
SUBCHAPTER 153.180 – WIRELESS COMMUNICATIONS FACILITIES



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§153.180.010 - Definitions

Definitions for terms used in this subchapter are contained in subchapter 153.200 (Definitions); see “Wireless Communications Facilities” and related terms.

§153.180.020 - Purpose and Intent

- A. These provisions are intended to establish criteria for the siting, design, modifications and maintenance of wireless communications facilities within the city as specifically set forth herein and in standards that may be enacted by resolution pursuant to this subchapter.
- B. These provisions are further intended to implement the land use regulation of telecommunications facilities as permitted pursuant to the 1996 Federal Telecommunications Act. As such, these provisions are not intended to unduly restrict or unreasonably interfere with the development of the competitive wireless communications marketplace within the city.
- C. The standards and guidelines established for antennas, towers, and/or wireless communications facilities in this subchapter are intended to promote the following goals:

1. Ensure the health, safety and general welfare of the community while enabling the installation of antennas to serve the city's residents and business community.
2. Ensure a communications network that will serve an effective role in the city's emergency response system and generally provide full service coverage for personal wireless communications services.
3. Protect the visual character of the city through careful design, siting, landscaping, and innovative camouflaging techniques for antennas.
4. Encourage the installation of new towers and antennas in the Commercial and Industrial zones.
5. Limit the proliferation of new towers by permitting the construction of new towers only after all other reasonable opportunities have been exhausted and to encourage the co-location of antennas so as to minimize adverse visual impacts.
6. Provide for the uniform application of standards and guidelines for the siting, design, modification and maintenance of communications facilities as allowed under state law and the 1996 Telecommunications Act, as may be amended.

§ 153.180.030 Exempt Facilities

The following types of noncommercial, receive-only wireless communications facilities shall be exempt from the requirements of this subchapter:

- A. Common skeletal-type radio and television antenna that are:
 1. Used to receive UHF, VHF, AM and FM signals of off-air broadcasts from radio and television stations;
 2. Ground-mounted or roof-mounted; and
 3. Not higher than 10 feet above the roof ridge line.
- B. As long as exempted by federal law, satellite earth stations antennas, which are designed to receive broadcast signals directly from orbiting satellites, are exempt from this subchapter as follows unless otherwise stated herein:
 1. In residential zoning districts, satellite earth stations antennas that are one meter or less in diameter.

2. In commercial and industrial zones, satellite earth stations antennas that are 2 meters or less in diameter.
3. When technically feasible, exempt satellite earth stations antennas shall not be placed in a front yard area, at the front of the building or home which the antenna serves, or in any other location visible from the public right-of-way.

§ 153.180.040 Approval Requirements

- A. Exempt wireless communications facilities shall not require city review/approval.
- B. The following approval processes are established for all wireless communications facilities on private property, where permitted by Table 153.180.050.
 1. **Wireless communications facilities subject to design review.** Wireless communications facilities that meet all of the following criteria shall be subject to design review in compliance with city standards and any applicable specific plan or design guidelines. The design review shall be either approved, conditionally approved or denied by the Director, which decision shall be final unless appealed to the Commission in accordance with §153.210.150 (Appeals).
 - a. Wireless communications facilities not located within a residential zoning district nor on a property used for residential purposes.
 - b. Wireless communications facilities not requiring the construction of a new tower or other supporting structure.
 - c. Wireless communications facilities incorporating a stealth design in which wireless communications facilities are:
 - i. Flush-mounted on a existing structure and painted or otherwise concealed; or
 - ii. Incorporated into a design element (e.g., identification monument, screened by an architectural treatment such as a parapet, or sign) and not visible from nearby properties or the right-of-way;
 - d. Wireless communications facilities that comply with all applicable development criteria and performance standards contained in this subchapter and any applicable specific plans.

