2. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers.
3. Unless otherwise provided in this Section, antennas shall be situated to reduce visual impact without compromising their function.

4. Utility poles. The maximum height of any antenna mounted to an existing utility pole shall not exceed twenty four (24) inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than eighteen (18) feet above any drivable road surface. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as revised.

5. Street Light poles. The maximum height of any antenna mounted to a street light pole shall not exceed seven (7) feet above the existing height of a street light pole in a preferred location, and shall not exceed three (3) feet above the existing height of a street light pole in a discouraged location. Any portion of the antenna or equipment mounted on such a pole shall be no less than eighteen (18) feet above any drivable road surface.

E. Poles.

1. Only pole-mounted antennas shall be permitted in the right-of-way. All other telecommunications towers are prohibited, and no new poles are permitted that are not replacing an existing pole.

2. Pole height and width limitations:

a. All poles shall be designed to be the minimum functional height and width required to support the proposed antenna installation and meet Federal Communications Commission requirements. Poles and antennas and similar structures shall be no greater in diameter or other cross-sectional dimensions than is necessary for the proper functioning of the facility.

b. Notwithstanding the above, no facility shall be located on a pole that is less than twenty six (26) feet in height and no facility shall exceed sixty (60) feet in height, including, but not limited to the pole and any antenna that protrudes above the pole.

c. Pole mounted equipment shall not exceed six (6) cubic feet in dimension.

d. The applicant shall provide documentation satisfactory to the Director establishing compliance with this subsection.

3. Replacement poles. If an applicant proposes to replace a pole in order to accommodate the facility, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven (7) feet.

4. If an exception is granted for placement of new poles in the right-of-way, new poles shall be designed to resemble existing poles in the right-of-way, including size, height, color, materials and style, with the exception of any existing pole designs that are scheduled to be removed and not replaced, unless another design better accomplishes the objectives of this Section. Such new poles that
are not replacement poles shall be located no closer than ninety (90) feet to an existing pole.

5. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the pole and shall be camouflaged or hidden to the fullest extent feasible without jeopardizing the physical integrity of the pole.

F. Space Occupied. Facilities shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.

G. Location.

1. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right-of-way, or safety hazards to pedestrians and motorists.

2. A facility shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.

3. Facilities mounted to a telecommunications tower, above-ground accessory equipment, or walls, fences, landscaping or other screening methods shall be setback a minimum of eighteen (18) inches from the front of a curb.

4. All cables, including, but not limited to, electrical and utility cables, between the pole and any accessory equipment shall be placed underground, if feasible.

H. Americans with Disabilities Act Compliance. All facilities shall be built in compliance with the Americans with Disabilities Act (ADA).

I. Accessory Equipment. With the exception of the electric meter, which shall be pole-mounted to the extent feasible, all accessory equipment shall be located underground.

1. Unless staff determines that there is no room in the public right-of-way for undergrounding, an exception shall be required in order to place accessory equipment above-ground.

2. When above-ground is the only feasible location for a particular type of accessory equipment and cannot be pole-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five (5) feet and a total footprint of fifteen (15) square feet, and shall be screened and/or camouflaged to the fullest extent possible, including the use of landscaping or alternate screening. Required electrical meter cabinets shall be adequately screened and/or camouflaged.

J. Landscaping. Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, whether or not utilized for screening. Additional landscaping shall be planted, irrigated and maintained by applicant where such vegetation is deemed necessary by the city to provide screening or to block the line of sight between facilities and adjacent uses.
K. **Signage.** Wireless telecommunications facilities and wireless telecommunications collocation facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

L. **Lighting.** No wireless telecommunications facility or wireless telecommunications collocation facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Lightning arresters and beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.

M. **Noise.**

1. 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.

2. 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 7:00 PM and 7:00 AM.

