



**SUBSTITUTE**  
**ORDINANCE NO. 28503**

1 AN ORDINANCE relating to right-of-way occupancies; amending Chapter 9.08 of  
2 the Tacoma Municipal Code, relating to right-of-way occupancies, to  
3 facilitate the appropriate deployment of next generation cellular network  
4 infrastructure in public right-of-way.

4 WHEREAS wireless communication providers have begun to deploy what is  
5 known as fifth generation wireless facilities to increase the speed and coverage of  
6 wireless communication services, and

7 WHEREAS fifth generation wireless services rely significantly on the  
8 deployment of many small antenna facilities, known as small cells, in public  
9 rights-of-way to augment traditional communication tower technology, and

10 WHEREAS the Tacoma Municipal Code (“TMC”) currently lacks design and  
11 other standards applicable to small cell installations in the public right-of-way, and

12 WHEREAS on November 14, 2018, City staff provided the City Council with  
13 updates related to future installation of Small Cell infrastructure in City rights-of-  
14 way, and the City Council asked that appropriate small cell development standards  
15 be formulated for consideration, to mitigate negative impacts from small cells,  
16 including to the aesthetic environment, and

17 WHEREAS representatives from Public Works, Tacoma Public Utilities,  
18 Media and Communication Offices, and Planning and Development Services have  
19 worked collaboratively to prepare development standards, and, on January 31,  
20 2017, reviewed the proposed TMC amendments with wireless communication  
21 industry stakeholders, and

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WHEREAS the proposed amendments would codify procedures and design standards related to small cell installations, and if approved, the proposed regulations would amend the TMC as follows:

- Limit height above existing pole to 10 feet; new poles must not exceed height of 45 feet;
- Require installation to be same color as pole and require shrouding of cables;
- Antennas on pole must be flush mounted or, if top-mounted, must comply with diameter requirements;
- If required to replace pole, the new pole must accommodate cables internal to the pole;
- Screening or other stealth measures to minimize aesthetic impact of Gground level equipment, if proposed, must be screened;
- If in historic district or in business district with established pole design, the installation will be reviewed for compliance with district;
- Require relocation at expense of provider when/if the City undergrounds utilities;
- Include Director discretion to allow flexibility when demonstrated to be necessary;
- Increase the permit fee in step towards fiscal sustainability, and

WHEREAS City staff recommends that the proposed TMC amendments be approved; Now, Therefore,



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BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 9.08 of the Tacoma Municipal Code is hereby amended as substantially as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

1 Gray highlights indicate text codified pursuant to Ordinance No. 28501, passed April 10, 2018  
(codified between first and second readings of this ordinance).

2 Yellow highlights indicate changes between first and second readings of this ordinance.

### 3 Chapter 9.08 4 **RIGHT-OF-WAY OCCUPANCIES<sup>1</sup>**

5 Sections:

6 9.08.010 Definitions.

7 9.08.020 ~~Occupancy permit~~ Written permission required.

8 9.08.022 Exemptions.

9 9.08.024 Nonconforming development.

10 9.08.026 Blanket permits for Neighborhood Districts.

11 9.08.030 Application – Information required.

12 9.08.040 Processing of application.

13 9.08.045 Small cell design.

14 9.08.050 Indemnity deposit on approved applications for permit.

15 9.08.060 Indemnity to save the City harmless from claims.

16 9.08.070 Revocation of permits ~~and removal of development.~~

17 9.08.075 Fees.

18 9.08.080 Issuance of permits.

19 9.08.090 Validation of prior permit.

#### 20 **9.08.010 Definitions.**

21 The term "street right-of-way occupancy," whenever used in this chapter, shall be held and  
22 construed to mean and include any surface, above surface and subsurface occupancy or use of any  
23 public right-of-way wherever located in the City of Tacoma, and such subsurface use shall include  
24 any vault, bin, cellar, passageway, pipeline, tank, elevator, chute, or any other structure or  
25 improvement.

26 The term "commercial," whenever used in this chapter, shall mean development associated with  
uses other than single family  
and duplex.

The term "residential," whenever used in this chapter, shall mean development associated with  
single family and duplexes.

The term "garden activities," whenever used in this chapter, shall be held and construed to mean  
planting vegetation and installation of hardscape elements associated with landscaping, such as  
pavers or raised beds that conform to the Public Works Design Manual in the right-of-way.