- e. All related equipment, including shelters, vaults, storage sheds or buildings, fencing or other associated devices are underground or otherwise not visible from nearby properties or the public right-of-way.
3. **Wireless communications facilities requiring a conditional use permit.** Wireless communications facilities that are not exempt or do not meet the criteria of subsection (B)(1) above shall be subject to a conditional use permit in compliance with standards herein and part 9 of subchapter 153.210, Conditional User Permits. Reasonable conditions may be imposed to protect nearby properties and the public health, safety and general welfare. Reasonable conditions shall include, but not be limited to, requiring the construction of walls, fencing, screening, warning signs, maintenance, as well as the imposition of other conditions.

§ 153.180.050 General Standards

Table 153.180.050 identifies the general standards applicable to wireless communications facilities located on private properties in the city. Section 153.030.030 of this code shall govern zoning of all property including the right-of-way.

Table 153.180.050 Antenna Development Standards		
Development Standards	Residential, Mixed Use, and Open Space Zones	Commercial and Industrial Zones
Distance from any Property Line	10 feet	5 feet
Distance from Other Structures	6 feet	6 feet
Minimum Screening Height for equipment shelter or similar ground-mounted devices	6 feet	6 feet
Allowed Setback Location	Rear setback only	Rear or side setback
Maximum Height	30 feet. See also section 153.180.080.	60 feet, unless attached to an existing legal conforming structure, then the maximum height allowed shall be no more than 10 feet above said structure and antenna shall be required to be fully stealthed. See also section 153.180.080.
Maximum Number of Antennas or Antenna Arrays per Parcel (including exempt	2	3

Table 153.180.050 Antenna Development Standards		
Development Standards	Residential, Mixed Use, and Open Space Zones	Commercial and Industrial Zones
antennas) ^a		
Roof-Mounted Antennas	Prohibited unless an exception is granted pursuant to section 153.180.100 and any applicable permit	Allowed If mounted on flat portion of roof with parapets or other screening that matches architectural features of structure
Wireless Communications Facilities ^b	Prohibited without an exception granted pursuant to section 153.180.100 and a Conditional Use Permit and any other applicable permit	Conditional Use Permit required
Maximum Number of Free-standing Towers	0	1

- (a) Any proposed co-located antennas that meet the criteria of Government Code §§ 65850.6 and 65964 shall be permitted as provided therein.
- (b) Any permitted wireless communications facilities shall comply with the minimum setbacks required for the applicable residential zoning district unless fully stealthed and attached to or on an existing legal conforming structure, and shall be 500 feet from another free-standing wireless telecommunications facility.

§ 153.180.060 Development Standards

The following regulations shall apply to the establishment, installation and operation of antennas including wireless communications facilities in all zoning districts:

- A. Compliance with building and electrical codes.** Wireless communications facilities shall be installed and maintained in compliance with the requirements of the city's building code and electrical code. Installers shall obtain a building permit and an electrical permit before installation.
- B. Advertising prohibited.** Advertising material shall not be allowed on wireless communications facilities or on any antennas.
- C. Traffic Signals.** Wireless communications facilities shall not be permitted to be installed on traffic signals within the city unless permitted by the provisions of Section 153.030.030 of this code.

- D. Undergrounding.** Electrical wiring associated with an wireless communications facilities shall be buried underground or hidden in a manner acceptable to the community development director or his or her designee. To the extent technologically feasible, all vaults, equipment, shelters, structures, or any other device related to or required for use of an antenna, related structure or wireless communications facility shall be underground where all other utilities are required to be underground. Where technologically feasible, the use of microwave dishes shall be prohibited and underground lines utilized.
- E. Noise.** No equipment shall be operated so as to increase the noise in the vicinity of the equipment in excess of 5 decibels, other than in emergency situations requiring the use of a backup generator or monthly testing of said generator if the testing lasts no longer than 15 minutes. In all emergency situations, the city shall be immediately notified of the use of a backup generator and, on the next city business day, the operator shall secure all required permits and approvals necessary for the operation of the generator.
- F. Projections and anchoring in setback areas.** No antenna array may extend beyond any property lines or into a front setback area. Guy wires may be attached to the structure but shall not be anchored within a front setback area. No guy wires shall be utilized in the public right-of-way unless alternate designs are infeasible and approved by the Public Works Director.
- G. Design considerations.** The wireless communications facilities, including guy wires, supporting structures, and accessory equipment, shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective. Cellular, PCS and other wireless communications facilities shall be designed to be compatible with the surrounding physical environment by blending with the existing architecture and landscaping and by being as unobtrusive as possible.
- H. Specific Plans.** All wireless communications facilities shall comply with any applicable and adopted specific plan.
- I. Redevelopment Plans.** All wireless communications facilities shall comply with any applicable and adopted redevelopment plan. In addition, all proposed antennas in a redevelopment plan area shall be reviewed and approved by the Director.
- J. Equipment Shelter and Landscaping.** All ground mounted antennas shall be screened by walls, fences, trellises or landscaping at least 6 feet in height so as to completely screen, camouflage and/or obscure visibility of the equipment shelter or any other ground mounted equipment, from public view. The equipment shelter shall be designed so as to be harmonious with and blend with the natural features, and be compatible with

