



LAWRENCEVILLE

GEORGIA

CITY COUNCIL SPECIAL CALL MINUTES

Wednesday, September 18, 2019
4:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor Judy Johnson
Council Member Victoria Jones
Council Member Keith Roche
Council Member David Still

ABSENT

Council Member Bob Clark

Council Business

1. Intergovernmental Agreement with Gwinnett County for the Bicentennial Plaza

Motion to approve Intergovernmental Agreement with Gwinnett County for the Bicentennial Plaza as provided in the agenda packet made by Council Member Roche, Seconded by Council Member Still.

Voting Yea: Mayor Johnson, Council Member Jones, Council Member Roche, Council Member Still

2. Purchasing Ordinance Amendment

Motion to approve Purchasing Ordinance Amendment as presented in the agenda packet made by Mayor Johnson, Seconded by Council Member Roche.

Voting Yea: Mayor Johnson, Council Member Jones, Council Member Roche, Council Member Still

3. Ordinance Amendment to Add Aesthetic Standards

Motion to approve with the changes made by Council to subsections E and F made by Council Member Still, Seconded by Council Member Roche.

Voting Yea: Mayor Johnson, Council Member Jones, Council Member Roche, Council Member Still

4. Ordinance Amendment to Provide for a Wireless Facilities and Antennas Ordinance

Motion to approve with conditions made by Council Member Still, Seconded by Council Member Roche.

Voting Yea: Mayor Johnson, Council Member Jones, Council Member Roche, Council Member Still

5. Ordinance Amendment to Provide for an Electrical Pole Attachment Ordinance

Motion to approve with the conditions that the word "pole" would be changed to "metal" or "other material" made by Council Member Still, Seconded by Council Member Jones.

Voting Yea: Mayor Johnson, Council Member Jones, Council Member Roche, Council Member Still

Final Adjournment

Motion to adjourn made by Council Member Roche, Seconded by Council Member Jones.

Voting Yea: Mayor Johnson, Council Member Jones, Council Member Roche, Council Member Still

Minute Signatures

Judy Jordan Johnson, Mayor

Karen Pierce, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LAWRENCEVILLE,
GEORGIA, TO AMEND THE REGULATIONS RELATED TO UTILITY RIGHT-OF-WAY
ENCROASHMENT**

The City Council of the City of Lawrenceville, Georgia hereby ordains that Article V. of Chapter 32 of the Code of the City of Lawrenceville, Georgia be amended as follows:

Amend existing Section 32-89 entitled "Other provisions." to be renumbered to Section 32-90. Then add and insert the following a new Section 32-89 to be titled "Aesthetic standards.", which shall appear and read as follows:

SECTION 32-89. - AESTHETIC STANDARDS

(a) Authority and Scope.

- (1) O.C.G.A. § 32-4-92(a)(10) authorizes the City to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way.
- (2) The City finds it is in the best interest of the City and its residents and businesses to establish aesthetic requirements and other specifications and reasonable conditions regarding placement of facilities in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.
- (3) The objective of this Article is to ensure use of the public rights of way: (i) is consistent with the design, appearance and other features of nearby land uses; (ii) protects the integrity of historic, cultural and scenic resources; and (iii) does not harm residents' quality of life.
- (4) This Article applies to all requests to locate facilities in the public rights of way and ongoing use of the public rights of way for such facilities. This Article is established pursuant to City Charter and applicable law. This Article is administered by the City Clerk.
- (5) Placement or modification of facilities in the public right of way shall comply with this Article at the time the permit for installation or modification is approved and as amended from time to time. Permittees are required to comply with City Code and applicable law and regulations.

(b) Definitions. Unless otherwise defined in Section 32-81, terms used in this Article shall have the meanings given them in O.C.G.A. § 36-66C-2.

(c) *Cross References.* Definitions in this Article include references and citations to applicable federal and state laws. In the event that any referenced section is amended, the definition in the referenced section, as amended, shall control.

(d) *Facilities Standards.*

- (1) Facilities must be compatible in size, mass, and color to similar facilities in the same zoning area, with a goal of minimizing the physical and visual impact on the area.
- (2) Facilities in the residential, historical and architecturally significant areas shall be visually and architecturally integrated with the residential, historical and architecturally significant areas in which they are located and shall not interfere with prominent vistas or significant public view corridors.
- (3) Facilities must be located in alignment with existing trees and/or facilities.
- (4) Facilities must maintain the integrity and character of the neighborhoods and corridors in which the facilities are located.

(e) *Undergrounding.* Except as provided in (1) and (2), facilities shall be installed underground in any area where underground utilities exist or are required in the future so long as placement underground will not materially impact the provision of service. Any individual requesting to locate facilities above ground in any area where underground utilities exist or are required in the future has the burden to demonstrate by clear and convincing evidence that undergrounding will effectively prohibit the provision of the service in question.