The term "small cell facility," whenever used in this chapter, shall mean a personal wireless  
services facility that meets both of the following qualifications:

- 23 1. Each antenna is located inside an antenna enclosure of no more than three (3) cubic feet in  
24 volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed  
25 elements could fit within an imaginary enclosure of not more than three (3) cubic feet; and
- 26 2. Primary equipment enclosure is no larger than seventeen (17) cubic feet in volume. The  
following associated equipment may be located outside the primary equipment enclosure and if so

<sup>1</sup> Streets – Obstructions and Excavations – See Chapter 10.22



located, are not included in the calculation of equipment volume; electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

**9.08.020 Occupancy permit Written Permission Required.**

A. Except as exempted below, it is unlawful for anyone to use any public right-of-way for private purposes without a written permit-permission from the City of Tacoma and without complying with all of the provisions of this chapter in relation thereto; provided that nothing herein contained shall apply to street maintenance work performed by the City of Tacoma, utility installations covered by franchise (not including small cell facilities), street or sewer installation and improvement work authorized by ordinance, or street improvement projects under contract with the City of Tacoma.

**B. Written permission of a Small Cell Facility shall be as follows:**

1. If a small cell facility is attached to a City asset, the, typically Public Work or Tacoma Public Utility Poles, installation shall be permitted through a Pole Attachment Agreement and other appropriate development permits, including a work order.

2. If a small cell facility is attached to an existing/replacement pole not owned by the City, the attachment shall be reviewed under this chapter and appropriate development permits. It will be determined, on a case by case basis, if a separate Right-of-Way Permit, Pole Attachment Agreement, and/or amended Franchise Agreement is necessary.

3. If a new pole, not owned by the City, is necessary to accommodate the small cell facility, a Right-of-Way Occupancy Permit will be required for the pole in addition to other appropriate development permits, including a work order.

If a small cell facility is attached to a City asset, the installation shall be permitted through a Pole Attachment Agreement, and other appropriate development permits, including a work order. If a new pole, not owned by the City, is necessary to accommodate the small cell facility, a Right of Way Occupancy Permit will be required for the pole in addition to other appropriate development permits, including a work order.

C. Small cell facility installations shall be subject to the procedural requirements in Section 9.08.030, the development standards contained in Section 9.08.045, and shall pay the permit fees identified in Section 9.08.075. Other sections do not apply.

**9.08.022 Exemptions.**

A. Right-of-Way Occupancies adjacent to residential uses, that do not otherwise require a permit, shall not require a Right-of-Way Occupancy Permit, provided they meet standards such as, but not limited to:

1. Fences must be no taller than seven feet; must comply with the Public Works Design Manual related to setback from sidewalk and site distance at intersections and driveways. This does not include fences crossing/blocking unimproved rights-of-way.

2. Retaining walls no taller than four feet in height must comply with the Public Works Design Manual related to setback from sidewalk and site distance at intersections and driveways.

3. At-grade stairs.

4. Above-grade stairs, provided they meet the Public Works Design Manual.

5. Garden activities, provided the activity meets the Public Works Design Manual. Garden activities in the planting strip shall not include any structure, such as a fence and/or raised bed.

6. Required Utility installations.



1 B. Right-of-Way Occupancies adjacent to residential uses, that do not meet the above standards,  
will be reviewed under the associated building permit and will not require a separate Right-of-Way  
Occupancy Permit. They will require proof of insurance as set forth in Section 9.08.080.

2 C. Right-of-Way Occupancies adjacent to commercial uses, when such use and/or development is a  
3 requirement of the Tacoma Municipal Code, such as, but not limited to, alternative materials for  
sidewalks, street trees, benches, and bike racks.

4 **9.08.024 Nonconforming Development.**

5 Except for provisions set forth in Section 9.08.070, Right-of-Way Occupancies adjacent to  
6 residential uses are nonconforming and not subject the standards set forth in this chapter. The  
7 adjacent property owner continues to be responsible for maintaining the development in a safe  
manner. If the Director of Planning and Development Services determines the development poses a  
8 danger to the general public, such occupancy must be removed. If the occupancy has become a  
nuisance, it will be subject to enforcement.

8 **9.08.026 Blanket permits for Neighborhood Districts.**

9 An authorized neighborhood and/or business district may apply for a blanket Right-of-Way  
10 Occupancy Permit. Such permit would provide an unlimited number of private occupancies (non-  
commercial in nature) in the right-of-way, if approved. The location and configuration of each  
11 right-of-way occupancy must be clearly identified with maps and drawings. Other permits may  
12 apply depending on the nature of the street occupancy. Additional street occupancies may be  
incorporated into the blanket permit at a later date with a new application requesting amendment of  
the existing permit, together with an updated insurance certificate incorporating the additional use.

