

ORDINANCE NO. 2016-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 23 OF THE PEORIA CITY CODE (1992) BY ENACTING SECTION 23-89 PERTAINING TO TELECOMMUNICATIONS; WIRELESS COMMUNICATION EQUIPMENT IN THE RIGHT-OF-WAY; FEES AND AMENDING TABLE 2-211(a) PERTAINING TO ENGINEERING DEPARTMENT, REQUIRED FEES; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. Chapter 23 of the Peoria City Code (1992) entitled Streets, Sidewalks and Public Improvements is amended by enacting Section 23-89 entitled Telecommunications; Wireless communication equipment in the right-of-way; fees, as follows.

Sec. 23-89. Telecommunications; Wireless communication equipment in the right-of-way; fees.

The annual encroachment fees for wireless communications equipment in the right-of-way categories shall be administered according to the following rules:

1. The fee structure shall apply to the installation of any antennas, antenna structures, ground equipment, electronics, cabinets, and other appurtenances required or associated with the operation of wireless communications equipment in the City right-of-way.

2. Antenna Structures and Base Fee – In cases where the existing vertical element is replaced for structural purposes with a pole designed to support the antennas and cabling, the wireless communication equipment will be categorized as being installed on an existing vertical element. The Antenna Base Fee includes up to fifty-five (55) cubic feet of ground equipment and any electrical conductors necessary to operate the wireless communication equipment site.

3. Ground Equipment Fee – The ground equipment measurement is calculated by the size of a flat, four-sided “box” (parallel sides of equal length) with a top panel that is parallel to the ground so that the box will cover the ground equipment from the top of the equipment to the ground (non-improved dirt surface), and from side-to-side, including any foundation or pad for the equipment. For situations where there is more than one ground equipment fixture or cabinet (adjacent to each other or within the same use area), the equipment fixtures, cabinets and generators are deemed to be part of the same contiguous ground equipment space and will be measured together within the same box. Any Remote Radio Heads or Remote Radio Units mounted to cabinet, post or wall in the same area with the ground equipment shall be included in the

measurement for the ground equipment. Electrical meters and telecom pedestals are not included in the ground equipment.

4. Wireless communication equipment site that has both the vertical element and ground equipment in the right-of-way will be assessed an amount equal to the Antenna Base Fee plus the Ground Equipment Fee, except that:

- a) Wireless communication equipment sites that have the antennas installed on a vertical element in the right-of-way but the ground equipment installed on private property will be assessed the Antenna Base Fee only.
- b) Wireless communication equipment sites with antennas on a vertical element located on private property but with the ground equipment in the right-of-way, will be assessed the Ground Equipment Fee only. If the ground equipment is less than fifty-five(55) cubic feet, the annual Ground Equipment Fee shall be the actual cubic feet of the ground equipment multiplied by thirty three dollars (\$33.00) per cubic foot. If the ground equipment is greater than fifty-five (55) cubic feet, the applicable ground equipment fee shall apply as provided in Table 2-211(a)(1) of the Annual Fees for Wireless Communication Equipment in the Right-of-Way. Cubic feet measurement is the aggregate square feet of all cabinet pedestals and ground mounted Equipment at a site (excluding the street light pole).

5. These rates will increase by three percent (3%) each year on December 6, and the increase will take effect on the immediately following January 1.

6. All wireless communication equipment in the right-of-way must have a Wireless Telecommunication Equipment in the Right-of-Way Agreement (master agreement). In addition to an Antenna Site Right-of-Way License Agreement (ASRLA) document submitted to the City for each wireless communication equipment site installed and operated in the right-of-way.

7. The ASRLA is an encroachment permit allowing the wireless communication equipment to be in the right-of-way; a wireless communication equipment owner or applicant must also obtain a "permission to Work in the Right-of-Way" permit to construct, repair or maintain the wireless communication equipment site.

