

ORDINANCE NO. 2019- _____

1
2 AN ORDINANCE OF THE CITY OF CULVER CITY,
3 CALIFORNIA, AMENDING SECTION 11.20.025 OF
4 THE CULVER CITY MUNICIPAL CODE TO ALLOW
5 APPLICATIONS FOR THE PLACEMENT OF
6 TELECOMMUNICATIONS FACILITIES IN THE
7 PUBLIC RIGHTS-OF-WAY TO BE APPROVED
8 ADMINISTRATIVELY BY THE PUBLIC WORKS
9 DIRECTOR/CITY ENGINEER.

10 WHEREAS, Culver City Municipal Code Section 11.20.025 currently requires
11 applications for the placement of telecommunications facilities in the public rights-of-way to be
12 approved by the City Council; and

13 WHEREAS, given the additional time involved in presenting these applications to
14 the City Council for consideration, the City Council requested the process be changed to allow
15 these applications to be approved administratively by the Public Works Director/City Engineer
16 ("Director"), which is consistent with the Director's current authority to approve other similar
17 permits (e.g. applications from franchised utilities to use the City's public rights-of-way).

18 NOW, THEREFORE, the City Council of the City of Culver City, California, DOES
19 HEREBY ORDAIN as follows:

20 SECTION 1. Section 11.20.025 is hereby amended as follows:

21 **§11.20.025 APPLICATION REQUIREMENTS.**

22 A. A telecommunications application to the City is required:

- 23 1. To install or place any telecommunications facility within the public
24 rights-of-way.
25 2. To provide a cable, telecommunications, telephony, wireless or data
26 transmission service to customers within the corporate boundaries of the
27 City.
28

1 3. For any current telecommunications provider who is subject to a
2 franchise or encroachment permit renewal, change of control, or transfer
3 of ownership.

4 B. Applications shall be submitted on a form approved by the City Manager or
5 his/her designee(s) and provided by the City. The City shall provide an
6 estimate of the cost for review of the application in accordance with the fees for
7 telecommunications services as adopted by resolution from time to time by the
8 City Council. The application fee shall be paid prior to initiation of any
9 application review by the City.

10 C. Applications shall be reviewed by designees of the City Manager for
11 determination as to whether a franchise or an encroachment permit shall be
12 required. If it is determined that a franchise is needed, then the designees
13 shall make findings and recommendations to be used by the City Council as
14 part of the City Council review required by Section 11.20.025.D.

15 D. All franchises required pursuant to this Chapter shall be approved, approved
16 with conditions, or denied by action of the City Council.

17 E. All encroachment permits required pursuant to this Chapter shall be approved,
18 approved with conditions, or denied by the Public Works Director/City
19 Engineer, subject to any appeal thereof.

20 **SECTION 2:** The City Council hereby declares that, if any provision, section,
21 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared
22 invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason or
23 any preemptive legislation, then the City Council would have independently adopted the
24 remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this
25 Ordinance, and as such they shall remain in full force and effect.

26 **SECTION 3:** Pursuant to Section 619 of the City Charter, this Ordinance shall
27 take effect thirty days after its adoption. Pursuant to Section 616 and 621 of the City Charter,
28 prior to the expiration of fifteen days after the adoption, the City Clerk shall cause this
29 Ordinance, or a summary thereof, to be published in the Culver City News and shall post this
30 Ordinance or a summary thereof in at least three places within the City.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

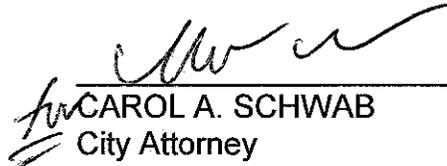
APPROVED and ADOPTED this _____ day of _____ 2019.

THOMAS AUJERO SMALL, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN
City Clerk



CAROL A. SCHWAB
City Attorney