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Technology

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Checklist for Municipal Codes Addressing Small Cell Installations

1. The code requires applicants to document the specific personal wireless communication problem being addressed by the antenna installation and why the selected location is the least intrusive means of solving the problem. The code clearly defines "adequate coverage" as occurring when a wireless carrier's coverage is such that most customers can successfully use the carrier's service most the time in most locations within the municipality.
2. The code requires the submission, under penalty of perjury, of certified "drive test" results (for inadequate coverage) and dropped call reports (for lack of capacity) that document gaps in coverage that will be remedied by the proposed antenna(s), and evidence that the proposed location is the least intrusive means to ensure adequate coverage.
3. The code specifies tiered preference areas for installation of antennas (industrial, then commercial, and then residential). The applicant must provide written documentation of significant effort to place antennas in non-residential areas, away from schools and daycare centers (due to fire or pole failure), and proof that such alternate sites will not result in adequate coverage before a permit is issued.
4. The code requires applicants to document possession of liability insurance which **does not** exclude coverage for health claims due to radiofrequency (RF) radiation exposure (in insurance parlance, a "pollution exclusion"). Self insurance may be acceptable if the insurance is issued to the parent company (e.g., Verizon), not the contractor, agent or a company subdivision.
5. The code requires applicant to post conspicuous signs of pending applications at proposed sites (where permitted) and provide proof that all property owners within 500 feet of the proposed antenna installation have been notified of the application by certified mail.
6. The code requires applications and permits for all types of RF antennas, including free-standing, pole mounted, structure-mounted and strand-mounted antennas.
7. The code requires a certified engineer to attest, under penalty of perjury, that the operational antenna will meet current government radiation exposure limits for the general public, not occupational limits, which are substantially higher.
8. The code requires that FCC safety limits apply to the **aggregate** emissions of all co-located equipment, not just emissions of single antennas. In the event such aggregate emissions exceed FCC guidelines, all antennas must be turned off until the emissions are lowered to acceptable limits.

9. The code permits the municipality to hire an independent RF engineer to conduct random, unannounced RFR emission testing of any or all antenna installation(s) at the expense of the operator and provides for substantial penalties for violations of FCC safety limits.

10. The code requires applicants to certify that the company is subject to all local state and federal laws, including the Americans with Disabilities Act, and that the operation of the antennas will not jeopardize the health and well-being of any citizens.

This information is intended for educational purposes only. It is not intended to offer and should not be construed as legal advice. Please consult with qualified legal experts for applications and restrictions in your state.