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ORDINANCE NO. 2003-25

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADDING A NEW SECTION 12.02.015 TO THE POULSBO MUNICIPAL CODE IN ORDER TO REQUIRE THE INSTALLATION OF CONDUIT FOR TELECOMMUNICATIONS FACILITIES IN ALL NEWLY CONSTRUCTED STREETS AND TO AUTHORIZE THE CITY ENGINEER TO PROMULGATE DETAILED STANDARDS FOR SUCH INSTALLATION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the demand for access to high speed telecommunications is growing and the City can expect that telecommunications providers will make increasing demands for use of the public rights-of-way, and

WHEREAS, in an effort to manage the City's rights-of-way and to accommodate telecommunications providers while preserving the integrity of the City's rights-of-way and minimizing impacts that might occur due to repeated and uncoordinated installation of subsurface telecommunications facilities, the City Engineer has recommended that the City adopt standards for new street construction that anticipate future installations of telecommunications facilities by requiring the present installation of conduit, and

WHEREAS, the City Council concurs in the recommendation of the City Engineer and has determined to adopt the following standards, now, therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Conduit Standards. A new Section 12.02.015 is hereby added to the

Poulsbo Municipal Code to read as follows:

12.02.015 Conduit Standards.

A. Legislative Findings. The Poulsbo City Council finds that:

1. Demand for access to high-speed telecommunications services is growing. In order to fill such demand, telecommunications service providers install telecommunication lines in public rights-of-way.

2. In other jurisdictions, the demand for access and the number of telecommunications service providers has sometimes resulted in multiple, serial excavations within the public rights-of-way. Each such excavation can and does result in traffic disruption, a weakening of pavement integrity, and a shortening of the useful life of paved surfaces.

3. The City of Poulsbo has not experienced a high demand for use of the public rights-of-way by telecommunications service providers, but in order to responsibly manage its public rights-of-way the City should anticipate such demand in the future and plan accordingly.

4. Requiring that conduit be installed in newly constructed public streets and rights-of-way in order to accommodate the anticipated future demand for access to telecommunications services will assist the City in responsibly managing its public rights-of-way by:

a. Reducing or eliminating the need for excavation within public streets and rights-of-way when telecommunications service providers seek to locate underground telecommunications facilities within such streets and rights-of-way in the future;

b. Reduce or eliminate the traffic disruption that occurs whenever excavation occurs within streets and public rights-of-way;

c. Reduce or eliminate the loss of pavement integrity and diminishment of the useful life of pavement that occurs whenever paved streets and rights-of-way are cut and excavated within; and

d. Meet the needs and desires of the public for access to high-speed telecommunications services and the needs and desires of telecommunications service providers to locate within the public streets and rights-of-way.

5. In residential areas, anticipated demand for the reasonable future can likely be met by the capacity provided by two telecommunication lines. In non-residential areas, anticipated demand is higher, but can likely be met for the reasonable future by the capacity provided by four telecommunication lines. Requiring the installation of conduit and other facilities necessary to support these lines will allow anticipated needs to be met while allowing the City to responsibly manage its rights-of-way.

B. Intent. The intent of this Section 12.02.015 is to provide for the construction of infrastructure sufficient to allow telecommunications service providers desiring to deploy communication lines in the future to do so by pulling the same through the conduit and appurtenances installed pursuant to this Section and without excavating within the right-of-way. This Section is not intended to require telecommunications service providers to install additional duct or conduit pursuant the provisions of RCW 35.99.070, but is intended to require those constructing public streets, including the City and private developers, to provide and install such conduit and appurtenances as may be necessary to accommodate future telecommunications needs within public streets and rights-of-way without further excavation or disturbance.

C. Requirements – Adoption of Standards. Whenever any new public street is constructed, whether by the City as a public works project or by a private party in conjunction with development, the following shall be required:

1. In all new local access public streets serving or abutting residential development, a conduit of a sufficient diameter and containing interducts of sufficient number and diameter to accommodate a minimum of two telecommunication lines shall be installed by the party constructing the street.

2. In all new collector or arterial public streets serving or abutting residential development, and in all new public streets serving or abutting non-residential development, a conduit of a sufficient diameter and containing interducts of sufficient number and diameter to accommodate a minimum of four

telecommunication lines shall be installed by the party constructing the street.

3. In addition to installing conduit, the party constructing the street will be required to install such vaults and other appurtenances as may be necessary to accommodate installation and connection of telecommunication lines within the conduit.

4. All construction and installation shall be accomplished according to construction standards adopted by the City Engineer. The construction standards shall be adopted with due consideration given to existing and anticipated technologies and industry standards. The construction standards shall specify the minimum diameter of the conduit and interducts and the minimum number of interducts to meet the requirements of this section.

5. All conduit and appurtenances installed by private parties pursuant to this Section shall be conveyed and dedicated to the City with the dedication and conveyance of the public street and/or right-of-way.

6. Any and all installation costs shall be the responsibility of the party constructing the public street.

D. Use by Telecommunications Service Providers. Whenever conduit installed or to be installed under this Section is available or will become available within a newly constructed public streets or right-of-way upon dedication, all telecommunications service providers thereafter locating telecommunication lines within such street or right-of-way shall be required to locate their communication lines within such conduit unless it can be demonstrated to the reasonable satisfaction of the City Engineer that such location is not technologically feasible or reasonably practicable. Conduit capacity shall be allocated to telecommunications service providers on a first-come, first-served basis, provided, that the City may reserve capacity within such conduits for its own use and provided further, that the City Engineer may adopt additional rules for conduit allocation in order to ensure that all telecommunications service providers have reasonable access to the City's rights-of-way and that no barriers to entry or competition result from the allocation of conduit space.

E. Fees. The City reserves the right to charge reasonable fees for the use of conduit installed pursuant to this

Section, to the extent consistent with and as limited by federal and state laws and regulations. Any such fees shall be established by resolution or ordinance.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

MAYOR, DONNA JEAN BRUCE

ATTEST/AUTHENTICATED:

CITY CLERK, KAROL JONES

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
JAMES E. HANEY

FILED WITH THE CITY CLERK: 8/21/2003
PASSED BY THE CITY COUNCIL: 8/20/2003
PUBLISHED: 8/27/2003
EFFECTIVE DATE: 9/1/2003
ORDINANCE NO. 2003-25

SUMMARY OF ORDINANCE NO. 2003-25

of the City of Poulsbo, Washington

On the 20th day of August, 2003, the City Council of the City of Poulsbo, passed Ordinance No. 2003-25. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADDING A NEW SECTION 12.02.015 TO THE POULSBO MUNICIPAL CODE IN ORDER TO REQUIRE THE INSTALLATION OF CONDUIT FOR TELECOMMUNICATIONS FACILITIES IN ALL NEWLY CONSTRUCTED STREETS AND TO AUTHORIZE THE CITY ENGINEER TO PROMULGATE DETAILED STANDARDS FOR SUCH INSTALLATION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 21st day of August, 2003.

CITY CLERK, KAROL JONES