

**Effective 9/1/2018**

**54-21-101 Definitions.**

As used in this chapter:

- (1) "Antenna" means communications equipment that transmits or receives an electromagnetic radio frequency signal used in the provision of a wireless service.
- (2) "Applicable codes" means the International Building Code, the International Fire Code, the National Electrical Code, the International Plumbing Code, and the International Mechanical Code, as adopted and amended under Title 15A, State Construction and Fire Codes Act.
- (3) "Applicable standards" means the structural standards for antenna supporting structures and antenna, known as ANSI/TIA-222, from the American National Standards Institute and the Telecommunications Industry Association.
- (4) "Applicant" means a wireless provider who submits an application.
- (5) "Application" means a request submitted by a wireless provider to an authority for a permit to:
  - (a) collocate a small wireless facility in a right-of-way; or
  - (b) install, modify, or replace a utility pole or a wireless support structure.
- (6)
  - (a) "Authority" means:
    - (i) the state;
    - (ii) a state agency;
    - (iii) a county;
    - (iv) a municipality;
    - (v) a town;
    - (vi) a metrotownship;
    - (vii) a subdivision of an entity described in Subsections (6)(a)(i) through (vi); or
    - (viii) a special district or entity established to provide a single public service within a specific geographic area, including:
      - (A) a public utility district; or
      - (B) an irrigation district.
  - (b) "Authority" does not include a state court having jurisdiction over an authority.
- (7) "Authority pole" means a utility pole owned, managed, or operated by, or on behalf of, an authority.
- (8) "Authority wireless support structure" means a wireless support structure owned, managed, or operated by, or on behalf of, an authority.
- (9) "Category one authority" means a single authority with a population of 65,000 or greater.
- (10) "Category two authority" means a single authority with a population of less than 65,000.
- (11) "Collocate" means to install, mount, maintain, modify, operate, or replace a small wireless facility:
  - (a) on a wireless support structure or utility pole; or
  - (b) for ground-mounted equipment, adjacent to a wireless support structure or utility pole.
- (12) "Communications service" means:
  - (a) a cable service, as defined in 47 U.S.C. Sec. 522(6);
  - (b) a telecommunications service, as defined in 47 U.S.C. Sec. 153(53);
  - (c) an information service, as defined in 47 U.S.C. Sec. 153(24); or
  - (d) a wireless service.
- (13) "Communications service provider" means:
  - (a) a cable operator, as defined in 47 U.S.C. Sec. 522(5);
  - (b) a provider of information service, as information service is defined in 47 U.S.C. Sec. 153(24);
  - (c) a telecommunications carrier, as defined in 47 U.S.C. Sec. 153(51); or

- (d) a wireless provider.
- (14) "Decorative pole" means an authority pole:
  - (a) that is specially designed and placed for an aesthetic purpose; and
  - (b)
    - (i) on which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than:
      - (A) a small wireless facility;
      - (B) a specialty designed informational or directional sign; or
      - (C) a temporary holiday or special event attachment; or
    - (ii) on which no appurtenance or attachment has been placed, other than:
      - (A) a small wireless facility;
      - (B) a specialty designed informational or directional sign; or
      - (C) a temporary holiday or special event attachment.
- (15) "Design district" means an area:
  - (a) that is zoned or otherwise designated by municipal ordinance or code; and
  - (b) for which the authority maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.
- (16) "FCC" means the Federal Communications Commission of the United States.
- (17) "Fee" means a one-time, nonrecurring charge.
- (18) "Gross revenue" means the same as gross receipts from telecommunications service is defined in Section 10-1-402.
- (19) "Historic district" means a group of buildings, properties, or sites that are:
  - (a) in accordance with 47 C.F.R. Part 1, Appendix C:
    - (i) listed in the National Register of Historic Places; or
    - (ii) formally determined eligible for listing in the National Register of Historic Places by the Keeper of the National Register; or
  - (b) in an historic district or area created under Section 10-9a-503.
- (20) "Nondiscriminatory" means treating similarly situated entities the same absent a reasonable, and competitively neutral basis, for different treatment.
- (21) "Micro wireless facility" means a type of small wireless facility:
  - (a) that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height;
  - (b) on which any exterior antenna is no longer than 11 inches; and
  - (c) that only provides Wi-Fi service.
- (22) "Permit" means a written authorization an authority requires for a wireless provider to perform an action or initiate, continue, or complete a project.
- (23) "Rate" means a recurring charge.
- (24)
  - (a) "Right-of-way" means the area on, below, or above a public:
    - (i) roadway;
    - (ii) highway;
    - (iii) street;
    - (iv) sidewalk;
    - (v) alley; or
    - (vi) property similar to property listed in Subsections (24)(a)(i) through (v).
  - (b) "Right-of-way" does not include:
    - (i) the area on, below, or above a federal interstate highway; or
    - (ii) a fixed guideway, as defined in Section 59-12-102.

