START\_STATUTE11-1801.  Definitions

In this article, unless the context otherwise requires:

1.  "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals and that is used in providing wireless services.

2.  "Applicable codes" means uniform building, fire, electrical, plumbing or mechanical codes that are adopted by a recognized national code organization or local amendments to those codes that are enacted to address threats of destruction of property or injury to persons and to an extent that is not inconsistent with this article.

3.  "Applicant" means any person that submits an application and that is a wireless provider.

4.  "Application" means a request that is submitted by an applicant to a county on a form provided by the county for a permit to collocate small wireless facilities or to approve the installation, modification or replacement of a utility pole.

5.  "Cable operator" has the same meaning prescribed in section 9‑505 and includes a video service provider.  Cable operator does not include a special taxing district.

6.  "Collocate" or "collocation" means to install, mount, maintain, modify, operate or replace wireless facilities on, within or adjacent to a wireless support structure or utility pole.

7.  "Communications service" means cable service as defined in 47 United States Code section 522(6), information service as defined in 47 United States Code section 153(24), telecommunications service as defined in 47 United States Code section 153(53) or wireless service.

8.  "Communications service provider" means a cable operator, a provider of information service as defined in 47 United States Code section 153(24), a telecommunications carrier as defined in 47 United States Code section 153(51) or a wireless services provider.

9.  "County utility pole" means a utility pole that is owned or operated by a county and that is in a right‑of‑way.

10.  "Fee" means a onetime charge to process an application and inspect any work performed by an applicant pursuant to a permit issued by the county.

11.  "Law" means any federal, state or local law, statute, common law, code, rule, regulation, order or ordinance.

12.  "Permit" means written permission issued by a county to install, mount, maintain, modify, operate or replace a utility pole or to collocate a small wireless facility on a utility pole or wireless support structure.

13.  "Person" means an individual, corporation, limited liability company, partnership, association, trust or other entity or organization, including a county.

14.  "Private easement" means an easement or other real property right that is only for the benefit of the grantor and grantee and the grantor's or grantee's successors and assigns.

15.  "Rate" means a onetime charge for the granting of a right to use a portion of a right‑of‑way as specified in a permit or to collocate a small wireless facility on or adjacent to a utility pole or to install, modify or replace a utility pole as specified in a permit.

16.  "Right‑of‑way" means the area on, below or above a county roadway, highway, street, sidewalk, alley or utility easement. Right‑of‑way does not include a federal interstate highway, a state highway or state route under the jurisdiction of the department of transportation, a private easement, property that is owned by a special taxing district, or a utility easement that does not authorize the deployment sought by the wireless provider.

17.  "Small wireless facility" means a wireless facility that meets both of the following qualifications:

(a)  All antennas are located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements could fit within an imaginary enclosure of not more than six cubic feet in volume.

(b)  All other wireless equipment associated with the facility is cumulatively not more than twenty‑eight cubic feet in volume, or fifty cubic feet in volume if the equipment was ground mounted before August 9, 2017.  The following types of associated ancillary equipment are not included in the calculation of equipment volume pursuant to this subdivision:

(i)  An electric meter.

(ii)  Concealment elements.

(iii)  A telecommunications demarcation box.

(iv)  Grounding equipment.

(v)  A power transfer switch.

(vi)  A cutoff switch.

(vii)  Vertical cable runs for the connection of power and other services.

18.  "Special taxing district" means a special district formed pursuant to title 48, chapter 11, 12, 17, 18, 19, 20 or 22.

19.  "Utility pole" means a pole or similar structure that is used in whole or in part for communications services, electric distribution, lighting or traffic signals or a similar function.

20.  "Wireless facility":

(a)  Means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including both of the following:

(i)  Equipment associated with wireless communications.

(ii)  Radio transceivers, antennas, coaxial or fiber-optic cables, regular and backup power supplies and comparable equipment, regardless of technological configuration.

(b)  Includes small wireless facilities.

(c)  Does not include the structure or improvements on, under or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber‑optic cable that is between wireless support structures or utility poles or coaxial or fiber‑optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

(d)  Does not include Wi‑Fi radio equipment described in section 9‑506, subsection I or microcell equipment described in section 9‑584, subsection E.

21.  "Wireless infrastructure provider" means any person that is authorized to provide telecommunications service in this state and that builds or installs wireless communications transmission equipment, wireless facilities or utility poles but that is not a wireless services provider.  Wireless infrastructure provider does not include a special taxing district.

22.  "Wireless provider" means a cable operator, wireless infrastructure provider or wireless services provider.

23.  "Wireless services" means any services that are provided to the public and that use licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

24.  "Wireless services provider" means a person that provides wireless services.  Wireless services provider does not include a special taxing district.

25.  "Wireless support structure":

(a)  Means:

(i)  A freestanding structure.

(ii)  A tower, either guyed or self‑supporting.

(iii)  Any other existing or proposed structure designed to support or capable of supporting small wireless facilities.

(b)  Does not include a utility pole. END\_STATUTE