

**Highlights of Fairfax, California's
2019 Wireless Ordinance- (Updated 6-5-20)**

Americans With Disabilities Act – ADA compliance is required for physical construction of all facilities, including those being considered for exceptions to these provisions. The ADA is included in the “Compliance with Laws” provision, which states that laws can be “broadly construed.”

Appeals- Appeals of applications are allowed by members of the public.

Conditional Use Permit- Conditional Use Permit is required, along with any building permit required by the Town Code.

Decorative Light Poles – Mounting on decorative light poles is prohibited, unless replaced by matching pole.

Distance Separating Wireless Facilities- Antenna facilities must be not be closer than 1500 feet apart.

Eligible Facilities Request Notification – Eligible Facility Request refers to any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station. The provision opens door for automatic installation of 5G. Such a request requires public notice.

Encroachment permit- Encroachment permits are required in the public right-of-way.

Endangered Species Act- ESA assessment required. Antenna installations are prohibited in areas where endangered species are known to exist.

Exceptions Chapter – Rigorous and comprehensive exceptions chapter, which is modeled after the neighboring town of San Anselmo’s ordinance.

Fee for Inspections- Fees can be charged by the Town for inspections by town staff or contractors and are to be paid for by applicant.

Height Limits – Antennas must be located at least 18 feet above roadway.

Indemnification and Insurance- Required by ordinance.

Independent Expert (monitoring)- The ordinance allows for town to hire an independent expert, at the expense of the applicant, with maximum latitude as to how and when monitoring is done.

Story Poles- Mapping, photo simulations, story poles, and site mock-ups are required for all applications.

Noise Limits- Noise for fans and other active/electronic equipment must not exceed existing Town noise limits.

Public Notice – At applicant’s expense, all owners and occupants within a 300- foot radius of proposed site must be notified by mail; information regarding the application shall be displayed on the outside of the envelope.

Prohibition in residential areas- Antenna equipment installations are prohibited in all residential zones of the Town.

Recertification annually – As per Burlington, MA’s ordinance, all equipment must be recertified annually.

Ridgelines- Antennas are prohibited from being installed on ridgelines.

Setbacks – Antennas setbacks are required at a minimum of 300 feet from daycare centers, schools, playgrounds, parks, ballfields, and medical facilities. Setbacks are a minimum of 50 feet from all residences (for antennas placed in non-residential zones).

Severability- If any section, subsection, sentence, clause, phrase or word in the Ordinance is deemed invalid or unconstitutional by any competent court, or preempted by legislation, such decision shall not affect the validity of the rest of the Ordinance.

Testing – Facilities must be tested while operating by themselves and in combination with other existing or approved facilities, operating at maximum power densities at all relevant frequencies.

Tree Protection- Assessment by a certified arborist must be conducted for areas surrounding antenna site.

Undergrounding- Placing equipment underground is required in the Town’s undergrounding districts.

Warning signs- Warning signs are required to be posted about radiation from antenna sites on all poles containing antennas.