3. At no time shall equipment noise from any facility exceed an exterior noise level of fifty (50) dBA three (3) feet from the source of the noise if the facility is located in a business, commercial or manufacturing zone or a planned development or specific plan zone that permits those uses; provided, however, that for any such facility located within five hundred (500) feet of any property zoned residential or improved with a residential use, such equipment noise shall at no time be audible at the property line of any such residential property, measured pursuant to the procedures specified in Chapter 9.44 of this code. For any facility located within a residential zone, such equipment noise shall at no time be audible at the property line of any residentially improved or residential zoned property, measured pursuant to the procedures specified in Chapter 9.44 of this code.

4. Any equipment that may emit noise that would be audible from beyond three (3) feet from the source of the noise shall be enclosed or equipped with noise attenuation devices to the extent necessary to ensure compliance with applicable noise limitations under this code.

N. **Security.** Each wireless telecommunications facility and wireless telecommunications collocation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The reviewing authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, antenna facilities have the potential to become an attractive nuisance.

O. **Modification.** At the time of modification of a wireless telecommunications facility or wireless telecommunications collocation facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.
§ 17.46.090 CONDITIONS OF APPROVAL FOR ALL FACILITIES.

A. In addition to compliance with the requirements of this Chapter, upon approval all facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the reviewing authority:

1. The permittee shall submit an as built drawing within ninety (90) days after installation of the facility.

2. Where feasible, as new technology becomes available, the permittee shall (1) place above-ground wireless telecommunications facilities below ground, including, but not limited to, accessory equipment that has been mounted to a telecommunications tower or mounted on the ground, and (2) replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required pursuant to the Monrovia Municipal Code.

3. The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. The permittee shall notify the city of any changes to the information submitted within seven (7) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:

   a. Identity, including the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the facility.

   b. The legal status of the owner of the wireless telecommunications facility, including official identification numbers and Federal Communications Commission certification.

   c. Name, address and telephone number of the property owner if different than the permittee.

4. Upon any transfer or assignment of the permit, the Director may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing permit and all of its conditions of approval including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a State-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Telecommunications Commission and the California Public Utilities Commission. If the Director determines that the proposed operation is not consistent with the existing permit, the Director shall notify the permittee who shall either revise the application or apply for modification of the permit pursuant to the requirements of the Monrovia Municipal Code.

5. The permittee shall not place any facilities that will deny access to, or otherwise interfere with, any public utility, easement, or right-of-way located on the site. The permittee shall allow the city reasonable access to, and maintenance of, all utilities and existing public improvements within or adjacent to the site, including, but not limited to, pavement, trees, public utilities, lighting and public signage.
6. At all times, all required notices and signs shall be posted on the site as required by the Federal Communications Commission and California Public Utilities Commission, and as approved by the city. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.

7. At all times, the permittee shall ensure that the facility complies with the most current regulatory and operational standards including, but not limited to, radio frequency emissions standards adopted by the Federal Communications Commission and antenna height standards adopted by the Federal Aviation Administration.

8. If the Director determines there is good cause to believe that the facility may emit radio frequency emissions that are likely to exceed Federal Communications Commission standards, the Director may require the permittee to submit a technically sufficient written report certified by a qualified radio frequency emissions engineer, certifying that the facility is in compliance with such FCC standards.

9. Permittee shall pay for and provide a performance bond, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under these conditions of approval and the City of Monrovia Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the Director in an amount rationally related to the obligations covered by the bond and shall be specified in the conditions of approval.)

10. If a nearby property owner registers a noise complaint and such complaint is verified as valid by the Police Department, Code Enforcement, or other city department, the city may hire a consultant to study, examine and evaluate the noise complaint and the permittee shall pay the fee for the consultant. The matter shall be reviewed by the Development Review Committee. If the Development Review Committee determines sound proofing or other sound attenuation measures should be required to bring the project into compliance with the Code, the Development Review Committee may impose that condition on the project after notice and a public hearing. (A condition incorporating the applicable noise limitations of this Chapter shall also be included in the conditions of approval.)

