

ORDINANCE NO. 2017-39

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 23 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 23-89 PERTAINING TO TELECOMMUNICATIONS; WIRELESS COMMUNICATION EQUIPMENT IN THE RIGHT-OF-WAY; FEES AND AMENDING TABLE 27-7 PERTAINING TO DEVELOPMENT AND ENGINEERING DEPARTMENT; FEES REQUIRED 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 amending 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 City shall allow and charge a wireless provider and other communications service providers a rate and/or fee for the use of the City's right-of-way for the construction, installation, maintenance, modification, operation or replacement of a utility pole in the right-of-way or the collocation of a small wireless facility in the right-of-way. The annual encroachment fees for wireless communications equipment in the right-of-way categories shall be administered according to the following rules:

For the purpose of this Section, the following words, terms and phrases shall have the following meaning ascribed to them, except where the context clearly indicates a different meaning:

Collocate or collocation means to install, mount, maintain, modify, operate or replace wireless facilities on, within or adjacent to a wireless support structure or utility pole.

Communications service provider means a cable operator, a provider of information service as defined in 47 United States Code § 153 (24), a telecommunications carrier as defined in 47 United States Code § 153(51) or a wireless services provider.

Fee means a one-time charge.

Rate means a recurring charge.

Right-of-way means the area on, below or above a public roadway, highway, street, sidewalk, alley or utility easement within the jurisdiction of the City of Peoria. Right-of-way does not include a federal interstate highway or state highway or state route under the jurisdiction of the department of transportation, a private easement, property owned by a special taxing district, or a utility easement that does not authorize the deployment sought by the wireless provider.

Small wireless facility means a wireless facility that meets both of the following:

- (i) All antennas are located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet in volume.
- (ii) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume, or fifty (50) cubic feet in volume if the equipment was ground mounted before June 31, 2017. The following types of associated ancillary equipment are not included in the calculation of equipment volume:
  - An electric meter
  - Concealment elements
  - A telecommunications demarcation box
  - Grounding Equipment
  - A power transfer switch
  - A cutoff switch
  - Vertical cable runs for the connection of power and other services

Utility pole means a pole or similar structure that is used in whole or in part for communications services, electric distribution, lighting or traffic signals. Utility pole does not include a monopole.

Wireless facility means

- (a) equipment at a fixed location that enables wireless communications between user equipment and a communications network, including both of the following:
  - (i) Equipment associated with wireless communications.
  - (ii) Radio transceivers, antennas, coaxial or fiber-optic cables, regular and backup power supplies and comparable equipment, regardless of technological configuration.

- (b) Includes small wireless facilities.
- (c) Does not include the structure or improvements on, under or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber-optic cable that is between wireless support structures or utility poles or coaxial or fiber-optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.
- (d) Does not include wi-fi radio equipment described in A.R.S. § 9-506 (i) or microcell equipment described in A.R.S. § 9-84 (E).

Wireless services means any services that are provided to the public and that use licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

The fees for wireless communication equipment in the right-of-way are found on Table 27-7 of the City Code.

Each wireless communication equipment site installed and operated in the right-of-way must have a Notice of Antenna Site Standard Terms & Conditions document and an Antenna Site Right-of-way Location Agreement.

~~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 (50) 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 (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 (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 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 27 of the Peoria City Code (1992) entitled Fees is amended by amending Table 27-7 entitled Development and Engineering Department

Fees Required, by amending the fees and/or rates for Wireless Communications Equipment in the Right-of-Way, as follows.

FEE TABLE 27-7

Reference Section 2 211 (a)  
DEVELOPMENT AND ENGINEERING DEPARTMENT;  
FEES REQUIRED

\*Fees paid with a credit card or debit card are subject to a 2.25% service fee, which is intended to recoup the city's costs associated with credit card fees

