

ADMINISTRATIVE POLICIES OF THE MILWAUKEE PUBLIC SCHOOLS

ADMINISTRATIVE POLICY 5.03 WIRELESS COMMUNICATION FACILITIES

(1) DEFINITIONS

(a) “Wireless communications” shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

(b) “Wireless communication facility” (WCF) shall mean any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, and equipment facility, and a support structure to achieve the necessary elevation.

(c) “Attached wireless communication facility” (Attached WCF) shall mean an antenna array that is attached to an existing building or structure (attachment structure), which structures shall include, but not be limited to, utility poles, signs, or water towers, with any accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility, which may be located either inside or outside of the attachment structure.

(2) STATEMENT OF POLICY

(a) Milwaukee Public Schools may allow the use of district property and/or facilities for siting wireless communication facilities for commercial mobile services and wireless common carrier access exchange services, as defined by Federal law and Federal regulations, as long as the WCF does not disrupt or unnecessarily interfere with the primary function served by the district-owned land or building space. The Division of Facilities and Maintenance Services may negotiate with service providers to develop lease agreements to place wireless facilities on school buildings, towers and other district properties.

(b) It is declared to be the policy of the Milwaukee Board of School Directors to impose and collect a rental fee in all cases involving the installation of a WCF on district-owned land or building space. The rental fee to be charged shall also take into account the cost to the district for utilities, maintenance, and services, where applicable. Nothing shall be deemed to prohibit the district from accepting a valuable consideration from the provider in lieu of the usual and customary rental payment.

(c) Negotiations with WCF providers shall be in accordance with district policies affecting property management, reuse, and disposition, and the following guidelines and requirements.

(3) GUIDELINES FOR PROPOSALS

All lease agreements between the district and providers of wireless communications services for the placement of a WCF on district-owned land or building space must conform to the following guidelines:

(a) Reimbursement of costs

The district shall charge an initial non-refundable fee of \$1,000 to the entity proposing placement of a WCF on district-owned land or building space as reimbursement for review services, testing, site evaluations, and construction monitoring (including site preparation, restoration, and other required services such as filing permits, easements, review of electromagnetic frequency radiation, and conformance with ANSI standards).

(b) Lease Fees

The Division of Facilities and Maintenance Services shall negotiate the terms of the lease. The lease fees shall, at a minimum, cover all district expenses. Any revenue generated by the lease fees at school sites that exceed district expenses shall be placed in the local school budget. All lease fees generated at non-school sites shall be placed in the Construction Fund.

(c) Landscaping

The WCF shall be landscaped to meet generally accepted landscape guidelines required by the Division of Facilities and Maintenance Services. Existing mature tree growth and natural land forms on the site shall be preserved, provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed. Existing vegetation on site may be used in lieu of required landscaping where approved by the district. The district may require a tree protection plan for mature trees and/or compensation for trees that are removed.

(d) Ecosystem Disruption

The WCF should not disrupt any endangered ecosystem or area where irreplaceable trees or other vegetation exists. If any ecosystem is disrupted, the district has the option of requiring that an ecologically similar system designed to the district's specifications be re-established at a site of the district's choosing. The district may refuse the WCF if mutual agreement cannot be reached on this matter.

(e) Aesthetics/Placement, Materials, and Colors.

1. Attached WCFs which are significantly visible to the adjacent residences shall be designed so as to blend in with the existing structure, including placement in a location which is consistent with proper functioning of the WCF, and the use of compatible or neutral colors.
2. Attached WCFs which are significantly visible to adjacent residences and which have aesthetic impacts that are not able to be reasonably mitigated by placement and color solutions can be required to be screened.
3. WCFs with support structures shall be designed so as to blend in with the existing surroundings, including the use of compatible colors.
4. Equipment Facilities shall use materials, colors and textures that will blend with the natural setting and built environment.

(f) Lighting

WCFs shall not be artificially lighted, except for:

1. security and safety lighting of equipment buildings if such lighting is appropriately downshielded to keep light within the boundaries of the site; and
2. such lighting of the WCF as may be required by the Federal Aviation Administration or other applicable authority, installed in a manner to minimize impacts on adjacent residences.

(g) Noise

No equipment shall be operated at a WCF so as to produce noise in excess of the applicable noise standards under local zoning ordinances, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Applicants for WCFs shall be required to provide information on the projected noise of the facility and how this meets the applicable noise standard.

(h) Security Fencing

WCFs with support structures shall be enclosed by a security fence not less than six feet in height, and the support structure shall be equipped with an appropriate anti-climbing device, provided,

however, that the governing authority may waive such requirements, as it deems appropriate; however, nothing herein shall prevent security fencing which is necessary to meet other requirements of municipal, state, or federal agencies. The district may require special features on fencing, including a specified color and type, and may also require landscaping to enhance the aesthetic quality of the fencing.

(i) Radio Frequency Emissions

The Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction of the field of regulation of radio frequency emissions, and WCFs which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts. In order to provide information to our citizens, copies of ongoing FCC information concerning WCFs and radio frequency emission standards shall be made available. Applicants for WCFs shall be required to provide information on the projected power density of the facility and how this meets the FCC standards. The district may require independent verification at the applicant's cost. The district may require additional review and testing of any antennas that are added after initial installation or if there are power upgrades or frequency changes.

(j) Structural Integrity

WCFs with support structures must be constructed to meet applicable federal, state and municipal codes, ordinances, and regulations. The Division of Facilities and Maintenance Services shall have authority to inspect the structural integrity of the WCF and Support Structures.

(k) Maintenance

The WCF provider shall maintain the WCF. Such maintenance shall include, but not be limited to, painting, structural integrity, and landscaping. In the event that the provider fails to maintain the WCF to adequately address visual impacts or public safety, the district may undertake the maintenance at the expense of the provider or may terminate the lease agreement.

(4) SHARED FACILITIES AND CO-LOCATION POLICY

FCC licensed wireless communication providers are encouraged to construct and site their WCFs with a view towards sharing facilities with other utilities, towards co-location with other existing WCFs, and towards accommodating the future co-location of other future WCFs. An FCC-licensed wireless communication provider proposing a new WCF with a Support Structure shall demonstrate that it has made a reasonable attempt to find a co-location site acceptable to engineering standards and that none was practically or economically feasible.

(5) REMOVAL OF ABANDONED WCFs

(a) At such time that a WCF provider plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such provider shall notify the Division of Facilities and Maintenance Services in writing of the proposed date of abandonment or discontinuation of operations. In the event that the provider fails to give such notice, the WCF shall be considered abandoned if it is not operated for a continuous period of twelve (12) months.

(b) Upon abandonment or discontinuation of use, the provider shall physically remove the WCF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to, removal of antennae, mounts, equipment cabinets, and security barriers from the subject property and restoration of the location of the WCF to its natural condition. If such WCF is not removed within said ninety (90) days in accordance with the above, the school district may remove such WCF at the owner's expense.

(c) If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

(6) OTHER SIMILAR INSTALLATIONS

The district may apply applicable guidelines from this policy to the consideration of proposals to site similar communications installations, such as above- or below-ground wire and fiber optic media, on district-owned land or building space, provided that no specific policy regarding such installations exists.

(7) TERMINATION FOR BREACH

The district shall have the right to terminate the lease agreement in the event that the wireless communications provider defaults in the performance of any of the responsibilities contained in this policy, including but not limited to non-payment, damage to property, or interference with the district's use of the property or facility.

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