

Section 17.10 Requirements for Removal, Replacement, Maintenance and Repair

- 1. Replacement of Municipal-Owned Wireless Support Structure.** If an applicant applies to install a small cell facility on a Town-owned wireless support structure, the Town may require replacement or modification of the wireless support structure at operator cost if the Town determines that replacement or modification is necessary for compliance with building and safety codes. Such replacement or modification shall conform to the Wireless Facilities Design Guidelines. The Town shall retain ownership of the replacement or modified wireless support structure.
- 2. Removal or Relocation Required for Town Project.**
 1. An operator shall remove or relocate a permitted small cell facility and/or wireless support structure at the operator's sole expense to accommodate construction of a public improvement project by the Town, county, state or federal government.
 2. If an operator fails to remove or relocate the small cell facility or wireless support structure or portion thereof as requested by the Town within 180 days of written notice, then the Town may remove the small cell facility or wireless support structure, or portion thereof and bill the operator for the required work.
- 3. Removal Required by Town for Safety and Imminent Danger.** An operator shall, at its sole expense, promptly remove or relocate a small cell facility and/or wireless support structure within the time frame and in the manner required by the Town if it is determined that the removal or relocation of any part of a small cell facility or wireless support structure:
 1. Is necessary to protect the public health, safety and welfare of Town residents or property; or
 2. If the operator fails to obtain all applicable licenses, permits and certifications as required by law for a small cell facility or wireless support structure.
- 4. Removal/Abandonment of Facilities.** An operator shall remove a small cell facility or wireless support structure within 60 days of terminating operation or within 60 days of receipt of written notice from the Town. When wireless facilities and other utilities in the own become inactive, the operator shall notify the Town, in writing, and shall file with the Town the location and description of each inactive small cell facility and/or wireless support structure. Any facility which ceases operation for 12

consecutive months shall be determined abandoned and the Town will remove the facility at the operator's sole expense.

5. **Restoration.** An operator shall repair any damage to the Town, any facilities located within the Town, and/or the property of any third party resulting from operator maintenance, removal or relocation activity within three calendar days following the date of damage at the operator's sole expense. The Town or property must be returned to the same condition as it existed immediately before the date the operator was granted permit for construction. This includes restoration or replacement of any damaged paving, curb, sidewalk, signage, trees, shrubs, or other vegetation. Such repair, restoration and replacement shall be subject to prior approval of the Mayor and Council.