Item	
<b><u>CIVIL ENGINEERING PLAN REVIEW FEES</u></b> <b><u>(Includes but not limited to review of the following plan types: grading and drainage, paving, street lighting, signing and striping, traffic signals, retaining walls, water, sewer, SWMP/SWPPP, etc.)</u></b>	
1 <sup>st</sup> and 2 <sup>nd</sup> Review [per plan sheet]	\$360.00
Plan Revisions – 1 <sup>st</sup> and 2 <sup>nd</sup> Review [per plan sheet]	\$360.00
Re-Approval of Plans – 1 <sup>st</sup> and 2 <sup>nd</sup> Review [per plan sheet] [must be within 2 years of original approval]	\$180.00
3 <sup>rd</sup> and Subsequent Reviews [per plan sheet per review]	\$100.00
Engineering review of Sewer Tap by Contractor - per tap [for single residential lot tap]	\$150.00
Engineering review of water meter Tap by Contractor - per tap [for single residential lot tap]	\$150.00
Driveway Cut request review Fee – per driveway [for single residential lot driveways]	\$250.00
Traffic Control Plan Review Fee	\$150.00
Floodplain Research Results Letter	\$50.00
Landscape Plan Review [per plan sheet]	\$160.00
Miscellaneous Engineering Review [per hour]	\$100.00
<b><u>REPORT REVIEW</u></b>	
Master Residential Development Drainage Report - Office review [per report]	\$2,400.00 plus \$2.50/acre
Major Residential Subdivision (more than 10 lots) Drainage Report - Office review [per report]	\$1,000.00 plus \$10.00/acre

Minor Residential Subdivision (up to 10 lots) Drainage Report – Office review [per report]	\$400.00 plus \$25.00/acre
Custom Home Drainage Report – Office review [per report]	\$250.00
Commercial Subdivision Drainage Report - Office review [per report]	\$1,000.00 plus \$2.50/acre
Single Commercial Lot Drainage Report - Office review [per report]	\$400.00
Master Residential Development Traffic Impact Analysis (TIA) - Office review [per report]	\$1,500.00 plus \$2.50/acre
Major Residential Subdivision (more than 10 lots) Traffic Impact Analysis (TIA) - Office review - per report	\$800.00 plus \$2.50/acre
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]	\$1,200.00 plus \$2.50/acre
Single Commercial Lot Traffic Impact Analysis (TIA) - Office review [per report]	\$300.00
Intersection/Signal Traffic Impact Analysis – Office Review [per report]	\$500.00
City Prepared Traffic Impact Analysis for Driveway and Deceleration Lane Evaluation[per report]	\$350.00 plus \$150.00 per driveway
Master Development Water Analysis Report [per report]	\$4,000.00
Individual Site Water Analysis Report [per report]	\$250.00
Master Development Sewer Analysis Report [per report]	\$4,000.00
Individual Site Sewer Analysis Report [per report]	\$250.00
Sound Study [per study]	\$200.00
Review of FEMA Maps Change: FEMA Community Acknowledgement Form Review, Elevation Certs, Conditional Letter of Maps Revision (CLOMR) and Letter of Map Revision (LOMR), CLOMR-F, LOMR-F Review, etc.	\$2,000.00 per request plus \$2.50/acre
<b><u>PROPERTY DEDICATIONS</u></b>	
Map of Dedication	\$1,200.00
Master Residential Development Final Plat – Final Plat dedicating Major ROW and defining individual Parcels	\$2,000.00 plus \$25.00/parcel
Major Residential Subdivision (more than 10 lots) Final Plat	\$1,200 plus \$10.00/lot

Minor Residential Subdivision (up to 10 lots) Final Plat	\$800.00 plus \$10.00/lot
Final Plat Amendment	\$1,000.00
Commercial Development Final Plat	\$1,400 plus \$10.00/acre
Minor Land Division Application Fee	\$800.00
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
Abandonment of Right-of-Way, Patent Easements or Other Real Property Interests [\$250 nonrefundable determination fee due at application]	\$1,000
<b><u>OPTIONAL PLAN REVIEW SERVICES</u></b>	
Expedited review Fee (50% of the standard review time frame at the time of the request) Subject to approval of Engineering Director (or designee)	200% of Normal fee Minimum \$1,000.00
Request for Waiver – Commercial and Residential Subdivision Developments	\$500.00
Request for Waiver – Single-Family Residential Lot	\$200.00
<b><u>ADDRESSING FEES</u></b>	
Residential Street Addressing Fee [per lot] [does not apply to custom single residential lots]	\$25.00
Multi-Family Residential Addressing Fee [per unit]	\$25.00
<b><u>APPLICATION FEES</u></b>	
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
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 Fee	\$25.00

