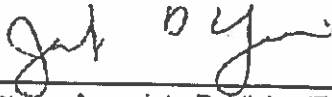


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STATE OF WISCONSIN }
MILWAUKEE COUNTY } S.S.

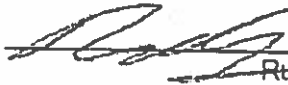
Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Apr. 12, 2021

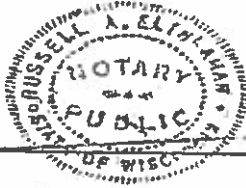


Joe Yovino, Associate Publisher/Editor

Sworn to me this 12th day of April 2021



Russell A. Klingaman
Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent



PROOF OF PUBLICATION

Government

FROM THE OFFICE OF GEORGE L. CHRISTENSON
MILWAUKEE COUNTY CLERK

County Ordinance No. 21-4
File No. 21-428

AN ORDINANCE

Section 1. Section 47.01 of the Milwaukee County Code of General Ordinances is amended as follows:

47.01. - Definitions.

- (1) **Park; parkway.** The terms "park" and "parkway," wherever used in chapter 47 unless otherwise stated, shall include the grounds, buildings thereon, waters therein and any other property which is now or may hereafter be under the control or jurisdiction of the county park commission.
- (2) **Person.** The term "person," as used in chapter 47, shall include any individual, firm, partnership, corporation and association of persons, and the singular number shall include the plural.
- (3) **Park commission; commission.** The term "park commission" or "commission," wherever used in chapter 47, shall mean the county park commission.
- (4) **Right-of-way.** The term "right-of-way," as used in chapter 47, shall have the meaning provided in Wis. Stats. § 88.0414(1)(i).
- (5) **Small cell wireless facility.** The term "small cell wireless facility," as used in chapter 47, shall have the meaning provided in Wis. Stats. § 88.0414(1)(u).

Section 2. Section 47.19 of the Milwaukee County Code of General Ordinances is amended as follows:

47.19 - Location and construction of utility fixtures.

The location of all sewers and receivers, gas pipes, stopcock boxes, hydrants, lamp-posts, telegraph, telephone and electric power posts and lines, manholes, conduit and pumps within any park or parkway shall be subject to the jurisdiction and control of the department of parks, recreation and culture; and their construction, erection, repair or relocation shall be undertaken only after written permission is received from said department.

The location and construction of small cell wireless facilities within any park or parkway shall be subject to the following subsections:

- (1) **Health and Safety.** The department of parks, recreation and culture shall review such requested small cell wireless facility installation for compliance with applicable state statutes, local ordinances, and other regulatory requirements, including without limitation the health, safety and general welfare standards set forth in Wis. Stats. § 88.0414(2)(a)(i). Such small wireless facilities and utility poles and activities related to the installation and maintenance of the small wireless facilities and utility poles, may not obstruct or hinder travel, drainage, maintenance, or the public health, safety, and general welfare on or around the right-of-way, or obstruct the legal use of the right-of-way for other communications purposes, public utilities, emergency services, or services organized under Wis. Stat. ch. 195 for the purpose of production or harvesting heat, hot, power, or water to their members only, or access or provision transmission band means.
- (2) **Aesthetics.** The department of parks, recreation and culture shall adopt and publish aesthetic guidelines consistent with the needs and policies of the department, consistent with Wis. Stats. § 88.0414(2)(c). The aesthetic guidelines shall be reasonable in that they are technically feasible and reasonably directed to systems or services or out-of-character developments, no more burdensome than those applied to other forms of infrastructure development, and objective and published in advance. The department of parks, recreation and culture may deny a permit based upon its published aesthetic guidelines only if it does not prohibit or have the effect of prohibiting the provision of wireless service.
- (3) **Historic and Underground Districts.** The installation of small cell wireless facilities shall be prohibited in the right-of-way of a "historic district" or an "underground district," as such terms are defined in Wis. Stats. § 88.0414(2)(b)(i), except in the instance of collocation or replacement of existing structures. Any collocation or replacement of an existing structure shall reasonably conform to the design aesthetics of the original structure in a historic or underground district.
- (4) **Utility Easements.** The department of parks, recreation and culture shall review requests for auxiliary permits related to the development of small cell wireless facilities on a case-by-case basis, consistent with existing policies and in accordance with the requirements in Wis. Stats. § 88.0414 and no local regulation may result in an additive prohibition of wireless service. The review shall also be consistent with local ordinances or other regulatory requirements and the department shall, when necessary, make recommendations to the county board for approval of any easements or other arrangements for such connections.

Section 3. Section 67.01 of the Milwaukee County Code of General Ordinances is amended as follows:

67.01 - Public way construction permits.

- (10) **Small cell wireless facilities.** The department of transportation shall:
 - (a) review such requested small cell wireless facility installation for compliance with applicable state statutes, local ordinances, and other regulatory requirements, including without limitation the health, safety, and general welfare standards set forth in Wis. Stats. § 88.0414(2)(a)(i). Such small wireless facilities and utility poles, may not obstruct or hinder travel, drainage, maintenance, or the public health, safety, and general welfare on or around the right-of-way, or obstruct the legal use of the right-of-way for other communications purposes, public utilities, emergency services, or services organized under Wis. Stats. ch. 195 for the purpose of production or harvesting heat, hot, power, or water to their members only, or access or provision transmission band means.
 - (b) adopt and publish aesthetic guidelines consistent with the needs and policies of the department and Wis. Stats. § 88.0414(2)(c). The aesthetic guidelines shall be reasonable in that they are technically feasible and reasonably directed to systems or services or out-of-character developments, no more burdensome than those applied to other forms of infrastructure development, and objective and published in advance. The department of transportation may deny a permit based upon its published aesthetic guidelines only if it does not prohibit or have the effect of prohibiting the provision of wireless service.
 - (c) restrict the installation of small cell wireless facilities in the right-of-way of a "historic district" or an "underground district," as such terms are defined in Wis. Stats. § 88.0414(2)(b)(i), except in the instance of collocation or replacement of existing structures. Any collocation or replacement of an existing structure shall reasonably conform to the design aesthetics of the original structure in a historic or underground district.
 - (d) review requests for auxiliary permits related to the development of small cell wireless facilities on a case-by-case basis, consistent with existing policies and in accordance with the requirements in Wis. Stats. § 88.0414 and no local regulation may result in an additive prohibition of wireless service. The review shall also be consistent with local ordinances or other regulatory requirements and the department shall, in the action required under applicable law, make recommendations to the county board for approval of any easements or other arrangements for such connections.

Section 4. The provisions of this ordinance shall be effective upon passage and publication.

Adopted by the Milwaukee County Board of Supervisors
March 25, 2021

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