8. The annual wireless communication equipment in the right-of-way permit fee does not include fees and charges for any other planning and development fees, permits, plan review fees, inspection fees, or any other services or approvals that may be required by the City of an owner or applicant of wireless communication equipment in the right-of-way.

9. The annual fees for wireless communication equipment in the right-of-way are to be found on Table 2-211(a) (1).

SECTION 2. Chapter 2 of the Peoria City Code (1992) entitled Administration is amended by amending Table 2-211(a) entitled Engineering Department Fees Required, by adding fees for Annual Fees for Wireless Communications Equipment in the Right-of-Way, as follows.

TABLE 2-211

Section 2-211 (a)
ENGINEERING DEPARTMENT,
FEES REQUIRED

Item	Date Effective August 23, 2005
Maps – 11" x 17"	\$1.00
Maps - 18" x 24"	\$5.00
Maps - 24" x 36"	\$10.00
Subpoenaed Record - copy cost [per page]	\$.10
Research and Processing Fee - per person minimum charge 1/2 hour [per hour]	\$45.00
Research and Processing Fee – Engineering Technician	\$80.00
Application and processing of Letter Agreements with City for special site development issues [per hour]	\$25.00
Photocopies [per page] [up to 50 pages]* the City may elect not to charge is the cost of charging exceeds the value of the photocopies	\$.20
Photocopies [per page] [51st and all subsequent pages]	\$.15
Recording and Document Handling Fee [plus actual cost billed by county recorder to city]	\$35.00
Floodplain Research Results Letter	\$25.00
Plan Review - Walls and Fences 6 foot/8 inches or less other than retaining walls [includes permit for walls and fences located adjacent to right of way and/or adjacent or crossing washes]	Actual fees charged by contract courier
Facsimile charge for providing information in addition to Photocopies - [per page] [Minimum charge \$1.00]	\$1.00
Grading and Drainage - Office review [per plan sheet]	\$360.00

Grading and Drainage - Third review and each review thereafter [per plan sheet per Review]	\$250.00
Grading and Drainage - Revision of existing plans [per plan sheet]	\$360.00
Grading and Drainage - Permit Application processing charge. Plus 0 to 1000 Cubic yards: \$31.40 for each 100 cubic yards or fraction thereof. 1,001 to 10,000 Cubic yards: \$300.00 plus \$62.80 for each 1,000 cubic yards or fraction thereof. 10,001 to 100,000 Cubic yards: \$680.00 plus \$125.60 for each 10,000 cubic yards or fraction thereof. 100,001 or more Cubic yards: \$1940.00 plus \$125.60 for each 100,000 cubic yards or fraction thereof.	
Minimum Residential Grading and Drainage Permit Charge -- \$100.00 Minimum Commercial Grading and Drainage Permit Charge -- \$200.00	\$15.00
"At-Risk" Grading & Drainage - Permit Application processing surcharge (in addition to the regular Grading & Drainage Permit Fee)	50%
Grading and Drainage Permit Penalty for failure to obtain permit prior to authorization by City -- Per day.	\$1,000.00
Off site Improvement submittal -- Office review [per plan sheet]	\$360.00
Off site Improvement submittal - Third and Subsequent office reviews [per plan sheet per review]	\$250.00
Off site Improvement Plan Revisions [per plan sheet]	\$360.00
Off site Improvement Permit Penalty for failure to obtain permit prior to authorization by City -- Per day.	\$1,000.00
Public Water/Sewer Improvement Plans - Office review -- per plan sheet	\$360.00
Public Water/Sewer Improvement Plans - Third review and each review thereafter [per plan sheet per review]	\$250.00
Public Water/Sewer Improvement Plans - Revision of existing plans -- per plan sheet	\$360.00
Street Lighting Plan submittal - Office Review [per plan sheet]	\$360.00
Street Lighting Plan submittal - Third and Subsequent Reviews [per plan sheet per review]	\$250.00
Street Lighting Plan Revisions [per plan sheet]	\$360.00
Local Street Signing Plan Submittal -- Office Review [per plan sheet]	\$360.00
Traffic Signal Design Plan - Office Review [per plan sheet]	\$360.00
Traffic Signal Design Plan - Third and Subsequent Office Reviews [per plan sheet per review]	\$250.00

