

ORDINANCE NO. 4778

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, APPROVING THE WIRELESS COMMUNICATIONS FACILITIES STANDARD TERMS AND CONDITIONS; AUTHORIZING AND APPROVING FORMS OF WIRELESS PROVIDER RIGHT-OF-WAY LICENSE AGREEMENTS BETWEEN THE CITY OF CHANDLER AND WIRELESS PROVIDERS FOR THE USE OF CITY RIGHT-OF-WAY PROPERTY TO OPERATE A WIRELESS NETWORK; AND AUTHORIZING THE DIRECTOR OF THE DEVELOPMENT SERVICES DEPARTMENT TO EXECUTE SUCH WIRELESS PROVIDER LICENSE AGREEMENTS AND ISSUE SMALL WIRELESS FACILITIES SITE PERMITS; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND SEVERABILITY.

WHEREAS, the City of Chandler ("City") is authorized to grant, renew, deny and terminate licenses and agreements for operation and maintenance of wireless communications within the City boundaries pursuant to the Charter and City Code of Chandler, and by virtue of federal and state statutes, by the City's police powers, by its authority over its public rights-of-way and highways as defined in Chapter 46 of the Chandler City Code, and by other City powers and authority; and

WHEREAS, several companies which are cable operators, wireless infrastructure providers, or wireless services providers, ("Wireless Providers") desire to install small wireless facility equipment on existing City property in the right-of-way, primarily City streetlight poles, in order to supplement the coverage of their cellular wireless communication networks and to increase capacity in high demand areas; and

WHEREAS, the City desires to streamline the process for approval of new or amended licenses by authorizing the Development Services Director to: 1) execute agreements that comply with the standard form of Wireless Provider Right-of-Way License Agreements ("License Agreements"), and 2) to issue Small Wireless Facilities Site Permits ("Site Permits") which shall include Terms applicable to the applicant's proposed individual sites; and

WHEREAS, each and every such approved License Agreement shall incorporate the Wireless Communications Facilities Standard Terms and Conditions ("Standard Terms") attached hereto as Exhibit B as approved by the City Council; and

WHEREAS, the 2017 City of Chandler Design Standards Concepts and Requirements for Wireless Facilities in the Right-of-Way ("Design Standards") are included within the Standard Terms, the City desires that these should be updated promptly as technology changes and that the Director of the Development Services Department shall be authorized to approve such changes to these Design Standards; and

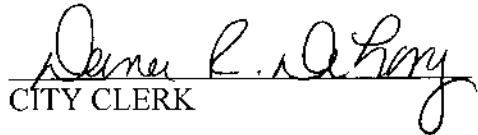
WHEREAS, the City Council finds that the approval of: 1) the form of Wireless Provider License Agreement authorizing Wireless Providers to use City right-of-way to operate a wireless network; 2) the Standard Terms; and 3) the delegation of authority to the Director of the Development Services Department (or his or her designee) to: a) execute such properly finalized License Agreements with Wireless Providers; b) issue Small Wireless Facilities Site Permits; and c) update the Design Standards as needed to address changes in technology, is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AS FOLLOWS:

- Section 1. The Chandler City Council does authorize and approve the Wireless Communications Facilities Standard Terms and Conditions, attached hereto as Exhibit B, which shall be incorporated into each and every License Agreement.
- Section 2. The Chandler City Council does authorize and approve the form of the Wireless Provider Right-of-Way License Agreements between the City of Chandler and Wireless Providers which shall be in substantially the form attached hereto as Exhibits A.
- Section 3. The Director of the Development Services Department of the City of Chandler, Arizona (or his or her designee), is authorized to execute Wireless Provider Right-of-Way License Agreements and to issue Small Wireless Facilities Site Permits on behalf of the City, to authorize minor deviations to the Standard Terms upon a showing of good cause, and further, to update the Design Standards as needed to address changes in technology.
- Section 4. Providing for Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any part hereof, are hereby repealed.
- Section 5. Providing for Severability. If any section, subsection, clause, phrase, or portion 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 thereof.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 4th day of December, 2017

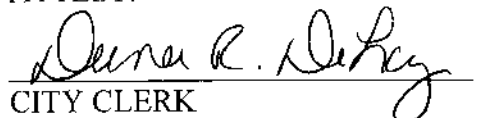
ATTEST:

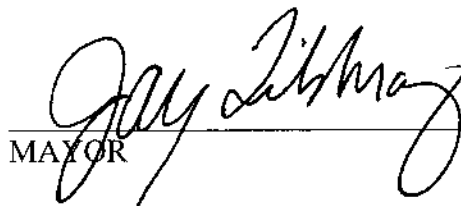

CITY CLERK


MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 7th day of December, 2017.

ATTEST:

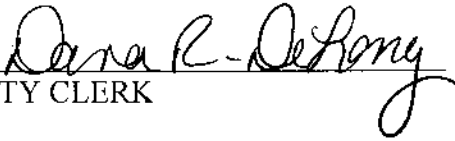

CITY CLERK


MAYOR



CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4778 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 7th day of December, 2017 and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Arizona Republic on December 15, and 22, 2017.