12 **9.08.030 Application – Information required.**

13 Application for permits herein provided for shall be filed with the City of Tacoma Planning and  
14 Development Services Department. Information required in the application includes:

15 A. An accurate description of the public place or portion thereof desired to be used as herein  
specified;

16 B. The use desired to be made of such public place by the applicant;

17 C. The plans and specifications for any utility or structure desired to be constructed, erected, or  
maintained by the applicant in or on a public place; and

18 D. If the request is to construct an areaway, fuel opening, sidewalk elevator or door or other  
19 subsurface use of said right-of-way, a certificate of title or other document or indicia of title  
showing the applicant to be the owner of the premises abutting said public right-of-way where the  
said subsurface use or improvement is to be conducted or constructed.

20 E. If the request is for a surface occupancy of right-of-way located within shoreline segments S-1  
21 through S-12, all further construction and development on such right-of-way shall be subject to  
Chapter 13.10 of the Official Code of the City of Tacoma and Chapter 90.58 RCW. The Director of  
22 Public Works may require that the applicant comply with the provisions of said Chapter 13.10 prior  
to the issuance of a permit pursuant to this chapter.

23 F. If the request is a small cell facility, the following information shall be provided:

24 1. Notice shall be published in a newspaper of general circulation once per week, for a minimum  
period of 30 days, and an affidavit of publication shall be provided at the time of application as  
proof that the required notice has occurred.

25 2. A letter signed by the applicant stating the facility will comply with all FAA regulations and  
26 applicable standards, and all other applicable federal, state, and local laws and regulations.



1 3. A signed statement indicating that such installation, repair, operation, upgrading, maintenance,  
2 and removal of antenna(s) by the wireless communication provider shall be lawful and in  
3 compliance with all applicable laws, orders, ordinance, and regulations of federal, state, and local  
4 authorities having jurisdiction.

5 4. A signed statement that the applicant agrees to remove the facility within one year of  
6 abandonment.

7 5. Cover Sheet containing:

8 a. Correct project location.

9 b. Clear project description.

10 6. A Radio-Frequency (RF) report demonstrating compliance with FCC Standards.

11 7. Site Plan, including any new vaults proposed.

12 8. Elevation Sheet showing:

13 a. Location of Node ID sticker (low contrast colors) and RF warning sticker. Show RF warning  
14 sticker facing out to the street and near antenna, or away from the street and near antenna if no  
15 window within 50 feet.

16 b. Indicate height to top of pole, antenna, top and bottom of equipment enclosures.

17 c. Show any existing or proposed guy wires.

18 d. Show equipment enclosures.

19 e. Show other elements, such as NEMA, PBX, or J boxes, ground bus bars, and base plate mounts.

20 f. Show offset (distance) of equipment cabinets from pole.

21 9. Photo Simulations showing:

22 a. Antenna configuration and cabling and equipment sizes, offsets (cabinets from pole)

23 b. RF warning and node identification stickers, if visible from given perspectives

24 c. Perspectives that provide a true sense of distance to nearest residential windows or primary  
25 facades of historic buildings.

26 **9.08.040 Processing of application.**

The Director of Planning and Development Services, or designee, shall cause each application to be examined to determine if it complies with the provisions of this chapter. Representatives of the City of Tacoma shall inspect the premises which are desired to be used to determine whether or not the proposed use conforms with the provisions of this chapter and the regulations pertaining to safety, material, and design of the Tacoma Building Code, Zoning Code, and/or Public Works Design Manual.

If the Director of Planning and Development Services, or designee, determines that the application conforms to the requirements of this chapter, and also that the proposed use of such public place will not unreasonably limit or encroach upon the public's right to travel upon said right-of-way, or the ancillary right to occupy said right-of-way for utility purposes, the Director of Planning and Development Services, or designee, may approve the application. In approving the permit, the City Engineer and/or Director of Planning and Development Services may impose such reasonable conditions as are required to meet the standards set forth in this chapter and to protect the paramount rights-of-way for travel and to protect the safety of the traveling public, and other public purposes.

When related to installation of small cell facilities, applications may be submitted in batches of up to 25 applications at a time. The batches must be limited to one facility design and all on same type of pole (i.e.: light pole, power pole, other).



