

**RESOLUTION 18-R-31** authorizing development of an application for installation of small wireless facilities (aka small cell facilities) and designating small wireless facility fees.

**WHEREAS**, the City of Murfreesboro, Tennessee ("City") desires to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities, while enabling the City to promote the management of the public rights-of-way within the City ("ROW") and other City-owned property in a manner consistent with the overall interests of the public health, safety and welfare; and,

**WHEREAS**, the City recognizes that small wireless facilities are critical to delivering wireless access to advance technology, broadband, and 9-1-1 services to homes, businesses, schools and public facilities within the City, and that robust advanced wireless facilities are critical to economic development; and,

**WHEREAS**, the City recognizes that the public ROW is often the most effective location to deploy small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems; and,

**WHEREAS**, on April 24, 2018, the Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018 was passed by the Tennessee General Assembly, which is codified as Tennessee Code Annotated 13-24-401 et seq.; and,

**WHEREAS**, Tennessee Code Annotated 13-24-401 et seq. allows municipalities to adopt and enforce regulations related to the application for, deployment of, and maintenance of small wireless facilities in the public ROW, and allows wireless service providers to install new poles (potential support structures or PSSs) in the public ROW; and,

**WHEREAS**, City staff is preparing an ordinance to provide such regulations related to the application for, deployment of, and maintenance of small wireless facilities and new PSSs in the public ROW; and,

**WHEREAS**, City staff anticipates that a wireless provider will seek to initiate the process of deploying small wireless facilities and new PSSs in the public ROW prior to the referenced ordinance being completed and becoming effective.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** The City Engineer shall develop an Application for use by any person or entity that desires to install small wireless facilities in public ROW within the City limits and upon other City-owned property. The Application shall require information and certifications consistent with TCA 13-24-401 et seq.

**SECTION 2.** The City shall charge the following fees to be collected by the City Engineer with each Application submitted to offset the cost of reviewing and processing the Application:

A. \$100.00 for the first five (5) small wireless facilities or new PSSs, plus \$50.00 for each additional small wireless facility or new PSS included in the Application up to a maximum of twenty (20) small wireless facilities or PSSs in one Application;

B. An additional \$200.00 preparation fee for the first Application submitted by an applicant.

SECTION 3. The annual rate for a small wireless facility on a City-owned PSS in the public ROW, a new, non-City-owned PSS installed in the public ROW, a City-owned PSS located on other City-owned property, and a new, non-City-owned PSS installed on other City-owned property, shall be \$100.00 for each calendar year or partial calendar year of occupancy. The annual rate shall be paid upon completion of installation for the remainder of that calendar year and shall be payable on or about January 1 of each calendar year thereafter. On or about December 1 of each year, the City will prepare and send an invoice for the annual rate for each small wireless facility and each new, non-City-owned PSS in existence at that time.

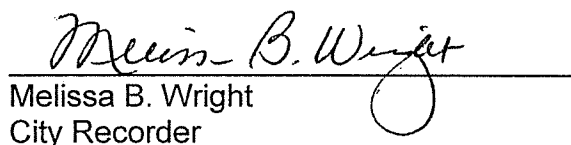
SECTION 4. Unless otherwise provided in an ordinance adopted by the City, the provisions of TCA 13-24-401 et seq. shall apply to all small wireless facilities on City-owned PSSs in the ROW, on non-City-Owned PSS in the ROW, on City-owned PSSs located on other City-owned property, and on non-City-owned PSSs installed on other City-owned property provided, however, that all aesthetic provisions contained in the Gateway Overlay provisions and the Historic Overlay provisions of the Murfreesboro Zoning Ordinance, the Gateway Design Guidelines, the City-Wide Design Guidelines and any other design guidelines in existence at the time an Application is submitted to the City shall apply.

SECTION 5. This Resolution shall be effective immediately, the public welfare and the welfare of the City requiring it.

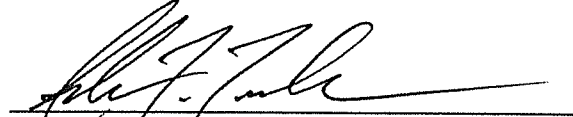
Passed: October 18, 2018

  
Shane McFarland, Mayor

ATTEST:

  
Melissa B. Wright  
City Recorder

APPROVED AS TO FORM:

  
Adam F. Tucker  
City Attorney