



**To:** President and Members of the Munster Town Council

**From:** Dustin Anderson, Town Manager  
Tom Vander Woude, Planning Director

**Date:** November 13, 2020

**Re:** Request for approval of an amendment to Chapter 50 Article IV of the Munster Municipal Code establishing procedures and standards for small cell/5G networks and facilities

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The purpose of this memo is to request Town Council approval of an amendment to Chapter 50 Article IV of the Munster Municipal Code establishing procedures and standards for small cell/5G networks and facilities.

**Background:** Indiana Code Section 8-1-32.3 decrees that municipalities must permit telecommunication companies to install “small cell” cellular antenna infrastructure in the public right-of-way and in certain circumstances to install this equipment on Town-owned utility poles such as street lights. State code also spells out the review process and fees. In order to regulate the location and manner in which the equipment is installed a municipality must establish procedures and standards that comply with IC 8-1-32.3

Staff has prepared a draft of an ordinance regulating the installation of small cell infrastructure within the Town right-of-way. The ordinance describes the application requirements, specifications, and some terms and conditions.

Much of the language is taken directly from IC 8-1-32.3 and is essentially boilerplate, but staff would like to call attention to two sections of the ordinance:

1. As stated above, the Town has the ability to influence telecommunication companies is by encouraging them to collocate on existing poles. These poles are typically town-owned streetlights. To address this, Section 122 of the ordinance has some provisions related to responsibilities for repair, knockdowns, etc.
2. The Town has the authority to prohibit new poles in residential districts but only if the following is true: the Town permit collocation on existing poles (including lightpoles), allows the replacement of existing poles, provides telecoms an opportunity for a waiver, posts notice of applications on the Town website, and allows a neighborhood association to receive notice of the application. That process is described in section 123.

Attorney Dave Westland has reviewed the attached ordinance and has recommended that first reading take place on November 16, 2020, but that the second reading be postponed to the second Town Council meeting in December to allow time for a more thorough legal review.

**Recommendation:** Consider Ordinance 1812 on first reading and schedule second reading for second regular Town Council meeting in December.

**Attachments:**

1. Ord. No. 1812