

September 1st
Chapter 284 Takes
Effect

Are you ready?

Chapter 284

- It's terrible, horrible, no-good, very bad, awful legislation
- And it doesn't matter – the Governor signed it on June 9th and **it takes effect on September 1, 2017! Prepare NOW!**
- If you do not have your ordinance and design manual in place, companies will not be subject to those requirements
- No moratorium (Section 284.151(c))

Chapter 284

- What do you need to do?
 - Review and amend your ROW ordinance
 - Add a Design Manual component
 - Prepare a Pole Attachment agreement
 - Review and modify Permit Applications

Chapter 284

ROW Ordinance / Design Manual

- My ordinances generally have three parts:
 - a general administrative section;
 - a right-of-way section for all ROW users;
 - and a design manual section

Chapter 284

ROW Ordinance / Design Manual

- But I already have a ROW ordinance? Don't I just need to have a Design Manual?
- When was the ROW ordinance written? 10-20 years ago?
- Section 284.301 (b) "A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all person subject to the municipality."

Chapter 284

ROW Ordinance / Design Manual

For example – it occurred to some of us that we will want to regulate colors of these nodes. But that is a requirement that could apply to – and should apply to – everyone using the ROW, so if that is a requirement you want, you should put in the ROW Management ordinance

Chapter 284

ROW Ordinance / Design Manual

- Elements of ROW Management ordinance
- Sections include:
 - Title
 - Construction
 - Scope
 - Definitions (lots of definitions!)

Chapter 284

ROW Ordinance / Design Manual

- Sections include (continued)
 - Penalties
 - Application Fees
 - Registration requirements (includes insurance, indemnity, identification, updates)
 - Construction requirements
 - Construction standards
 - Plans of Record

Chapter 284

ROW Ordinance / Design Manual

- Sections include (continued)
 - Conformance with public improvements (relocations)
 - Improperly installed facilities
 - Restoration of property
 - Revocation or denial of permit
 - Appeal from revocation or denial of permit

Chapter 284

ROW Ordinance / Design Manual

- Sections included (continued)
 - Inspections
 - Abandoned facilities
 - Underground installation preferred
 - As built maps and records
 - Courtesy and proper performance
 - Drug policy

Chapter 284

ROW Ordinance / Design Manual

- Sections included (continued)
 - Tree maintenance
 - Signage
 - Graffiti abatement
 - Alternate means or method, waiver
 - Orderly use of the ROW by multiple users

Chapter 284

ROW Ordinance / Design Manual

- Design Manual (part of overall ROW ordinance)
- Sections include:
 - Purpose
 - Prohibited or Restricted Areas for Wireless Facilities in the ROW
 - Includes subsections on Parks, underground areas, Historic and Design districts, designated areas called out

Chapter 284

ROW Ordinance / Design Manual

- Sections include (continued)
 - Preferred locations
 - Order of preference
 - Placement requirements
 - Camouflage
 - General requirements – including non-interference

Chapter 284

ROW Ordinance / Design Manual

- Sections include (continued)
 - Concealment
 - Spacing
 - Ground equipment
 - Colors (refers back to ROW ordinance section)
 - Size limits
 - Municipal Service Poles

Chapter 284

ROW Ordinance / Design Manual

- Sections include (continued)
 - Electrical supply
 - Installation and inspections
 - Standard pole load analysis
 - Removal and relocation
 - Network provider's responsibility
 - Abandonment
 - General provisions
 - Updates

Chapter 284

ROW Ordinance / Design Manual

- I also provided for an appeals process
- That is something someone may or may not want to have. It is not in Chapter 284. I thought it would provide an administrative remedy if there is an issue
- There is no PUC oversight (like there is for Chapter 283). Problems are taken to court

Chapter 284

- What else do you need?
- Agreement to get on city facilities (can require an agreement, but cannot say no)
- Provide for administrative authority to sign agreement?
- Application and permit forms
- Familiarize staff with time limits for approval of permits

Chapter 284

- What else?
- Consider how to handle payments, how to handle notices for increases, how to handle permit fees (who pays? Who doesn't? who is capped?)
- Issues that concern the *ExteNet* case – for companies who want even more than they got under chapter 284.

Questions?