

AN ORDINANCE PROVIDING FOR ADOPTION OF SMALL CELL AESTHETIC STANDARDS,
THE APPLICATION PROCESS AND FEES FOR THE CITY OF RUSSELL, KANSAS, AND
AMENDING THE CITY CODE TO ADD ARTICLE 13 TO CHAPTER XII

WHEREAS, the governing body of the City of Russell, Kansas finds it advisable to adopt clear and consistent aesthetic standards for placement of small cell antenna structures within the public right-of-way; and

WHEREAS, the governing body of the City of Russell, Kansas likewise finds it advisable to adopt a review process for applications submitted in accordance with the aesthetic standards for placement of small cell antenna structures; and

WHEREAS, the governing body of the City of Russell likewise finds it advisable to adopt a fee schedule for applications submitted in accordance with the aesthetic standards for placement of small cell antenna structures and annual access fees.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS:

Section 1. The Code of the City of Russell is hereby amended by adding Article 13 to Chapter XII which reads as follows:

12-1301. Aesthetic Standards for Placement of Small Cell Antenna Structures. Aesthetic standards for placement of small cell antenna structures shall be adopted by resolution of the city council and are declared to be the official aesthetic standards for the jurisdiction of the city. Said standards as initially adopted and thereafter amended shall constitute the basis for determination of approval of applications submitted after the effective date of the Resolution for placement of small cell antenna structures.

12-1302. Application and Annual Access Fees. Application and annual access fees shall be set from time to time by Resolution of the city council.

12-1303. Application Time Limits.

Applications shall be subject to the following time limits:

- (a) Applications must be reviewed for completeness and applicant shall be notified in writing if the application is determined to be unacceptable within 10 days of submission.
- (b) Re-submitted applications shall be reviewed for completeness and applicant shall be notified in writing if the application is unacceptable within 10 days of submission.
- (c) An application to collocate a small wireless facility on an existing structure shall be acted on within 60 days of application.
- (d) An application to request a non-substantial modification, including modifications to macro towers, shall be acted on within 60 days of application.

- (e) An application to collocate a facility other than a small wireless facility using an existing structure shall be acted on within 90 days of application.
- (f) An application for a small wireless facility using a new structure shall be acted on within 90 days of application.
- (g) An application for a facility other than a small wireless facility using a new structure shall be acted on within 150 days of application.
- (h) Written notification to the applicant that the application is unacceptable will toll the time limits until an acceptable application is filed with the city.

Section 5. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

PASSED this 2nd day of April, 2019, by the City of Russell, Kansas, governing body.

APPROVED this 2nd day of April, 2019, by the Mayor of the City of Russell, Kansas.


Raymond C. Mader, Mayor

ATTEST:



Katrina Woelk, City Clerk