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Signing & Striping Plan submittal - Office Review [per plan sheet]	\$360.00
Signing & Striping Plan submittal - Third and Subsequent Reviews [per plan sheet per review]	\$250.00
Master Residential Development (Greater than 500 lots) drainage report - Office review - per report	\$2,000, plus \$2.50/Acre
Major Residential Subdivision greater than 10 lots) drainage report - Office review - per report	\$250.00, plus \$25.00/Acre
Individual Parcel Development (within a Master Residential Development) Drainage Report - Office Review-Per Report	\$500.00
Minor Residential Subdivision (up to 10 lots) drainage report – Office review - per report (no charge for drainage reports for single family lots)	\$350.00
Commercial Subdivision drainage report - Office review - per report	\$350.00, plus \$25.00/Acre
Single Commercial lot drainage report - Office review - per report	\$350.00
Master Residential Development Traffic Impact Analysis (TIA) - Office review - per report	\$1,200.00
Individual Parcel Development (within a Master Residential Development) Traffic Impact Analysis - Office Review - Per Report	\$500.00
Major Residential Subdivision (greater than 10 lots) Traffic Impact Analysis (TIA) - Office review - per report	\$800.00
Minor Residential Subdivision (up to 10 lots) Traffic Impact Analysis (TIA) - Office review - per report	\$300.00
Commercial Subdivision Traffic Impact Analysis (TIA) - Office review [per report]	\$800.00
Single Commercial lot Traffic Impact Analysis (TIA) - Office review - per report	\$200.00
Intersection/Signal Traffic Analysis Report – Office Review [Per report]	\$500.00
City Prepared Traffic Impact Statement for Driveway and Deceleration Lane Evaluation.	\$350.00 plus \$150.00 per driveway
Master Residential Development Storm Water Management Plan (SWMP/SWPPP) - Office review - per plan	\$1,000.00
Residential/Commercial Subdivision Storm Water Management Plan (SWMP/SWPPP) - Office review - per plan [per parcel]	\$500.00
Single Commercial Lot Storm Water Management Plan (SWMP/SWPPP) - Office review - per plan	\$350.00
Single Residential lot Storm Water Management Plan (SWMP/SWPPP) – Office review - per plan	\$50.00
Map of Dedication	\$1200.00 plus \$0.20 per lf of dedicated ROW

Master Final Plat – Final Plat dedicating Major ROW and defining individual Parcels	\$600.00 plus \$5.00 per Acre
Minor Residential Subdivision--Final Plat Fee	\$600.00 plus \$15.00 per Lot
Residential Subdivision (other than Minor)--Final Plat Fee \$15.00 per lot (Less than 25 lots) \$10.00 per lot (25 to 50 lots) \$5.00 per lot (greater than 50 lots)	\$1200.00 plus Per lot fee
Re-subdivision or amended final plat fee	\$600.00 plus \$5.00 per lot
Non residential subdivision – Final Plat	\$1,500.00 plus \$11.00 per Acre
Minor Land Division Application Fee	\$800.00
Review and incorporation of subdivision plans into Computer Aided Design System [per hour]	\$82.00
Application for alternate methods of subdivision assurances *minimum fee or \$25.00 per hour whichever is greater	\$150.00*
Application for acceptance of Private Streets into City System (Subject to City Engineer's approval)	\$400.00
Review of Plans for acceptance of Private Streets into City System [per plan sheet per review]	\$360.00
Third and subsequent review of plans for acceptance of Private Streets into City System [per plan sheet]	\$250.00
Application and review of dedication of right of way or easements to City, other than plats or maps of dedication [per item, unless otherwise noted]	\$375.00 Commercial \$175.00 Residential Development \$100.00 – Single Family Residential
Application and Petition for modification or correction of Assessments - plus all outside Improvement District Engineering and Board Counsel Fees - plus City review and processing fee - 60% fee to Engineering 20% of fee to City Attorney and Management Services Each.	\$500.00
Capital Improvements - 5 year Master Plan [per page] Minimum charge \$.50	\$.20
Capital Improvements - water, wastewater Master Plan [per page] Minimum charge \$.50	\$.20
Capital Improvements Project Permit Fee	\$25.00
Water/sewer/grading/paving Construction Schedule [per page] Minimum charge \$.50	\$.20
Residential Street Addressing Fee - Per lot [does not apply to custom single residential lots]	\$25.00