Application and processing of Letter Agreements with City for special site development issues [per hour]	\$25.00
Application for alternate methods of subdivision assurances *minimum fee or \$25.00 per hour whichever is greater	\$150.00*
Application for conversion of Private Streets to -Public Streets, or vice versa (Subject to City Engineer's approval)	\$1,000.00
Right-of-way Agreement Application Fee	\$4,000.00 each
<b><u>COPY &amp; RESEARCH FEES</u></b>	
Maps – 11" x 17"	\$1.00
Maps - 18" x 24"	\$5.00
Maps - 24" x 36"	\$10.00
Subpoenaed Record - copy cost [per page]	\$0.50
Research, Archived Document Retrieval and Processing Fee – per person minimum charge 1/2 hour [per hour]	\$80.00
Photocopies [per page]* the City may elect not to charge is the cost of charging exceeds the value of the photocopies	\$.50
Recording and Document Handling Fee [plus actual cost billed by Maricopa County Recorder to City]	\$54.00
Facsimile charge for providing information in addition to Photocopies – [per page] [Minimum charge of \$1.00]	\$1.00
Capital Improvements - 5 year Master Plan [per page] Minimum charge \$.50	\$.50
Capital Improvements - water, wastewater Master Plan [per page] Minimum charge \$.50	\$.50
Water/sewer/grading/paving Construction Schedule [per page] Minimum charge \$.50	\$.50
CD's Containing Documents [plus research, archived document retrieval and processing fee]	\$15.00/CD
<b><u>CIVIL ENGINEERING PERMIT FEES</u></b>	
Capital Improvements Project Permit Fee [per project]	\$50.00
Engineering Permit Fee [based on executed construction contract to be provided by the applicant OR 110% of the sealed engineer's estimate]	3.5%
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 Water Meter Tap (by Contractor) inspection fee per tap [for single residential lot tap], plus street cut surcharge, per Peoria City Code, Section 23-54	\$500.00



Driveway Cut Request inspection Fee – per driveway [for single residential lot driveways]	\$500.00
Fog Seal Fees charged at time of permit	\$0.87/sy
Grading and Drainage - Permit Application processing charge. Plus <b>0 to 1,000 Cubic yards:</b> \$31.40 for each 100 cubic yards or fraction thereof. <b>1,001 to 10,000 Cubic yards:</b> \$300.00 plus \$62.80 for each 1,000 cubic yards or fraction thereof. <b>10,001 to 100,000 Cubic yards:</b> \$680.00 plus \$125.60 for each 10,000 cubic yards or fraction thereof. <b>100,001 or more Cubic yards:</b> \$1940.00 plus \$125.60 for each 100,000 cubic yards or fraction thereof.	\$25.00
Minimum Residential Grading and Drainage Permit Charge	\$100.00
Minimum Commercial Grading and Drainage Permit Charge	\$200.00
"At-Risk" Grading & Drainage - Permit	Engineering permit fee plus surcharge of 50% of the engineering inspection fee
Retaining Wall /Sound Wall Permit [per square foot of wall] Wall height to include retained and un-retained height	\$250.00
0 - 500 square feet of wall	\$500.00
501 – 1000 square feet of wall	\$500.00 plus \$0.20/sq ft over 1,000 sq ft
Greater than 1,000 square feet of wall	
Haul Permit	\$275.00
Right-of-Way Access Permit	\$50.00
Permit Penalty for failure to obtain permit prior to authorization by City [per day]	\$1,000.00
One time Permit Renewal Fee (application and payment must be received prior to expiration date of the permit)	50% of permit fee
Engineering inspection outside of normal working hours [per hour – 2 hours per incident minimum]	\$125.00
<b><u>Non-City Public Utility Fees</u></b>	
Non-City Public Utility – Office review [per plan sheet]	\$250.00
Non-City Public Utility – Third and each review thereafter [per plan sheet per review]	\$100.00

