

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.

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

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

THOMAS AUJERO SMALL, Mayor  
City of Culver City, California

**ATTEST:**

APPROVED AS TO FORM:

**JEREMY GREEN**  
City Clerk

**CAROL A. SCHWAB**  
City Attorney

A18-00834