- (1) Light poles and small wireless facilities collocated thereon may be located above ground in areas of the City where facilities are primarily located underground.
- (2) The City may: (i) allow collocated small wireless facilities placed aboveground prior to the effective date of this Code and subject to any applicable pole attachment agreement to remain above ground; or (ii) allow the wireless provider to replace the pole associated with previously collocated small wireless facilities at the same location or propose an alternate location within 50 feet of the prior location, which the wireless provider shall use unless such alternate location imposes technical limits or significant additional costs.

(f) *Historic District.* Facilities installed in the historic district of the City shall conform to the provisions of any such historic district currently in effect or approved in the future.

(g) *Camouflaging.* Facilities must be designed using camouflaging techniques that make them as unobtrusive as possible if:

- (1) It is not possible or desirable to match the design and color of facilities with the similar facilities in the same zoning area, as required under d(1); or
- (2) Existing facilities in the area are out of character with a streetscape plan or other aesthetic plan that has been adopted by the City.

(h) *Concealment.* Facilities shall incorporate specific concealment elements to minimize visual impacts.

(i) *Preferred Locations.*

- (1) Unless otherwise provided by applicable law, facilities shall, to the extent that is it reasonable, be placed in the following areas of the City (i) Industrial (ii) Commercial; (iii) Residential. These areas are identified in terms of priority, meaning Industrial is the most preferred location, followed by Commercial, etc.
- (2) Facilities may be located outside areas identified in subsection (i)(1) if: (i) facilities must be placed outside of the areas identified in subsection (i)(1) in order to maintain existing services, improve services, or new service can only be provided if facilities are placed in areas located outside of those identified in subsection (i)(1); or (ii) the proposed facilities will meet all applicable requirements for the non-preferred location and will complement the character of the zoning area.

(j) *Installation and Modification Standards.* Installation of new facilities in, on, along, over, or under the public rights of way or modification of existing facilities in, on, along, over, or under the public rights of way shall:

Minimize risks to public safety;

- (1) Ensure that placement of facilities on existing structures is within the tolerance of those structures;
- (2) Ensure that installations and modifications are subject to periodic review to minimize the intrusion on the right of way;
- (3) Ensure that the City bears no risk or liability as a result of the installations or modifications; and
- (4) Ensure that use of the public rights of way does not inconvenience the public, interfere with the primary uses of the public rights of way, or hinder the ability of the City or other government entities to improve, modify, relocate, abandon, or vacate the right of way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right of way.

(k) *Plans for Use.* No facilities shall be placed in, on, along, over, or under the public rights of way unless: (i) there are immediate plans to use the proposed facility; or (ii) there is a contract with another party that has immediate plans to use the proposed facility.

(l) *Contact Information.* Every facility placed in the public rights of way shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.

IT IS SO ORDAINED, this ____ day of _____, 2019.

Judy Jordan Johnson, Mayor

Attest: _____
Karen Pierce, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LAWRENCEVILLE,
GEORGIA, TO PROVIDE FOR A WIRELESS FACILITIES AND ANTENNAS ORDINANCE**

The City Council of the City of Lawrenceville, Georgia hereby ordains that Chapter 32 of the Code of the City of Lawrenceville, Georgia be amended by adding a new article to be designated as Article VI. Wireless Facilities and Antennas Ordinance, which shall appear and read as follows:

ARTICLE VI. - WIRELESS FACILITIES AND ANTENNAS ORDINANCE

Sec. 32-101. -- Purpose and Compliance.

- (a) O.C.G.A. § 32-4-92(a)(10) authorizes the City of Lawrenceville, Georgia (the "City") to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act., O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights of way of the City,
- (b) The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specifications, and reasonable conditions regarding placement of small wireless facilities, poles in the public rights of way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.
- (c) The objective of this Ordinance is to (i) implement the SWFAA and (ii) ensure use of the public rights of way is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm residents' quality of life.
- (d) Any colocation with an Electric Facility owed by the City shall comply with the Electrical Pole Attachment Ordinance. (See Article VII. of Chapter 32. of the Code of the City of Lawrenceville, Georgia.)

Sec. 32-102. -- Definitions.

- (a) Unless defined below, terms used in this Ordinance shall have the meanings given them in O.C.G.A. § 36-66C-2. As used in this Ordinance, the following terms have the following meanings:

- (1) “Authority Pole” means a pole owned, managed, or operated by or on behalf of the City. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by the City in its capacity as an electric supplier.
 - (2) “Electric Supplier” means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state. The City is an Electric Supplier. See Electrical Pole Attachment Ordinance for terms applicable to such facilities owned by the City.
- (b) In the event that any federal or state law containing definitions used in this Ordinance is amended, the definition in the referenced section, as amended, shall control.