Expedited Non-City Public Utility – Office review [per plan sheet]	\$500.00
Expedited Non-City Public Utility – Third and each review thereafter [per plan sheet per review]	\$200.00
Trenching (no pavement cuts)	
(a) 300 linear feet or less	\$350.00/permit
(b) Additional linear feet exceeding 300 linear feet	\$1.50/lf
Trenching (pavement cuts/concrete work)	
(a) 300 linear feet or less	\$500.00/permit
(b) Additional linear feet exceeding 300 linear feet	\$3.00/lf
Manhole/Vaults/Pedestals/Cabinets/Access Points	\$150.00 each
Potholes	\$40.00 each
Pits	\$40.00 each
Horizontal Directional Drilling Pit	\$40.00 each
Horizontal Directional Drilling	
(a) 300 linear feet or less	\$350.00/permit
(b) Additional linear feet exceeding 300 linear feet	\$1.50/lf
Service Drops	\$60.00 each
Street cut surcharge	See charges established in Section 23-54
Seal coat (same rate applies to all types of seal coats)	\$0.87/sy
Annual Blanket (Emergency) Permit	\$4,000.00
Wireless Antenna	\$200.00/location
Encroachment	\$180.00 each
<b><u>Wireless Telecommunication Equipment (WCE) in the Right-of-way (ROW) Fees</u></b>	

<u>Base Use Fee</u>	<u>\$50.00 per year per pole for ROW access</u>	<u>\$50.00 per year per pole for use of pole</u>	
<u>Ordinary Permit Use Fee (covers application processing, plan review, permit, and other costs) per application</u>			<u>\$750.00 small cell/wireless site</u>
<u>Violation Use Fee</u>			<u>See fees as established in the Notice of Antenna Site Standard Terms &amp; Conditions</u>
<u>Annual Maintenance Permit</u>			<u>\$4,000.00</u>
<u>Ground Equipment Fee — 55 cubic feet or less (antennas on a vertical element located on private property but ground equipment in the right-of-way)</u>			<u>\$33.00/cu ft</u>
<u>Category 1</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>Item</u>	<u>Antenna Base Fee</u>	<u>Equipment Fee</u>	<u>Total WCE Fee</u>
A. Total is 1 cu ft up to 55 cu ft	Included	Included	\$3,500
B. Total is greater than 55 cu ft up to 200 cu ft	\$3,500	\$6,500	\$10,000
C. Total is greater than 200 cu ft up to 300 cu ft	\$3,500	\$10,000	\$13,500
D. Total is greater than 300 cu ft up to 400 cu ft	\$3,500	\$13,000	\$16,500
E. Total is greater than 400 cu ft or more	\$3,500	\$16,500	\$20,000
<u>CATEGORY 2</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>Item</u>	<u>Antenna Base Fee</u>	<u>Equipment Fee</u>	<u>Total WCE Fee</u>
A. Total is 1 cu ft up to 55 cu ft	Included	Included	\$3,700
B. Total is greater than 55 cu ft up to 200 cu ft	\$3,700	\$6,500	\$10,200
C. Total is greater than 200 cu ft up to 300 cu ft	\$3,700	\$10,000	\$13,700

D. Total is greater than 300 cu ft up to 400 cu ft	\$3,700	\$13,000	\$16,700
E. Total is greater than 400 cu ft or more	\$3,700	\$16,500	\$20,200
<del>CATEGORY 3. 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:</del>			
<u>Item</u>	<u>Antenna Base Fee</u>	<u>Equipment Fee</u>	<u>Total WCE Fee</u>
A. Total is 1 cu ft up to 55 cu ft	Included	Included	\$5,000
B. Total is greater than 55 cu ft up to 200 cu ft	\$5,000	\$6,500	\$11,500
C. Total is greater than 200 cu ft up to 300 cu ft	\$5,000	\$10,000	\$15,000
D. Total is greater than 300 cu ft up to 400 cu ft	\$5,000	\$13,000	\$18,000
E. Total is greater than 400 cu ft or more	\$5,000	\$16,500	\$21,500

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 15<sup>th</sup> day of August, 2017

CITY OF PEORIA, Arizona, an Arizona municipal corporation

  
 Cathy Carlat, Mayor

8-21-2017  
 Date Signed

ATTEST:

*for Rhonda Geriminsky*  
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

*Stephen J. Burg*  
Stephen J. Burg, City Attorney

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