

City Council Regular

Date: 10/09/2023
Title: Resolution for Managing Deployment of Small Cell Facilities in the Right of Way
Presented by: Debi Meling
Department: Public Works
Presentation: Yes
Legal Review: Yes
Project Number: N/A

RECOMMENDATION

Staff recommends that City Council approve the resolution for managing deployment of small cell facilities in the right of way.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

There is a potential for requests for small cell facilities to be installed within the right of way. A resolution is being proposed that directs the City Administrator to develop and publish uniform standards managing the deployment of small cell wireless facilities in the public rights-of-way; to develop an encroachment permit application form and procedures for submission of applications for deployment or modification of small cell wireless facilities in the public rights-of-way; to develop a license agreement which permittee shall enter into with the City prior to constructing, attaching, or operating a small cell wireless facility on city infrastructure in the public rights-of-way; to take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into tolling agreements to mutually extend the time for action on an application.

In addition to the resolution, city staff has developed language to add to Billings, MT City Code (BMCC) Section 22-407, Encroachment permit required, to require installers to apply for an encroachment permit and enter into a license agreement before installing the facilities. The first reading of the ordinance is on this same City Council agenda for approval. The resolution in addition to the modified ordinance language will enable the City to effectively manage the deployment of small cell facilities in the rights of way.

ALTERNATIVES

City Council may:

- Approve the resolution; or,
- Not approve the resolution. If the resolution is not approved, small cell facilities will be installed in the right of way without design standards, license agreement or encroachment permits.

FISCAL EFFECTS

There are no direct fiscal effects with the approval of this resolution. The permit fees will be included in future right of way permit resolutions. The cost to not approving the resolution would be in the form of added cost to the city to manage improperly installed facilities.

Attachments

Resolution



RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BILLINGS
ESTABLISHING A PROCESS MANAGING DEPLOYMENT
OF SMALL CELL WIRELESS FACILITIES IN PUBLIC
RIGHTS-OF-WAY**

WHEREAS, the City desires to establish a process and uniform standards managing the deployment of small cell wireless facilities in the public rights-of-way consistent with the City's obligation to promote the public health, safety, and welfare, and to manage and ensure that the public's use of the public rights-of-way is not incommoded by the placement of wireless facilities; and

WHEREAS, the City recognizes the importance of small cell wireless facilities to provide high-quality information and communications services to residents and businesses within the City; and

WHEREAS, the City also recognizes its obligation to comply with applicable federal law regarding the placement of personal wireless services facilities in its public rights-of-way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Billings, Montana, that the City Administrator is directed to develop and publish uniform standards managing the deployment of small cell wireless facilities in the public rights-of-way; to develop an encroachment permit application form and procedures for submission of applications for deployment or modification of small cell wireless facilities in the public rights-of-way; to develop a license agreement which permittee shall enter into with the City prior to constructing, attaching, or operating a small cell wireless facility on city infrastructure in the public rights-of-way; to take such other steps as may be required to timely act upon applications for placement of wireless facilities, including issuing written decisions and entering into tolling agreements to mutually extend the time for action on an application.

EFFECTIVE DATE. This resolution shall be effective upon adoption.

PASSED, ADOPTED and APPROVED on this 9th day of October, 2023.

CITY OF BILLINGS

BY: _____
William A. Cole, Mayor

Attest:

BY: _____
Denise R. Bohlman, City Clerk

RESOLUTION 23-11170

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