11. Permittee shall defend, indemnify, protect and hold harmless city, its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers from and against any and all claims, actions, or proceeding against the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers to attack, set aside, void or annul, an approval of the city, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The city shall promptly notify the permittee of any claim, action, or proceeding. Nothing contained herein shall prohibit city from participating in a defense of any claim, action or proceeding.
The city shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at permittee’s expense.

12. “Permittee” shall include the applicant and all successors in interest to this permit.

13. A condition setting forth the permit expiration date in accordance with Section 17.46.190 shall be included in the conditions of approval.

B. If a wireless telecommunications collocation facility is being approved, the phrase “wireless telecommunications collocation facility” shall be substituted in the above conditions wherever the phrase “wireless telecommunications facility” appears.

§ 17.46.100 ADDITIONAL CONDITIONS OF APPROVAL FOR FACILITIES IN THE PUBLIC RIGHT-OF-WAY.

A. In addition to compliance with the requirements of this Chapter, upon approval all facilities in the public right-of-way shall be subject to each of the conditions of approval set forth in section 17.46.090, each of the following conditions of approval, and any modification of these conditions or additional conditions of approval deemed necessary by the reviewing authority:

1. The wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the city engineer for the purpose of: (a) protecting the public health, safety, and welfare; (b) preventing interference with pedestrian and vehicular traffic; and/or (c) preventing damage to the public right-of-way or any property adjacent to it. The city may modify the permit to reflect such conditions, changes or limitations by following the same notice and public hearing procedures as are applicable to the grant of a wireless telecommunications facility permit for similarly located facilities, except the permittee shall be given notice by personal service or by registered or certified mail at the last address provided to the city by the permittee.

2. The permittee shall not transfer the permit to any person prior to completion of construction of the facility covered by the permit.

3. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property owned by the city shall be moved to accommodate a wireless telecommunications facility unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the city’s structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permittee shall provide the city with documentation establishing to the city’s satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement or property within the public right-of-way to be affected by applicant’s facilities.

4. The permittee shall assume full liability for damage or injury caused to any property or person by the facility.
5. The permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair within the number of days stated on a written notice by the Director, the Director shall cause such repair to be completed at permittee’s sole cost and expense.

6. Prior to issuance of a building permit, the applicant shall obtain the Director’s approval of a tree protection plan prepared by a certified arborist if the installation of the wireless telecommunication facility will be located within the canopy of a street tree, or a protected tree on private property, or within a ten (10) foot radius of the base of such a tree. Depending on site specific criteria (e.g., location of tree, size and type of tree, etc.), a radius greater than ten (10) feet may be required by the Director.

7. Insurance. 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 public 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. The insurance provided by permittee shall be primary to any coverage available to the city, and any insurance or self-insurance maintained by the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers shall be excess of permittee’s insurance and shall not contribute with it. The policies of insurance required by this permit shall include provisions for waiver of subrogation. In accepting the benefits of this permit, permittee hereby waives all rights of subrogation against the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers. The insurance must afford coverage for the permittee’s and the wireless provider’s use, operation and activity, vehicles, equipment, facility, representatives, agents and employees, as determined by the city’s risk manager. Before issuance of any building permit for the facility, the permittee shall furnish the city risk manager certificates of insurance and endorsements, in the form satisfactory to the city attorney or the risk manager, evidencing the coverage required by the city.

8. Indemnification. To the fullest extent permitted by law, the permittee, and every permittee and person in a shared permit, jointly and severally, shall defend, indemnify, protect and hold the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants,
employees and volunteers harmless from and against all claims, suits, demands, actions, losses, liabilities, judgments, settlements, costs (including, but not limited to, attorney's fees, interest and expert witness fees), or damages claimed by third parties against the city for any bodily or personal injury, and for property damage sustained by any person, arising out of, resulting from, or are in any way related to the wireless telecommunications facility, or to any work done by or use of the public right-of-way by the permittee, owner or operator of the wireless telecommunications facility, or their agents, excepting only liability arising out of the sole negligence or willful misconduct of the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers.

