

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-03

AN ORDINANCE concerning

Regulatory fees relating to small cell telecommunications facilities and other utilities in the public right of way

BY Amending Ordinance No. G-18-07

BACKGROUND

On May 17, 2018, the Board of Aldermen enacted Ordinance No. G-18-07, to be effective July 1, 2018, adopting a master schedule of administrative and regulatory fees for Fiscal Year 2018, known as the Fiscal Year 2018 Fee Schedule. The fees established therein may be modified or waived only by subsequent ordinance.

On August 2, 2018, the Board of Aldermen enacted Ordinance No. G-18-13, which amended Ordinance No. G-18-07 for the purpose of waiving certain fees relating to the Catocin View Apartments.

On January 17, 2019, the Board of Aldermen enacted Ordinance No. G-19-02, which established a regulatory scheme relating to the establishment of small cell telecommunications facilities and other utilities in the public right of way.

This ordinance is intended to amend Ordinance No. G-18-07 to establish application fees and other fees associated with the foregoing facilities and utilities. The fees set forth herein are intended to be in accordance with FCC 18-133, a Declaratory Ruling and Third Report and Order adopted by the Federal Communications Commission on September 26, 2018.

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT:

- (a) That portion of the Fiscal Year 2018 Fee Schedule containing the fees for the Engineering Department is hereby repealed and replaced with new Engineering Department fees, as depicted on Exhibit A, attached hereto and incorporated herein by this reference.
- (b) Except as amended by this ordinance and Ordinance No. G-18-13, Ordinance No. G-18-07 remains in effect as originally enacted.

SECTION II. AND BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT nothing herein shall be construed to limit the authority of the Board of Aldermen to adopt additional fees and charges, and that in the event of a conflict between this ordinance and any other ordinance or resolution hereafter adopted, the other ordinance or resolution shall prevail unless otherwise expressly stated therein.

SECTION III. AND BE IT FURTHER ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT this ordinance shall take effect on the date it is signed by the Mayor.

SECTION IV. AND BE IT FURTHER ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT in the event of a conflict between this ordinance and any

other ordinance or resolution previously adopted by The City of Frederick, this ordinance shall prevail.

SECTION V. AND BE IT FURTHER ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

APPROVED: February 7, 2019

PASSED: February 7, 2019

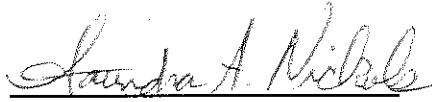
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MICHAEL C. O'CONNOR, Mayor

A handwritten signature in cursive script, appearing to read 'M. O'Connor', written over a horizontal line.

**MICHAEL C. O'CONNOR, President,
Board of Aldermen**

Approved for Legal Sufficiency:

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City Attorney

EXHIBIT A
FY 2019 FEE SCHEDULE
ENGINEERING DEPARTMENT

DESCRIPTION	
Improvement Plan Review - (Covers 1st and 2nd Review)	\$300.00 per sheet
Improvement Plans - 3rd + Reviews	\$200.00 per sheet
Revisions to Previously Approved Plans	\$150 per sheet
Resignature of Expired Plans (Inactive Site)	
SWM Waiver Application Fee (Quantity and/or Quality)	\$100.00
SWM Waiver	\$30,000 per new impervious acre (\$20,000 quantity, \$10,000 quality)
SWM Administrative Waiver of New ESD to MEP	\$150.00
Floodplain Study Review	\$300.00
Floodplain Determinations	\$150.00
FEMA Community Acknowledgement Form Review, Elevation Certs, CLOMR, LOMR, etc.	\$100.00
Easement Review	\$400 (per Planning Dept Fee List)
Encroachment Requests	\$50.00
Water and Sewer Studies	\$200.00
Copies, Documents, Ordinances, Etc.	See Copy Request Form
As-Built Reviews	\$150 per sheet
Sewer TV Reinspection Fee - Main Line	\$500.00
<i>Note added for clarification / No change in fee</i>	
Reinspection of Sewer Lateral TV	\$250.00
REINSPECTION AT INITIAL INSTALLATION OF SEWER	\$250.00
<i>Note added for clarification / No change in fee</i>	
Public Water Line Reinspection Fee	\$75.00
Storm Drain TV Reinspection Fee - Structure to Structure	\$500.00
SWM Reinspection Fee - Structure/Device/Pond Reinspection Fee - Non Entry	\$250.00
SWM Reinspection Fee - Structure/Device/Pond Reinspection Fee - Entry Required	\$500.00
Color Orthophoto (24 x 36 1" = 100' scale) Paper Copy	\$25.00 plus \$50.00 per modification
Electronic City annexation plotting in Autocad format on CD	\$200.00
Electronic Orthophoto on CD	\$100.00 per panel plus \$50.00 per layer
Water and Sewer Allocation Fees:	
Residential: Water and Sewer Allocation Processing	\$100.00 per Building Permit
Non-Residential: Water and Sewer Allocation Processing (Standard Flow Factor Matrix Analysis)	\$250.00 per Building Permit
Non-Residential: Water and Sewer Allocation Processing (Similar Use Comparison)	\$375.00 per Building Permit

**EXHIBIT A
FY 2019 FEE SCHEDULE**

ENGINEERING DEPARTMENT

Non-Residential: Water and Sewer Allocation Processing (Amount Calculated with Methods Other Than Using the Flow Matrix Factor and Simple Use Comparison)	\$750 per Building Permit
Water and Sewer Service Contract Amendment Processing	\$200.00 Base Amount +\$20.00 per Residential Unit + \$200.00 per Non-residential Lot
Water Service Contract Extension Processing	\$200.00
Appeals	\$300.00
Temporary Street Closure Permit	\$75.00
Additional Fee if plans require 3 or more reviews	\$50.00
STORMWATER MANAGEMENT UTILITY FEE	
Stormwater Management Utility Fee / Unit Rate Annual Rate Billed Quarterly	\$16.50/1000 s.f.
Review of Stormwater Management Utility Fee Credit Application	\$150.00

FEES FOR SMALL WIRELESS FACILITIES IN THE CITY RIGHT OF WAY*

Application Fees

Up to Five Facilities	\$500.00
Each Facility Beyond Five - On Application	\$100.00
New Pole Fee	\$1,000 per pole

Should application processing necessitate outside legal, engineering, or other professional services, the cost of those services will be passed directly to the applicant.

Recurring Fees

Annual Pole Attachment & ROW Access Fee	\$270/Small Wireless Facility
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**The City Engineer may charge fees in excess of those specified hereunder provided (1) those fees are a reasonable approximation of costs; (2) those costs are reasonable; and (3) the fees are non-discriminatory.*