buildings and structures surrounding such structure. In addition and when applicable, landscaping shall be of a type and variety, and installed at sufficient size, to be capable of growing within one year so as to screen and obscure the visibility or camouflages the antenna. Irrigation shall also be installed when needed to maintain landscaping. No chain link fence shall be permitted.

- K. Aesthetically compatible.** All wireless communications facilities and associated equipment shall be aesthetically compatible with surrounding uses and shall be designed and or located so as to avoid any adverse aesthetic impacts arising from the proposed use. The antennas, supporting structure and equipment shall be a color that blends the antennas and associated equipment with the natural setting and built environment and helps camouflage the antennas.
- L. Electrical requirements.** Every wireless communications facility shall be adequately grounded with an adequate ground wire for protection against a direct strike of lightning. Ground wires shall be of the type approved by the latest edition of the electrical code for grounding masts and lightning arrestors and shall be installed in a mechanical manner, with as few bends as possible, maintaining a clearance of at least two inches from combustible materials. Lightning arrestors shall be used that are approved as safe by the Underwriter's Laboratories, Inc., and both sides of the line shall be adequately protected with proper arrestors to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon-type are used, lightning arrestors shall be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.
- M. Performance Certification.** For all wireless communications facilities, a certification shall be required to be submitted to the Director, in accordance with the requirements of 153.180.070A(3), and every 3 years thereafter, at the operator's cost, which provides that said facilities radio frequency emission levels meet Federal Communications Commission requirements.
- N. Terms of lease agreements.** Co-location of cellular, PCS and other wireless communications facilities shall be encouraged. Lease agreements shall not include exclusive rights that would prohibit co-location where it is technically feasible.
- O. Maintenance.** No wireless communications facility, equipment shelter, tower or related structure or device shall be permitted to fall into disrepair or maintained in manner that is unsightly or interferes with the reasonable enjoyment of adjacent property owners. All such structures and devices shall be continually maintained to prevent rust, chipped or peeling paint.

§ 153.180.070 Review and Approval Process

A. Application requirements for design review.

1. **Radius Map.** A radius map and a certified list of the names and addresses of all property owners within 300 feet of the exterior boundaries of the property involved, as shown on the latest assessment roll of the county assessor.
2. **Site plan.** A site plan shall consist of elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, method of screening, and color photo simulations showing the before and after effects of the proposed facility on the subject site. Existing poles, towers, and/or antennas shall also be shown. No plans shall include depictions of future wireless communications facilities, nor shall future wireless communications facilities be approved.
3. **RF emissions report.** The report shall be signed by a radio frequency engineer and prepared pursuant to Federal Communications Commission, Office of Engineering & Technology, Bulletin 65 or any other applicable guidelines or regulations, stating the maximum (EMF/RF) radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The report shall take into account all other facilities within 2,000 feet, both existing and known future facilities, the cumulative effects of co-located facilities and existing nearby buildings and structures, and shall be written in plain English. This report shall be available to the public.
4. **Property owner approvals.** Where the Wireless communications facility is located on property owned by someone other than the applicant, the applicant shall present documentation that the owner of the property has granted an easement or entered into a long-term lease for the proposed facility which provides vehicular or other necessary access to the facility. A letter of intent or affidavit, in a form approved by the city attorney, shall be submitted to meet the requirement of this subsection.
5. **Code Compliance.** No wireless communications facility shall be installed until such time as the property is brought into compliance with this code.
6. **Wind load analysis.** Analysis of the wind loads shall be required, as governed by the most recently adopted Building Code. Based on the results of the analysis, the building official may impose additional conditions to address safety concerns.