9. Should any utility company offer electrical service that does not require the use of a meter cabinet, the permittee shall at its sole cost and expense remove the meter cabinet and any related foundation within thirty (30) days of such service being offered and reasonably restore the area to its prior condition.

10. Relocation. The permittee shall modify, remove, or relocate its facility, or portion thereof, without cost or expense to city, if and when made necessary by (i) any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or aboveground facilities including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by city or any other public agency, (ii) any abandonment of any street, sidewalk or other public facility, (iii) any change of grade, alignment or width of any street, sidewalk or other public facility, or (iv) a determination by the Director that the wireless telecommunications facility has become incompatible with public health, safety or welfare or the public's use of the public right-of-way. Such modification, removal, or relocation of the facility shall be completed within ninety (90) days of written notification by city unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the facility shall require submittal, review and approval of a permit amendment pursuant to the Code. The permittee shall be entitled, on permittee's election, to either a pro-rata refund of fees paid for the original permit or to a new permit, without additional fee, at a location as close to the original location as the standards set forth in the Code allow. In the event the facility is not modified, removed, or relocated within said period of time, the city may cause the same to be done at the sole cost and expense of permittee. Further, due to exigent circumstances as provided in the Code, the city may modify, remove, or relocate wireless telecommunications facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.

11. Prior to the issuance of any encroachment or building permits, permittee shall enter into a right-of-way agreement with the city in accordance with Monrovia Municipal Code Section 17.46.120.

B. If a wireless telecommunications collocation facility is being approved, the phrase “wireless telecommunications collocation facility” shall be substituted in the above conditions wherever the phrase “wireless telecommunications facility” appears.

§ 17.46.110 FINDINGS.

A. In addition to findings necessary to approve a conditional use permit or minor conditional use permit, as applicable, no permit shall be granted for a wireless telecommunications
facility or a wireless telecommunications collocation facility unless all of the following findings are made by the reviewing authority:

1. The proposed facility has been designed and located in compliance with all applicable provisions of this Chapter.

2. The proposed facility has been designed and located to achieve compatibility with the community to the maximum extent reasonably feasible.

3. The applicant has submitted a statement of its willingness to allow other carriers to collocate on the proposed wireless telecommunications facility wherever technically and economically feasible and where collocation would not harm community compatibility.

4. Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare and will not exceed the standards set forth in this Chapter.

B. In addition to the findings in (A) above, approval of a wireless telecommunications facility permit or a wireless telecommunications collocation facility permit for a facility that will be located in the public right-of-way may be granted only if the following findings are made by the reviewing authority:

1. The applicant has provided substantial written evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.

2. The applicant has demonstrated that the facility will not interfere with the use of the public right-of-way and existing subterranean infrastructure and will not interfere with the city's plans for modification of such location and infrastructure.

§ 17.46.120 AGREEMENT FOR FACILITIES ON CITY-OWNED PROPERTY OR PUBLIC RIGHT-OF-WAY.

A. No approval granted under this Chapter for locating facilities on city-owned property or in the public right-of-way shall be effective until the applicant and the city have executed a written agreement establishing the particular terms and provisions under which the right to occupy city-owned property or the public right-of-way, or both, shall be used or maintained. Such agreement shall include, but not be limited to, the following:

1. Inspection and maintenance requirements.

2. Indemnification of the city.

3. Insurance requirements.

4. Waiver of monetary damages against the city.

5. Removal, restoration and clean-up requirements.

6. Requirement to pay possessory interest taxes, if any.
§ 17.46.130 NONEXCLUSIVE GRANT.

No approval granted under this Chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for delivery of telecommunications services or any other purposes. Further, no approval shall be construed as any warranty of title.

§ 17.46.140 WIRELESS TELECOMMUNICATIONS COLLOCATION FACILITIES.

