

**ORDINANCE NO. 2580**

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FEE SCHEDULE FOR FY 2020.

WHEREAS, Ordinance No. 2541 set fees for FY2020; and

WHEREAS, the Department of Infrastructure and Development desires to establish fees for Small Wireless Facilities constructed under a License to Encumber Agreement for Private Utilities in Public Easements and Right-of-Ways; and

WHEREAS, the Department of Infrastructure and Development recommends the attached fee schedule be added to Ordinance No. 2541 so that they may be collected in FY 2020.


NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that the fee amounts included in the attached Exhibit 1 – Amended FY 2020 Fee Schedule – shall be adopted by the City of Salisbury and the amounts set forth therein shall supersede the corresponding fee amounts prescribed in the Salisbury Municipal Code until one or more of the said fees are subsequently amended.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

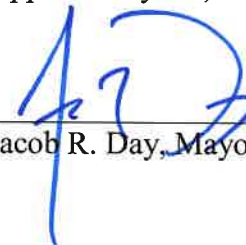
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 10<sup>th</sup> day of February, 2020 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 24<sup>th</sup> day of February, 2020.

ATTEST:

  
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Kimberly R. Nichols, City Clerk

  
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John R. Heath, City Council  
President

Approved by me, this 26<sup>th</sup> day of FEBRUARY, 2020.

  
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Jacob R. Day, Mayor

## Exhibit 1 – Amended FY 2020 Fee Schedule

### License to Encumber Program (by the Department of Infrastructure and Development)

<b>Small Wireless Facilities</b>		
Application	500	For up to five (5) small wireless facilities
Application – additional facilities	100	For each additional small wireless facility addressed in the application beyond five
Access to the Right of Way fee	1,000	Per each new small wireless facility pole
Annual fee for access to the Right of Way	270	Per year per small wireless facility after year 1



City of  
**Salisbury**  
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator  
From: Amanda Pollack, P.E., Director of Infrastructure and Development **AP**  
Date: February 5, 2020  
Re: Ordinance to establish permits for Small Wireless Facilities (Small Cells) and Ordinance to amend fee schedule

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The City has recently met with Verizon Wireless and Smart Link, LLC to discuss the installation of Small Wireless Facilities in Salisbury. Small Wireless Facilities add capacity to wireless networks to keep up with demands. Representatives from Smart Link attended the February 3, 2020 Council work session to present information regarding these facilities.

The Department of Infrastructure and Development has prepared guidelines for the installation of Small Wireless Facilities in the City. We propose to add the guidelines to the existing License to Encumber (LTE) process. LTEs are used to permit private utilities in public easements and right-of-ways. We regularly process LTEs with Comcast, Chesapeake Utilities and Delmarva Power. Currently the City does not charge an application fee for LTEs. The proposed guidelines are attached as part of the LTE application. The new Small Wireless Facility guidelines begin at item #30. The guidelines establish height, spacing distance and aesthetic parameter to attempt to minimize the impact on the community.

The Federal Communications Commission (FCC) issued an order regarding these facilities. A summary of the FCC Small Cell Order is attached for reference. The FCC order sets a reasonable limit for application fees and annual fees associated with Small Wireless Facilities. The Department of Infrastructure and Development recommends adopting the fees. Attached is an Ordinance to amend the fee schedule so that the City can charge application fees and annual fees associated with Small Wireless Facilities.

Also attached is a separate ordinance to require a permit for the installation of Utilities in the City Rights of Way and to adopt the regulations for Small Wireless Facilities.

Please note that allowing a Utility Provider to install Small Wireless Facilities in a City ROW does not prevent another Utility Provider from also installing Small Wireless Facilities in the same area, however minimum separation distances would apply.

Unless you or the Mayor has further questions, please forward a copy of this memo and both of the Ordinances to the City Council.