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Commercial Street Addressing Fee -- Per building address	\$25.00
Petition fee for formation of Maintenance Improvement District -- per lot	\$15.00
Petition fee for formation of Street Light Improvement District -- per lot	\$15.00
Engineering Permit - Application Processing Charge plus Engineering inspection fee [see below]	\$15.00
Engineering Inspection fee [0.035 of the contract price]	*
Engineering/Utilities Fire Hydrant Layout Plan Review Fee [per plan sheet]	\$360.00
Engineering review of Sewer Tap by Contractor - per tap [for single residential lot tap]	\$150.00
Engineering Sewer Tap (by Contractor) inspection fee per tap [for single residential lot tap], plus street cut surcharge, per Peoria's City Code, Section 23-54.	\$500.00
Engineering review of water meter Tap by Contractor - per tap [for single residential lot tap], plus street cut surcharge, per Peoria's City Code, Section 23-54.	\$100.00
Engineering Water Meter Tap (by Contractor) inspection fee per tap [for single residential lot tap]	\$500.00
Engineering inspection outside of normal working hours [per hour – 2 hours, per incident minimum]	\$75.00
Temp Access Application Fee	\$50.00
Driveway Cut request review Fee – per driveway [for single residential lot driveways]	\$250.00
Driveway Cut Request inspection Fee – per driveway [for single residential lot driveways]	\$500.00
Traffic Control Plan review Fee	\$100.00
Expedited review Fee (50% of the standard review time frame at the time of the request or 21 calendar days, whichever is greater) Subject to approval of Engineering Director (or designee)	200% of Normal fee Minimum \$1000.00
Fog Seal Fees charged at time of permit	\$0.21 /sy
Retaining Wall/Sound Wall Engineering Review Fee [per design]	\$500

Retaining Wall /Sound Wall Permit [per square foot of wall] Wall height to include retained and un-retained height				\$15.00 plus
0 - 500 square feet of wall				\$250.00
501 – 1000 square feet of wall				\$500.00
Greater than 1000 square feet of wall				\$500.00 plus \$0.20/sf over 1000
<u>Wireless Telecommunication Equipment (WCE) in the Right-of-way (ROW) Fees</u>				<u>Date Effective</u> <u>March 23, 2016</u>
<u>CATEGORY 1</u>				
<u>WCE with antenna(s) mounted on an existing vertical element, or pole, and any associated ground equipment. Each WCE site will have an Antenna Base Fee of \$3,500 for a WCE site in the ROW, plus a Ground Equipment Fee (if applicable) for cubic feet of group equipment in the ROW, as set forth below:</u>				
<u>Antenna Base Fee + Ground Equipment</u>				<u>\$3,500</u>
<u>Item</u>	<u>Antenna Base Fee</u>	<u>Equipment Fee</u>	<u>Total WCE Fee</u>	
A. <u>Total is 1 cu ft up to 55 cu ft</u>	<u>included</u>	<u>included</u>	<u>\$3,500</u>	
B. <u>Total is greater than 55 cu ft up to 200 cu ft</u>	<u>\$3,500</u>	<u>\$6,500</u>	<u>\$10,000</u>	
C. <u>Total is greater than 200 cu ft up to 300 cu ft</u>	<u>\$3,500</u>	<u>\$10,000</u>	<u>\$13,500</u>	
D. <u>Total is greater than 300 cu ft up to 400 cu ft</u>	<u>\$3,500</u>	<u>\$13,000</u>	<u>\$16,500</u>	
E. <u>Total is greater than 400 cu ft or more</u>	<u>\$3,500</u>	<u>\$16,500</u>	<u>\$20,000</u>	
<u>CATEGORY 2</u>				
<u>WCE with antenna(s) mounted on vertical elements that is stealth or utilizes alternate concealment when existing vertical elements are not available, and any associated equipment. Each WCE site will have an Antenna Base Fee of \$3,700 for a WCE site in the ROW, plus a Ground Equipment Fee (if applicable) for cubic feet of group equipment in the ROW, as set forth below:</u>				