A. Purpose. The purpose of this section is to comply with the requirements of California Government Code Section 65850.6. This section provides the requirements, standards and regulations for a wireless telecommunications collocation facility for which subsequent collocation is a permitted use. Only those facilities that fully comply with the eligibility requirements set forth in California Government Code Section 65850.6, or its successor provision, and which strictly adhere to the requirements and regulations set forth in this section shall qualify as a wireless telecommunications collocation facility.

B. In addition to any other permit required by this code, a wireless telecommunications collocation facility shall be subject to either a minor conditional use permit or a conditional use permit. Whether the permit is a conditional use permit or a minor conditional use permit will depend upon the location, based upon the type of permit that would be required by this Chapter if a wireless telecommunications facility permit was instead requested.

C. All requirements, regulations and standards set forth in this Chapter for a wireless telecommunications facility shall apply to a wireless telecommunications collocation facility; provided, however, the following shall also apply to a wireless telecommunications collocation facility:

1. The applicant for a wireless telecommunications collocation facility permit shall answer each question or request on the required supplemental application form so as to describe or depict:
   a. the wireless telecommunications collocation facility as it will be initially built, and
   b. all collocations at full build-out, including, but not limited to, all antennas, antenna support structures and accessory equipment.

2. Any collocation shall use screening methods substantially similar to those used on the existing wireless telecommunications facilities unless other optional screening methods are specified in the conditions of approval.

3. A wireless telecommunications collocation facility permit shall not be approved unless an environmental impact report, negative declaration, or mitigated negative declaration was prepared and approved for the wireless telecommunications collocation facility.

D. Notwithstanding any other provision of this Chapter, a subsequent collocation on a wireless telecommunications collocation facility shall be a permitted use if:

1. The wireless telecommunications collocation facility:
   a. was approved after January 1, 2007, by discretionary permit;
b. was approved subject to an environmental impact report, negative declaration, or mitigated negative declaration; and

c. otherwise complies with the requirements of Government Code Section 65850.6(b), or its successor provision, for addition of a collocation facility to a wireless telecommunications collocation facility, including, but not limited to, compliance with all performance and maintenance requirements, regulations and standards in this Chapter and the conditions of approval in the wireless telecommunications collocation facility permit; and

d. provided, however, only those collocations that were specifically considered when the relevant environmental document was prepared are a permitted use.

2. Before collocation, the applicant seeking collocation shall obtain all other applicable non-discretionary permit(s), as required pursuant to this Code.

E. Although subsequent collocation under the conditions specified in paragraph (D) above is a permitted use, the owner of the facilities that will be collocated may voluntarily submit a wireless telecommunications facility application for the proposed collocation for the Director's determination whether the collocation is a permitted use that meets the requirements of this Chapter. Any collocation facility that does not meet the requirements of this Chapter and is installed without first obtaining a wireless telecommunications permit is subject to immediate abatement and all other remedies available to the city pursuant to this code.

F. Except as otherwise provided above, approval of a new or amended facility permit shall be required when the facility is modified other than by collocation in accordance with this section, or the proposed collocation:

1. Increases the height of the existing permitted telecommunications tower or otherwise changes the bulk, size, location, or any other physical attributes of the existing permitted wireless telecommunications collocation facility unless specifically permitted under the conditions of approval applicable to such wireless telecommunications collocation facility; or

2. Adds any microwave dish or other antenna not expressly permitted to be included in a collocation facility by the conditions of approval.

§ 17.46.150 BUSINESS LICENSE.

A permit issued pursuant to this Chapter shall not substitute for any business license otherwise required under this Code.

§ 17.46.160 EMERGENCY DEPLOYMENT.

A COW shall be permitted in all zoning districts for the duration of an emergency declared by the city or at the discretion of the Director.
§ 17.46.170 OPERATION AND MAINTENANCE STANDARDS.