Sec. 32-103. – Permits.

- (a) A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
- (b) Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the City Clerk for a permit. Applications are available from the City Clerk. The application template is available by request from the City Clerk. Any material change to information contained in an application shall be submitted in writing to the City Clerk within 30 days after the events necessitating the change.
- (c) Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
- (d) The City Clerk shall review applications for permits according to the timelines and using the procedures identified in O.C.G.A. §§ 36-66C-7 and 36-66C-13.
- (e) Applications for permits shall be approved except as follows:
 - (1) In order to receive a permit to install a pole or replace a decorative pole, the applicant must have determined after diligent investigation that it cannot meet the service objectives of the permit by collocating on an existing pole or support structure on which: (i) the applicant has the right to collocate subject to reasonable terms and conditions; and (ii) such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith,

based on the assessment of a licensed engineer, and shall provide a written summary of the basis for such determination.

- (2) The City Clerk may deny an application for a permit upon any of the conditions identified in O.C.G.A. § 36-66C-7(j).
 - (3) For applications for new poles in the public right of way in areas zoned for residential use, the City Clerk may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the City Clerk proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.
- (f) A permit issued under this Article shall authorize such person to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
 - (g) Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
 - (h) Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
 - (i) The City may revoke a permit issued pursuant to this Article if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act. Upon revocation, the City may proceed according to Section 32-103(j).
 - (j) If a wireless provider occupies the public rights of way without obtaining a permit required by this Article or without complying with the SWFAA, then the City may, at the sole discretion of the City, restore the right of way, to the extent practicable

in the reasonable judgment of the City, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed \$1,000.00. The City may suspend the ability of the wireless provider to receive any new permits from the City under this Article until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

- (k) All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
- (l) An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.
- (m) Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
- (n) Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of 10 (ten) years.
- (o) Permits shall be renewed following the expiration of the term identified in Section 32-103(n) upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).
- (p) If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the City shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

Sec. 32-104. – Removal; Relocation; Reconditioning; Replacement; Abandonment.

- (a) A person may remove its small wireless facilities from the public rights of way according to the procedures of O.C.G.A. § 36-66C-5(e).
- (b) In the event of a removal under Section 32-104(a), the right of way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the removal within 90 days of the removal, the City may, at the sole discretion of the

City, restore the right of way to such condition and charge the person the City's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The City may suspend the ability of the person to receive any new permits under Article until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the City will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

- (c) If, in the reasonable exercise of police powers, the City determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the City make take the actions authorized by O.C.G.A. § 36-66C-7(o), in addition to any other powers under applicable law.
- (d) The City shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).
- (e) A wireless provider must notify the City of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

Sec. 32-105. -- Standards.

- (a) Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under this Article; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).
 - (1) New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.

- (2) Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
 - (i) Fifty feet above ground level; or
 - (ii) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;
 - (3) New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.
 - (4) New small wireless facilities in the public right of way collocated on a new or replacement pole under Section 32-105(a)(1) or Section 32-105(a)(2) may not extend above the top of such poles.
- (b) A decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the City has identified that a streetlight is necessary.
- (c) Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:
 - (1) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;
 - (2) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
 - (3) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
 - (4) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

- (d) Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under this Article and (ii) compliance with applicable codes.
- (e) Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under this Article and (ii) compliance with applicable codes.
- (f) Any collocation with an Electric Facility owed by the City shall comply with the Electrical Pole Attachment Ordinance. (See Article VII. of Chapter 32. of the Code of the City of Lawrenceville, Georgia.)

IT IS SO ORDAINED, this ____ day of _____, 2019.

Judy Jordan Johnson, Mayor

Attest: _____
Karen Pierce, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LAWRENCEVILLE,
GEORGIA, TO PROVIDE FOR AN ELECTRICAL POLE ATTACHMENT ORDINANCE**

The City Council of the City of Lawrenceville, Georgia hereby ordains that Chapter 32 of the Code of the City of Lawrenceville, Georgia be amended by adding a new article to be designated as Article VII. Electrical Pole Attachment Ordinance, which shall appear and read as follows:

ARTICLE VII. - ELECTRICAL POLE ATTACHMENT ORDINANCE

Sec. 32-121. – Electrical Pole Attachment.