- (25) "Small wireless facility" means a type of wireless facility:
- (a) on which each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and
  - (b) for which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any:
    - (i) electric meter;
    - (ii) concealment element;
    - (iii) telecommunications demarcation box;
    - (iv) grounding equipment;
    - (v) power transfer switch;
    - (vi) cut-off switch;
    - (vii) vertical cable run for the connection of power or other service;
    - (viii) wireless provider antenna; or
    - (ix) coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.
- (26) "Substantial modification" means:
- (a) a proposed modification or replacement to an existing wireless support structure that will substantially change the physical dimensions of the wireless support structure under the substantial change standard established in 47 C.F.R. Sec. 1.40001(7); or
  - (b) a proposed modification in excess of the site dimensions specified in 47 C.F.R. Part 1, Appendix C, Sec. III.B.
- (27) "Technically feasible" means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or the small wireless facility's design or site location, can be implemented without a significant reduction or impairment to the functionality of the small wireless facility.
- (28)
- (a) "Utility pole" means a pole or similar structure that:
    - (i) is in a right-of-way; and
    - (ii) is or may be used, in whole or in part, for:
      - (A) wireline communications;
      - (B) electric distribution;
      - (C) lighting;
      - (D) traffic control;
      - (E) signage;
      - (F) a similar function to a function described in Subsections (28)(a)(ii)(A) through (E); or
      - (G) the collocation of a small wireless facility.
  - (b) "Utility pole" does not include:
    - (i) a wireless support structure;
    - (ii) a structure that supports electric transmission lines; or
    - (iii) a municipally owned structure that supports electric lines used for the provision of municipal electric service.
- (29)
- (a) "Wireless facility" means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including:
    - (i) equipment associated with wireless communications; and
    - (ii) regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or backup power supply, or comparable equipment.

- (b) "Wireless facility" does not include:
  - (i) the structure or an improvement on, under, or within which the equipment is collocated; or
  - (ii) a coaxial or fiber-optic cable that is:
    - (A) between wireless structures or utility poles;
    - (B) not immediately adjacent to or directly associated with a particular antenna; or
    - (C) a wireline backhaul facility.
- (30)
  - (a) "Wireless infrastructure provider" means a person that builds or installs wireless communication transmission equipment, a wireless facility, or a wireless support structure.
  - (b) "Wireless infrastructure provider" includes a person authorized to provide a telecommunications service in the state.
  - (c) "Wireless infrastructure provider" does not include a wireless service provider.
- (31) "Wireless provider" means a wireless infrastructure provider or a wireless service provider.
- (32)
  - (a) "Wireless service" means any service using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public using a wireless facility.
  - (b) "Wireless service" includes the use of Wi-Fi.
- (33) "Wireless service provider" means a person who provides a wireless service.
- (34)
  - (a) "Wireless support structure" means an existing or proposed structure that is:
    - (i) in a right-of-way; and
    - (ii) designed to support or capable of supporting a wireless facility, including a:
      - (A) monopole;
      - (B) tower, either guyed or self-supporting;
      - (C) billboard; or
      - (D) building.
  - (b) "Wireless support structure" does not include a:
    - (i) structure designed solely for the collocation of a small wireless facility;
    - (ii) utility pole;
    - (iii) municipally owned structure that supports electric lines used for the provision of municipal electric service; or
    - (iv) structure owned by an energy services interlocal entity, as described in Subsection 11-13-203(4), that uses electric lines that are used for the provision of electrical service.
- (35) "Wireline backhaul facility" means a facility used to transport communications by wire from a wireless facility to a communications network.
- (36)
  - (a) "Written" or "in writing" means a tangible or electronic record of a communication or representation.
  - (b) "Written" or "in writing" includes a communication or representation that is handwritten, typewritten, printed, photostated, photographed, or electronic.

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