All wireless telecommunications facilities and wireless telecommunications collocation facilities must comply at all times with the following operation and maintenance standards. All necessary repairs and restoration shall be completed by the permittee, owner or operator within forty-eight (48) hours (i) after discovery of the need by the permittee, owner, operator or any designated maintenance agent or (ii) after permittee, owner, operator or any designated maintenance agent receives notification from a resident or the Director.

A. Each permittee of a wireless telecommunications facility or wireless telecommunications collocation facilities shall provide the Director with the name, address and 24-hour local or toll free contact phone number of the permittee, the owner, the operator and the agent responsible for the maintenance of the facility (“contact information”). Contact information shall be updated within seven (7) days of any change.

B. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:

1. General dirt and grease;
2. Chipped, faded, peeling, and cracked paint;
3. Rust and corrosion;
4. Cracks, dents, and discoloration;
5. Missing, discolored or damaged artificial foliage or other camouflage;
6. Graffiti, bills, stickers, advertisements, litter and debris;
7. Broken and misshapen structural parts; and
8. Any damage from any cause.

C. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in good condition at all times, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the Director.

D. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.

E. Each facility shall be operated and maintained at all times in compliance with applicable federal regulations, including Federal Communications Commission radio frequency emissions standards.

F. Each facility shall be operated and maintained to comply at all times with the noise regulations of this Chapter, and shall be operated and maintained in a manner that will minimize noise impacts to surrounding residents. Except for emergency repairs, any
testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, excluding holidays, unless alternative hours are approved by the Director. Backup generators, if permitted, shall only be operated during periods of power outages or for testing.

G. If a flagpole is used for camouflaging a wireless telecommunications facility, flags shall be flown and shall be properly maintained at all times.

H. Each owner or operator of a facility shall routinely inspect each site to ensure compliance with the standards set forth in this section and the conditions of approval.

§ 17.46.180 NO DANGEROUS CONDITIONS OR OBSTRUCTIONS ALLOWED.

No person shall install, use or maintain any wireless telecommunications facility or wireless telecommunications collocation facility which in whole or in part rests upon, in or over any public sidewalk or parkway, 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 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.

§ 17.46.190 PERMIT EXPIRATION.

A. A permit for any wireless telecommunications facility or wireless telecommunication collocation facility shall be valid for a period of ten (10) years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten (10) years from the date of issuance, such permit shall expire.

B. A permittee may apply for extensions of its permit in increments of ten (10) years no sooner than six (6) months prior to expiration of the permit.

C. If a permit has not expired at the time application is made for an extension, the Director may administratively extend the term of the permit for subsequent ten (10) year terms upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other applicable provisions of this code that are in effect at the time the permit extension is granted.

1. At the Director’s discretion, additional studies and information may be required of the applicant.

2. If the Director determines that the facility is nonconforming or that additional conditions of approval are necessary to bring the facility into compliance with the provisions of this code that are then in effect at the time of permit expiration, the Director shall refer the extension request to the Planning Commission.

D. The request for an extension shall be decided by the Planning Commission if the permit expired before the application is made for an extension or if the Director refers the matter to the Planning Commission. After notice and a public hearing, the Planning Commission may approve, conditionally approve or deny the extension.
§ 17.46.200  CESSATION OF USE OR ABANDONMENT.

A. A wireless telecommunications facility or wireless telecommunications collocation facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for ninety (90) or more consecutive days. If there are two (2) or more users of a single facility, then this provision shall not become effective until all users cease using the facility.

B. The operator of a facility shall notify the city in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten (10) days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the Director of any discontinuation of operations of thirty (30) days or more.

C. Failure to inform the Director of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for:

1. Prosecution;

2. Revocation or modification of the permit;

3. Calling of any bond or other assurance required by this article or conditions of approval of the permit;

4. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner’s expense; and/or

5. Any other remedies permitted under this code.

§ 17.46.210  REMOVAL AND RESTORATION – PERMIT EXPIRATION, REVOCAATION OR ABANDONMENT.