7. **Performance bond.** A faithful performance bond shall be required prior to the issuance of building permits to ensure the removal of abandoned wireless communications facilities.
8. **Applications.** The applicant shall submit all other information and documents required by the city's application for antennas. In addition, the applicant shall submit a business license application or application for encroachment permit, when applicable.

B. Application Requirements for Conditional Use Permit.

1. Applicants shall be required to comply with part 9 of §153.210, Conditional Use Permits. Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the planning commission.
2. Applicants shall also be required to comply with the following:
 - a. **Maps and Significant Gaps.** Each applicant shall provide a map showing the area within the city that will be serviced by the proposed wireless communications facility and a statement as to the nature of the service to be provided. In the event that the applicant seeks to fill a gap in service, the applicant shall submit a statement in writing providing a definition of the term "significant gap" as it applies to the proposed facility; identifying the size of the area, in units of square miles, of the claimed significant gap; a map with the geographic boundary of the claimed significant gap area; and a map showing all of applicant's existing communications facilities in the city within a reasonable distance of the claimed significant gap.
 - b. **Alternative site analysis.** Any applicant seeking to install a new wireless communications facility shall identify all reasonable, technically feasible, alternative locations, including facilities which could be used for co-location. The analysis shall also explain the rationale for selecting the proposed site. For all feasible co-location sites, the applicant shall provide evidence of written contact with all wireless service providers or tower owners within a quarter mile of the proposed communications facility, unless a smaller radius is technological justified by the applicant. The contacted tower owner or service provider shall be requested to respond in writing to the inquiry within 30 days. The applicant's letter(s) as well as response(s), or a statement from the applicant detailing all responses

received, shall be included with the application as a means of demonstrating the need for a new free-standing tower.

- c. **Preferred zones.** The applicant shall demonstrate, with substantial evidence, that he or she has exhausted all reasonable efforts to locate a site in a commercial or industrial zone and/or it is not feasible to install the proposed facility on a site in such zones.
- d. **Height representation.** When a new free-standing tower is proposed, a balloon or other physical representation of the maximum height of the proposed wireless telecommunications facility shall be provided at the project location for a minimum of one week prior to any required public hearing for the facility to enable the Commission to assess the aesthetic impacts of the proposed antenna height on the surrounding land uses and public rights-of-way. This requirement may be waived by Director whenever deemed appropriate.

§ 153.180.080 Satellite Antennas, Amateur Radio Communication Facilities, and Citizen Band (CB) Radio Antennas

Non-exempt satellite earth stations antennas, amateur (noncommercial) radio communication facilities, and citizen band radio antennas shall be located, constructed, installed and maintained in the following manner:

- A. **Satellite earth stations antennas.** Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the Federal Communications Commission and the California Public Utilities Commission as follows:
 1. Antennas shall not be located within required front or side yard setback areas. In addition, no portion of an antenna shall extend beyond the property lines.
 2. The antennas and supporting structure shall be painted a single, neutral, nonglossy color (e.g., earth-tones, gray, black, etc.) and, to the extent possible, shall be compatible with the appearance and character of the surrounding neighborhood.
 3. Electrical and antenna wiring shall be placed underground where technologically feasible.
 4. In residential zoning districts, antennas shall be subject to the following standards:

