

BILL NO. 18-212

AN ORDINANCE AMENDING THE SCHEDULE OF FEES AND CHARGES FOR THE CITY OF LEE'S SUMMIT TO ESTABLISH FEES AND CHARGES FOR USE OF THE RIGHT-OF-WAY OR CITY INFRASTRUCTURE IN THE RIGHT-OF-WAY BY WIRELESS PROVIDERS.

WHEREAS, in 1998 the City of Lee's Summit ("City") adopted Ordinance No. 4634, which established a Schedule of Fees and Charges that consolidated all City fees and charges into a comprehensive list; and,

WHEREAS, since adoption of Ordinance No. 4634, the Schedule of Fees and Charges has been updated numerous times through the adoption of ordinances that amended the Schedule of Fees and Charges; and,

WHEREAS, the multitude of updates and amendments to the Schedule of Fees and Charges can cause confusion as to what fees and charges are currently applicable; and,

WHEREAS, the most recent amendment to the Schedule of Fees and Charges was passed on November 13, 2018 pursuant to Ordinance No. 8509; and,

WHEREAS, the "Uniform Small wireless Facility Deployment Act", adopted by the Missouri General Assembly, takes effect January 1, 2019, and regulates the rates and fees the City can charge wireless providers for use of the right-of-way; using City infrastructure the right-of-way; or installing, modifying, or replacing utility poles in the right-of-way and reviewing applications to do the same; and,

WHEREAS, in order to comply with the Uniform Small wireless Facility Deployment Act, the City desires to amend its current Schedule of Fees and Charges to includes the rates and fees it can charge for applications related to small wireless facilities and use of the right-of-way and City infrastructure by wireless providers.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI AS FOLLOWS:

SECTION 1. The Schedule of Fees and Charges attached hereto as Exhibit A and incorporated herein by reference, be and hereby is approved and shall be effective January 1, 2019, at which date it shall supersede all prior versions of the Schedule of Fees and Charges.

SECTION 2. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3. Should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage, adoption, and approval by the Mayor.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this _____ day of _____, 2018.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

Chief Counsel of Management and Operations
Daniel White