

Amendment 1 to Council Bill No. 26-2017

**BY: The Chairperson at the
request of the County Executive**

**Legislative Day No. 7
Date: May 1, 2017**

Amendment No. 1

(This amendment:

1. *Clarifies when a person can place a structure on public property;*
2. *Adds a section listing possible items that may be included in the Agreement;*
3. *Clarifies the definition of Wireless Facility;*
4. *Clarifies the process for obtaining a permit;*
5. *Clarifies that a permit will be issued in light of the applicant's conformity with applicable regulations; and*
6. *Clarifies that fees will be reasonable.)*

1 On page 1, in line 5, after “(a)”, insert “and Subsection (c), both”.

2

3 On page 2, in line 5, insert:

4 “(c) Structures on Public Property. A person may not install temporary or permanent structures
5 in, on, over, through, or across public property [[without]]:

6 (1) WITHOUT the permission of the Director; or

7 (2) UNLESS THE PERSON HAS AUTHORITY TO INSTALL THE STRUCTURE WITHOUT PERMISSION
8 UNDER STATE LAW, OR UNDER A FRANCHISE OR LICENSE ISSUED BY THE COUNTY.”.

9

10 On page 2, in line 11, strike “, WHICH”.

11

12 On page 2, strike lines 12 and 13, inclusive and in their entirety and substitute:

13 “AND WHICH AGREEMENT MAY INCLUDE THE ITEMS LISTED IN SUBSECTION (D) OF THIS SECTION.”.

14

15 On page 2, strike lines 26, 27 and 28, inclusive and in their entirety and substitute:

16 “(3) WIRELESS FACILITY.

17 (I) WIRELESS FACILITY MEANS A FACILITY THAT:

18 A. IS LICENSED OR AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION;

19 B. IS AT A FIXED LOCATION; AND

20 C. ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A

1 COMMUNICATIONS NETWORK.

2 (II) A WIRELESS FACILITY INCLUDES:

3 A. EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES SUCH AS
4 PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES;

5 B. UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS
6 MICROWAVE BACKHAUL;”.

7
8 On page 2, in line 29:

- 9 1. Strike “(I)” and substitute “C.”;
- 10 2. Strike “INCLUDING” and substitute “INCLUDING, WITHOUT LIMITATION,”; and
- 11 3. After “WIRES,” insert “BACK-UP POWER SUPPLIES,”.

12
13 On page 2, in line 31, strike “(II)” and substitute “D.”.

14
15 On page 3, in line 2, strike “WHETHER OR NOT” and substitute “IRRESPECTIVE OF WHETHER THE
16 METERS AND WIRING ARE”.

17
18 On page 3, inline 7, after the first “THE”, insert “COUNTY SHALL CREATE AN APPLICATION FORM
19 THAT MAY REQUIRE AN” and, in the same line, strike “SHALL” and substitute “TO”.

20
21 On page 3, in line 8, strike “, AND SUCH OTHER INFORMATION AS THE COUNTY MAY”.

22
23 On page 3, in line 9, strike “REQUEST IN CONNECTION WITH ITS REVIEW OF THE APPLICATION”.

24
25 On page 3, in line 23, strike the second “AND”.

26
27 On page 3, in line 24, strike “FORM.” and substitute “FORM; AND”.

28
29 On page 3, after line 24, insert:

30 “ (7) SUCH OTHER INFORMATION AS THE COUNTY MAY REQUIRE IN ITS REVIEW OF THE
31 APPLICATION.”

1 (D) AGREEMENT FOR USE OF PUBLIC STREET LIGHTS. AN AGREEMENT FOR USE OF PUBLIC STREET
2 LIGHTS SHALL INCLUDE TERMS AND CONDITIONS FOR THE INSTALLATION OF THE WIRELESS
3 FACILITIES AS AGREED UPON BY THE APPLICANT AND THE COUNTY, WHICH SHALL INCLUDE FAIR
4 COMPENSATION TO THE COUNTY FOR THE APPLICANT’S USE OF THE PUBLIC STREET LIGHTS AND
5 WHICH MAY ALSO INCLUDE:

- 6 (1) PROVISIONS THAT ALLOW FOR THE ROUTINE MAINTENANCE OF THE WIRELESS FACILITY;
- 7 (2) PROVISIONS THAT ALLOW FOR THE REPLACEMENT OF A WIRELESS FACILITY WITH ANOTHER
8 SMALL WIRELESS FACILITY THAT IS SUBSTANTIALLY SIMILAR OR SMALLER IN SIZE, WEIGHT,
9 AND HEIGHT;
- 10 (3) PROVISIONS THAT ALLOW FOR MULTIPLE WIRELESS FACILITIES;
- 11 (4) THE LENGTH OF TIME FOR WHICH AN APPLICATION MAY BE CONSIDERED; OR
- 12 (5) THE LENGTH OF TIME FOR WHICH A PERMIT WILL BE VALID.”.

13
14 On page 3, strike lines 25 and 26, inclusive and in their entirety and substitute:

15 “(E) DISCRETION OF DIRECTOR. THE DIRECTOR:
16 (1) MAY NOT ISSUE A PERMIT WHERE, IN THE JUDGMENT OF THE DIRECTOR, SUFFICIENT
17 CAPACITY NO LONGER”.

18
19 On page 4, after line 1, insert:

20 “(2) SHALL REVIEW THE APPLICATION FOR A PERMIT IN LIGHT OF THE APPLICATION’S
21 CONFORMITY WITH APPLICABLE REGULATIONS AND COMMUNITY DESIGN GUIDELINES AND
22 SHALL ISSUE A PERMIT ON NONDISCRIMINATORY TERMS AND CONDITIONS.”.

23
24 On page 4, in line 2, strike “E” and substitute “F” and, in the same line, strike the last “AN” and
25 substitute “A REASONABLE”.

26
27 On page 4, in line 7, strike “F” and substitute “G”.