A. Permittee’s Removal Obligation. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the permittee, owner or operator shall remove its wireless telecommunications facility or wireless telecommunications collocation facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. The facility shall be removed from the property within thirty (30) days, at no cost or expense to the city. If the facility is located on private property, the private property owner shall also be independently responsible for the expense of timely removal and restoration.

B. Failure to Remove. Failure of the permittee, owner or operator to promptly remove its facility and restore the property within thirty (30) days after expiration, earlier termination or revocation of the permit, or abandonment of the facility, shall be a violation of this code, and be grounds for:

1. Prosecution;
2. Calling of any bond or other assurance required by this Chapter or conditions of approval of permit;

3. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner’s expense; and/or

4. Any other remedies permitted under this code.

C. **Summary Removal.** In the event the Director determines that the condition or placement of a wireless telecommunications facility or wireless telecommunications collocation facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, “exigent circumstances”), the Director may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall be served upon the person who owns the facility within five (5) business days of removal and all property removed shall be preserved for the owner’s pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within sixty (60) days, the facility shall be treated as abandoned property.

D. **Removal of Facilities by City.** In the event the city removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removed by the city due to exigent circumstances.

§ 17.46.220 EXCEPTIONS.

A. Exceptions pertaining to any provision of this Chapter, including, but not limited to, exceptions from findings that would otherwise justify denial, may be granted by the reviewing authority at a noticed public hearing if the reviewing authority makes the finding that (i) denial of the facility as proposed would violate state and/or federal law, or (ii) a provision of this Chapter, as applied to applicant, would deprive applicant of its rights under state and/or federal law. An applicant may only request an exception at the time of applying for a wireless telecommunications facility permit or wireless telecommunications facility collocation permit.

B. Notwithstanding any other provision of this Chapter, a conditional use permit shall be required for a facility when an exception is requested.

C. The applicant shall have the burden of proving that denial of the facility as proposed would violate state and/or federal law, or the provisions of this Chapter, as applied to applicant, would deprive applicant of its rights under state and/or federal law, using the evidentiary standards required by that law at issue. The city shall have the right to hire an independent consultant, at the applicant’s expense, to evaluate the issues raised by the exception request and shall have the right to submit rebuttal evidence to refute the applicant’s claim.
D. Notwithstanding any other provision of this Section, in no event shall an exception be granted to allow a wireless telecommunications facility or wireless telecommunications collocation facility to locate in any of the following districts, zones, areas or locations:

1. On a lot zoned for single family residential use that is not common area;
2. On a lot occupied with a single family home;
3. In the right-of-way directly adjacent to the front elevation of a single family residential use; or
4. In any public right-of-way location that abuts the property line of a structure recognized as a local, state or national historic landmark, historic district or on the register of historic places.

§ 17.46.230 EFFECT ON OTHER ORDINANCES.

Compliance with the provisions of this Chapter shall not relieve a person from complying with any other applicable provision of this code. In the event of a conflict between any provision of this Chapter and other provisions of this code, this Chapter shall control.

§ 17.46.240 EFFECT OF STATE OR FEDERAL LAW.

A. In the event it is determined by the city attorney that state or federal law prohibits discretionary permitting requirements for certain wireless telecommunications facilities or wireless telecommunications collocation facilities, the permits required by this Chapter for those facilities shall be deemed to be ministerial permits. Such a determination by the city attorney shall be in writing with citations to legal authority and shall be a public record. For those facilities, in lieu of a minor conditional use permit or a conditional use permit, a ministerial permit shall be required prior to installation or modification of a wireless telecommunications facility or a wireless telecommunications collocation facility, and all provisions of this Chapter shall be applicable to any such facility with the exception that the required permit shall be reviewed and administered as a ministerial permit by the Director rather than as a discretionary permit. Any conditions of approval set forth in this Chapter or deemed necessary by the Director shall be imposed and administered as reasonable time, place and manner rules.