- a. Dish antennas larger than one meter shall not be placed on or attached to residential structures;
 - b. The antennas shall be used for private, noncommercial, purposes only.
5. In nonresidential zoning districts, antennas may be roof or ground-mounted and shall be screened from view from public streets.
- A. Single pole/tower amateur radio communication facilities.** Single pole/tower amateur radio communication facilities shall be designed, constructed, installed and maintained in the following manner:
1. The maximum overall height shall not exceed 35 feet, measured from finished grade. Antennas exceeding 35 feet in height may be approved provided that the antenna is of the retractable variety, that the antenna is retractable to below 35 feet, and the applicant executes an agreement, in a form approved by the city attorney, stating that the antenna will only be extended during actual use of the antenna.
 2. Where a parcel has one pole/tower structure greater than 40 feet, measured from finished grade, in overall height (including antennas), including one permitted pursuant to subparagraph (1) above, only one additional pole/tower structure shall be allowed with an overall height not to exceed thirty-five (35) feet measured from finished grade (including antennas).
 3. The pole/tower and/or antennas may be roof or ground-mounted.
 4. The pole/tower and/or antennas may not be located in any required front or side yard setback areas.
 5. The pole/tower and/or antennas shall be located at least 5 feet from the rear lot line and at least 15 feet from any street side property line;
 6. The pole/tower and/or antennas shall not project or overhang into areas in which they are not allowed to locate.
 7. The pole/tower and/or antennas shall be a natural metal finish or painted a single, neutral, nonglossy color (e.g., earth-tones, gray, black, etc.) and, to the extent possible, compatible with the appearance and character of the surrounding neighborhood.

8. The pole/tower and/or antennas shall be used for private, noncommercial, purposes only.
 9. Operators shall comply with all applicable regulations, specifically those regulations related to radio interference with electronic devices as set forth by the Federal Communications Commission.
- B. Citizen band (CB) radio.** Citizen band radio antennas shall be designed, constructed, installed and maintained in the following manner except for antennas mounted on vehicles or to hand-held units:
1. **Standards.**
 - a. Citizen band radio antennas shall not exceed 35 feet in overall height measured from finished grade.
 - b. Citizen band radio antennas shall comply with requirements provided in subsection 153.180.080(B), items 4 through 9.
 2. **Prohibition of certain citizen band radios and activities.** It shall be a violation of this subchapter to use citizen band radio equipment not authorized by the Federal Communications Commission or to use such equipment in a manner that violates any Federal Communications Commission regulation.
 3. **Exempt stations.** A station that is licensed by the Federal Communications Commission pursuant to section 301 of the Communications Act of 1934 in any radio service for the operation at issue shall not be subject to this division. Any citizen's band radio equipment on board a "commercial motor vehicle," as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of Federal Communications Commission citizens band radio regulations.

§ 153.180.100 Exceptions

A. Criteria for granting exceptions.

1. An exception to specific requirements of this subchapter may be issued for a wireless communications facility if it meets all of the following applicable standards:

- a. With regard to siting, the applicant shall demonstrate that the facility and/or antenna must be located and designed as proposed to service the applicant's service area. The applicant shall submit an explanation and supporting engineering data proving that a tower or antenna as proposed is technologically necessary.
 - b. If seeking an exception from required height standards, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary and shall specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The applicant shall also address whether the additional height would be required if the facility were located at a different site. The purpose of this analysis is to ensure that additional height is permitted only when technically necessary for the provision of services.
 - c. Locating the antenna in conformance with the specifications of this subchapter would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control.
 - d. The exception would not create a significant visual impact.
 - e. Granting the exception shall conform to the spirit and intent of this code.
 - f. The exception request is consistent with the city's general plan.
 - g. Granting the exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.
- B. Revocation of exceptions.** Any exception may be revoked if the owner and/or operator fails to comply with the conditions imposed.

§ 153.180.110 Nonconforming Wireless Communications Facilities

- A. Illegally established facilities.** Any wireless communications facility constructed or erected in violation of this chapter or any prior law, ordinance or regulation shall be subject to immediate abatement.
- B. Nonconforming wireless communications facilities.** All wireless communications facilities, in any zone, lawfully constructed and erected prior to the effective date of this

subchapter, which do not conform to the requirements of the provisions of this subchapter for the particular zoning district in which they are located, shall be accepted as nonconforming uses for a period of 5 years from the effective date of this subchapter. Thereafter, the wireless communications facilities shall be subject to abatement as set forth below via modification to comply with the standards of this subchapter. Any modifications shall be subject to review by the Director, who shall assess the modification and its compliance with this subchapter or any other applicable section of this code. All decisions concerning any modification review conducted by the Director shall be final, unless appealed to the Commission in accordance with the provisions of §153.210.150.

