

ORDINANCE NO. 2018-__

AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, AMENDING SECTION 11.20.025 OF
THE CULVER CITY MUNICIPAL CODE TO ALLOW
APPLICATIONS FOR THE PLACEMENT OF
TELECOMMUNICATIONS FACILITIES IN THE
PUBLIC RIGHTS-OF-WAY TO BE APPROVED
ADMINISTRATIVELY BY THE PUBLIC WORKS
DIRECTOR/CITY ENGINEER.

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

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

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

SECTION 1. Section 11.20.025.C is hereby amended as follows (additions indicated by underlined text and deletions indicated by ~~striketrough~~ text):

§11.20.025 APPLICATION REQUIREMENTS.

A. ~~The following persons shall be required to submit a telecommunications application to the City.~~ A telecommunications application to the City is required:

1. ~~Any person proposing t~~To install or place any telecommunications facility within the public rights-of-way.

1 2. ~~Any person proposing t~~To provide a cable, telecommunications,
2 telephony, wireless or data transmission service to customers within the
3 corporate boundaries of the City.

4 3. ~~Any current telecommunications provider proposing to add a new~~
5 ~~telecommunications service within the City.~~

6 4.3. For Any current telecommunications provider who is subject to a
7 franchise or encroachment permit renewal, change of control, or transfer
8 of ownership.

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

15 C. Applications shall be reviewed by designees of the City Manager for
16 determination as to whether a franchise or an encroachment permit shall be
17 required. If it is determined that a franchise is needed, then the designees
18 shall make findings and recommendations to be used by the City Council as
19 part of the City Council review required by Section 11.20.025.D., and to make
20 findings and recommendations for the City Council.

21 D. All franchises ~~and encroachment permits~~ required pursuant to this Chapter
22 shall be approved, approved with conditions, or denied by action of the City
23 Council.

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

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

APPROVED and ADOPTED this _____ day of _____ 2018.

ATTEST:

APPROVED AS TO FORM:

CAROL A. SCHWAB
City Attorney

-3-