<u>Item</u>	<u>Antenna Base Fee</u>	<u>Equipment Fee</u>	<u>Total WCE Fee</u>
A. <u>Total is 1 cu ft up to 55 cu ft</u>	<u>Included</u>	<u>Included</u>	<u>\$3,700</u>
B. <u>Total is greater than 55 cu ft up to 200 cu ft</u>	<u>\$3,700</u>	<u>\$6,500</u>	<u>\$10,200</u>
C. <u>Total is greater than 200 cu ft up to 300 cu ft</u>	<u>\$3,700</u>	<u>\$10,000</u>	<u>\$13,700</u>
D. <u>Total is greater than 300 cu ft up to 400 cu ft</u>	<u>\$3,700</u>	<u>\$13,000</u>	<u>\$16,700</u>
E. <u>Total is greater than 400 cu ft or more</u>	<u>\$3,700</u>	<u>\$16,500</u>	<u>\$20,200</u>
<u>CATEGORY 3</u>			
<u>Fees for each WCE with antenna(s) on a new (non-existing) vertical element, or pole that is neither stealth nor concealed in appearance and any associated ground equipment. Each WCE site will have an Antenna Base Fee of \$5,000 for a WCE site in the ROW, plus a Ground Equipment Fee (if applicable) for cubic feet of group equipment in the ROW, as set forth below.</u>			
<u>Item</u>	<u>Antenna Base Fee</u>	<u>Equipment Fee</u>	<u>Total WCE Fee</u>
A. <u>Total is 1 cu ft up to 55 cu ft</u>	<u>Included</u>	<u>Included</u>	<u>\$5,000</u>
B. <u>Total is greater than 55 cu ft up to 200 cu ft</u>	<u>\$5,000</u>	<u>\$6,500</u>	<u>\$11,500</u>
C. <u>Total is greater than 200 cu ft up to 300 cu ft</u>	<u>\$5,000</u>	<u>\$10,000</u>	<u>\$15,000</u>
D. <u>Total is greater than 300 cu ft up to 400 cu ft</u>	<u>\$5,000</u>	<u>\$13,000</u>	<u>\$18,000</u>
E. <u>Total is greater than 400 cu ft or more</u>	<u>\$5,000</u>	<u>\$16,500</u>	<u>\$21,500</u>

Note: This schedule is not all inclusive and other fees may apply.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall become effective in the manner provided by law.

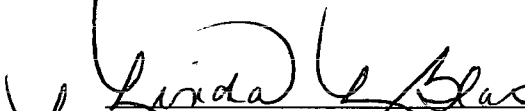
PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 16th day of February, 2016.

CITY OF PEORIA, Arizona, an Arizona
municipal corporation



Cathy Carlat, Mayor

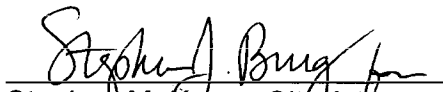
ATTEST:



Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:



Stephen M. Kemp, City Attorney

Published in: The Peoria Times

Pub. Dates: February 26, 2016

Effective Date: March 23, 2016