When modification is insufficient to meet the requirements of this subchapter, wireless communications facilities shall be subject to abatement via relocation or removal.

C. Notice of Nonconforming Wireless Communications Facilities.

1. Upon the determination of the Director that the provisions of this subchapter apply to a given parcel of land on which a wireless communications facility is located, the Director shall send a notice thereof by United States certified mail, return receipt requested, or other method providing verification of delivery, to the owner thereof as shown on the last equalized assessment roll, and shall cause such property to be posted with a similar notice.
2. The notice provided for in this section shall state that the property and wireless communications facility in question is a nonconformity, shall state the date of abatement established in subsection B of this section, and shall state that an administrative hearing before the Commission may be requested within 15 days.

D. Hearing.

1. If a hearing before the Commission is requested, the hearing procedures established in §153.200.080 shall apply.
2. At the close of the hearing, the Commission shall find and determine whether the nonconformity should be abated and all facts in support thereof, whether the owner of the property can amortize his/her investment in the term for abatement provided in subsection B of this section, and if not, what term for abatement should be provided.
3. The decision of the Commission and the findings in support thereof shall be in the form of a written order and shall be served upon the property owner personally or by United States certified mail, return receipt requested, or other

method providing verification of delivery, within 10 days after the decision is rendered.

6. The decision of the Commission may be appealed to the Council pursuant to §153.200.090.

E. Extension of Time.

1. The Commission, or Council on appeal, shall grant an extension of the time for abatement of nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner.
2. The Commission, or Council on appeal, shall consider the following factors, among others, in determining whether to grant an extension of time and the length of the term:
 - a. The nature of the use.
 - b. The amount of the owner's investment in improvements.
 - c. The convertibility of improvements to permitted uses.
 - d. The character of the neighborhood.
 - e. The detriment, if any, caused to the neighborhood by continuance of the nonconforming use.
 - f. The amount of time needed to amortize the investment.

- E. Proof of Amortization.** The Commission, or Council on appeal, shall base its decision as to the length of the permitted amortization period on any competent evidence presented, including, but not limited to, the depreciation schedule attached to the owner's latest federal income tax return.

- F. Relocation.** Where the Commission finds that a nonconforming wireless communications facility, either in its present condition or as modified, can be used in compliance with the standards set forth in this subchapter for the zoning district in which it is located, the nonconforming facility may be granted an extension sufficient to permit it to relocate on the site wherein such use is permitted and which has substantially equivalent utility for the use.

§ 153.180.120 Abandonment of Communications Facilities

- A. When facility considered abandoned.** The operator or owner of a communications facility or other antenna shall be required to remove all unused or abandoned equipment, antennas, poles, and/or towers if the facility has not been operational for a

consecutive 6-month period or a total of 12 months over a consecutive 36-month period. A facility is considered abandoned if it no longer provides communication services. The removal shall be in compliance with proper health and safety requirements and shall occur no later than 30 days following the end of the applicable cessation period.

- B. Removal by owner/operator.** A written notice of the determination of abandonment shall be sent or delivered to the operator or owner of the facility by the Director. The operator shall have 30 days to remove the facility or provide the Director with evidence that the use has not been discontinued. The Director shall review the evidence and shall determine whether or not the facility is abandoned. Facilities not removed within the required 30-day period shall be in violation of this section, shall constitute a public nuisance, and operators or owners of the facility and the owners of the property shall be jointly subject to penalties for violations under the enforcement and penalty provisions of the Baldwin Park Municipal Code.
- C. Removal by city.** In the event that a wireless communications facility is not removed within 90 days after the applicable cessation period ends, as described in subsections A and B above, the city may remove the facility and shall bill the antenna owner or property owner for all costs including any administrative and legal costs incurred in connection with said removal. Once all costs have been paid by the owner, any bond posted for removal shall be released. The city does not waive any legal rights to seek repayment for removal costs pursuant to a bond posted, nor to bring an action for repayment of costs.