(a) *Purpose and Compliance.*

- (1) Georgia law, including without limitation the Revenue Bond Law, O.C.G.A. § 36-82-60, et seq., authorizes the City of Lawrenceville, Georgia (the “City”) to prescribe, revise, and collect rates, fees, tolls, or charges for the services, facilities, or commodities furnished or made available by such undertakings, including without limitation its herein after defined Electrical Facilities.
- (2) The City is an “Electrical Supplier” under the Georgia Territorial Electric Service Act, O.C.G.A. Title 46, Chapter 3, Article 1. As such, the City installs, maintains, and operating poles, wires, towers, transformers, and other equipment for the supply and distribution of electrical power (“Electrical Facilities”).
- (3) The City finds it is in the best interest of the City and its residents and businesses and electric service customers to establish requirements, specifications reasonable conditions regarding the attachment to or colocation on Electrical Facilities. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the City and to reasonably manage and protect the City’s Electrical Facilities.
- (4) The objective of this Ordinance is to (i) provide for the reasonable attachment of any equipment (as defined herein below) to Electric Facilities in the City and (ii) ensure the safe use and operation of Electrical Facilities consistent with the national standards and efficient utility operations.

(b) *Definitions.* As used in this Ordinance, the following terms have the following meanings:

- (1) “Attachment” means any equipment attached to a Pole, including, but not limited to, brackets, cables, Service Drops, power supplies, amplifiers, pedestals, bonding wires, overlappings, guy wires and anchors required to

support unbalanced loads. A single Attachment includes the vertical space consisting of a total of twelve inches (12") either above or below, but not both, the bolted Attachment, exclusive of riser or conduit.

- (2) "Make Ready" means all work necessary or appropriate to make space for or otherwise accommodate new, additional or changed Attachments, including, but not limited to, necessary or appropriate Rearrangements, removal and replacement of the pole, Transfers and other work incident thereto.
- (3) "Make Ready Costs" means all costs necessary for the City, and other existing parties on the applicable Pole, to prepare the Poles for a provider's new, additional or modified Attachments, including, but not limited to, the costs of materials, labor, engineering, supervision, overheads, and tree trimming costs. Engineering includes design, proper conductor spacing and bonding, calculations to determine proper ground clearances and pole down guy and anchor strength requirements for horizontal and transverse loading, and compliance with all applicable requirements. Also included among Make Ready Costs are the costs of installing or changing out primary Poles, secondary Poles and drop and lift poles, including the cost of installation and/or removal of guys, anchors, stub poles, materials and equipment, temporary construction and all other construction in accordance with the technical requirements and specifications as required by the City. City Make Ready Costs shall be verifiably comparable to the cost the City pays for similar Make Ready Work to its own facilities.
- (4) "Pole" or "pole" means a wooden, concrete, steel, metal or other material structure owned, controlled, or otherwise operated by the City to support distribution lines and related facilities of the City, including drop, lift, light poles and streetlight poles that do not support distribution lines and related facilities.
- (5) "Unauthorized Attachment" means any affixation of any provider Attachment to the City's Poles, which has not been authorized as required by this Ordinance.
- (6) "Unauthorized Attachment Fee" means the fee to be paid by a provider for each Unauthorized Attachment.

(c) *Authorized Attachments.*

- (1) The only Attachments authorized by this Ordinance or City law are licenses granted to a provider that is a party to the City's Pole Attachment Agreement for Electrical Facilities (wired or wireless as appropriate).
- (2) Any provider wishing to make a legal Attachment to a City Pole must execute the City's Pole Attachment Agreement for Electrical Facilities

(wired or wireless as appropriate) and apply for a license per the terms thereof.

(d) *Unauthorized Attachments.*

- (1) If any Attachment is identified that was not licensed under the City's applicable Pole Attachment Agreement for Electrical Facilities, it shall be deemed an "Unauthorized Attachment" and shall be considered a trespass upon City property.
- (2) The owner of any Unauthorized Attachment shall pay to the City a one-time fee of one hundred fifty dollars (\$150.00) per Unauthorized Attachment, upon their discovery.
- (3) If the owner of an Unidentified Attachment is readily ascertainable, they shall be given 30 days in which to enter into a Pole Attachment Agreement for Electrical Facilities with the City and apply for a license for any Unauthorized Attachments. Paying the Unauthorized Attachment fee shall be a condition of approval of any licenses.
- (4) If the owner of the Unidentified Attachment is not readily ascertainable or neither enters into a Pole Attachment Agreement for Electrical Facilities with the City within 30 days or does not apply for a license for the Unauthorized Attachment, such owner will be assessed a charge equal to the Make Work Costs incurred by the City for its removal from the City's Pole in addition to the Unauthorized Attachment fee. The Unauthorized Attachment will be removed from the City Pole and discarded.
- (5) A utility lien is hereby established respecting all Attachments.

IT IS SO ORDAINED, this ____ day of _____, 2019.

Judy Jordan Johnson, Mayor

Attest: _____
Karen Pierce, City Clerk