B. If subsequent to the issuance of the city attorney's written determination pursuant to (A) above, the city attorney determines that the law has changed and that discretionary permitting is permissible, the city attorney shall issue such determination in writing with citations to legal authority and all discretionary permitting requirements shall be reinstated. The city attorney's written determination shall be a public record.

SECTION 10. Section 17.48.080 "Nonconforming Wireless Telecommunications Facilities and Wireless Telecommunications Collocation Facilities" is hereby added to Chapter 17.48 of Title 17 of the Monrovia Municipal Code to read as follows:

"§ 17.48.080 NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES AND WIRELESS TELECOMMUNICATIONS COLLOCATION FACILITIES.

A. Any wireless telecommunication facility or wireless telecommunications collocation facility that was lawfully constructed prior to June 18, 2011, which does not comply with
the standards, regulations and/or requirements of Chapter 17.46, shall be deemed a nonconforming structure.

B. A nonconforming wireless telecommunications facility or nonconforming wireless telecommunications collocation facility may be continued in use so long as it is in compliance with all laws other than the regulations of this Title 17, subject to the following provisions:

1. Nonconforming wireless telecommunications facilities and wireless telecommunications collocation facilities shall, within ten (10) years from the date such facility becomes nonconforming, bring the facility into conformity with all requirements of this Title; provided, however, that should the owner desire to expand or modify the facility, or make some other change in excess of that permitted pursuant to section 17.48.040, the owner shall comply with all applicable provisions of this code at such time.

2. When a nonconforming wireless telecommunications facility or wireless telecommunications collocation facility is abandoned or vacated for a continuous period of ninety (90) days or more, such facility shall conform to the regulations of the district in which the property is located or shall be removed in accordance with Chapter 17.46 of this Code if it cannot be made to conform.

3. An aggrieved person may file an appeal to the City Council of any decision of the Director made pursuant to this section. In the event of an appeal alleging that the ten (10) year amortization period is not reasonable as applied to a particular property, the City Council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property.

SECTION 11. Section 17.52.140 of Chapter 17.52, Title 17 of the Monrovia Municipal Code is hereby amended in its entirety to read as follows:

"§17.52.140 MINOR CONDITIONAL USE PERMITS.

In appropriate cases as listed in Chapter 17.08 and 17.46, the Committee shall have the power to grant minor conditional use permits."

SECTION 12. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 13. Effective Date. This Ordinance shall go into effect on the 31st day after its adoption.
SECTION 14. Certification. The City Clerk of the City of Monrovia shall certify to the
passage and adoption of this Ordinance and shall cause a summary thereof to be published and
posted in the manner required by law.

INTRODUCED this 3rd day of May, 2011.

PASSED, APPROVED AND ADOPTED this 17th day of May, 2011, by the following vote:

AYES: Councilmembers Adams, Shaw, Shevlin, Mayor Pro Tem Garcia, Mayor Lutz
NOES:
ABSTAIN:
EXCUSED:

BY:

Mary Ann Lutz, Mayor
City of Monrovia

ATTEST:

Alice D. Atkins, CMC, City Clerk
City of Monrovia

APPROVED AS TO FORM:

Craig Steele, City Attorney
City of Monrovia
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF MONROVIA

I, ALICE D. ATKINS, CMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing Ordinance No. 2011-04, an ordinance adding a new Chapter 17.46 entitled "Wireless Telecommunications Facilities" to Title 17 (Zoning) of the Monrovia Municipal Code, making conforming changes to the Monrovia Municipal Code and repealing ordinance No. 2009-02U, an interim urgency ordinance relating to wireless communication facilities, been published pursuant to law, and was duly adopted and passed at a public hearing at a regular meeting of the City Council on the 17th day of May, 2011, by the following vote:

AYES: Councilmembers Adams, Shaw, Shevlin, Mayor Pro Tem Garcia, Mayor Lutz
NOES:
ABSTAIN:
EXCUSED:

ATTEST:

Alice D. Atkins, CMC, City Clerk
City of Monrovia