**9.08.045 Small cell design.**

Small cell facilities must demonstrate compliance with the following development standards:

1 A. Small cell facilities proposed in historic districts must demonstrate compatibility with historic  
2 district standards. If approval by the City’s Landmarks Commission is necessary, such approval  
3 must be obtained prior to installation.

4 B. Small cell facilities proposed on decorative poles designed for a particular business district or  
5 neighborhood district will be evaluated for consistency with the established pole design for that  
6 business district.

7 BC. Small cell facilities must be located on existing/replacement poles unless it can be  
8 demonstrated through engineering that location on an existing/replacement pole is not feasible.

9 D. Small cell facilities shall be limited to one provider on each pole, unless the installations are  
10 integrated into the pole design, such as a smart pole.

11 E. When/if the City undergrounds power infrastructure, the small cell facility shall be removed at  
12 the expense of the small cell facility provider and shall relocate in compliance with this chapter if in  
13 right-of-way, or in compliance with Chapter 13.06 if on private property.

14 F. The Director, or designee, has discretion to approve alternatives to the below standards when:

15 1. The pole owner requires an alternative for safety reasons or;

16 2. An alternative is needed to meet the needs of the cellular network. In this instance, the provider  
17 must demonstrate through engineering that the alternative is the minimum necessary to meet the  
18 needs to the network. The City reserves the right to require third-party technical review when  
19 deemed necessary. The cost of the third-party review shall be borne by the applicant or wireless  
20 provider. Specific limitations are noted below.

21 CG. Antenna.

22 1. The antenna(s) must be same color as pole to which it is attached.

23 2. Antennas shall be internal to the pole, flush-mounted, in-line top mounted, or offset from pole a  
24 minimum of six inches. An offset installation shall utilize a stand-off arm or similar  
25 installation. The antenna(s) must be flush mounted (not allowed on an extension/side arm) or an in-  
26 line top mount.

3. When an alternative to Section F.2 above is requested, the antenna(s) may be offset up to, but no  
more than, six 12 inches.

4. If utilizing a top-mount, the antenna may not exceed the diameter of the pole or 16 inches,  
whichever is greater.

3.5. The antenna(s) must not extend more than 10 feet above an existing pole. Additional height  
may be allowed at the discretion of the Director if it is demonstrated that the additional height is  
needed to provide adequate safety clearance.

6. If the antenna(s) are is-mounted on a new pole, the total height of pole and antenna(s) combined  
may not exceed 45 feet.

DH. Equipment and Cables.

1. The equipment must be the same color as the pole to which it is attached.

2. Equipment with cooling fans shall not be located within 15 feet of a residential structure and  
shall not be located in alignment with windows of a residential structure.

3. Equipment enclosures must be stacked together and no more than six inches offset from pole.  
When an alternative offset is requested, the enclosure may be offset up to, but no more than,  
12 inches.





4. Cables must be located inside the pole or concealed on the outside of the pole through shrouding or painting the same color as pole, whichever will minimize aesthetic impacts to the greatest extent possible.

EI. New/Replacement Poles.

1. When replacement is necessary, the pole must be replaced by the wireless carrier. If a City pole, the replaced pole shall meet the City’s specifications and will be replaced at the wireless carrier’s cost.

2. When installing a new or replacement pole, the pole shall accommodate cables internal to the pole.; unless pole owner requires replacement to be a wood pole.

3. New poles for sole purpose of supporting Small Cell Facility must not exceed the height limit in Subsection E.4 above.

4. Replacement poles may be constructed to the original height. The antenna must not exceed the height limit in Subsection E.3 above.

5. If ground-level equipment is proposed, the equipment shall be screened.

a. If plantings are removed to accommodate the equipment, plantings shall be replaced.

b. If no planting exists, an artistic wrap/skin or other stealth alternatives are acceptable for purpose of blending into streetscape.

1. Small cell facilities must be located on an existing pole unless it can be demonstrated through engineering that location on an existing pole is not feasible. In this context, the need to replace a pole does not constitute “not feasible”.

2. When determined by the City that the existing city pole cannot accommodate the proposed small cell facility, the City pole must be replaced by the wireless carrier. The replaced pole shall meet the City’s specifications and will be replaced at the wireless carrier’s cost.

3. When installing a new pole, the new pole shall accommodate cables internal to the pole.

4. New poles and replacement poles must not exceed the height limit in Subsection C above.

5. If ground level equipment is proposed, the equipment shall be screened with plantings. This requirement will be waived when it can be demonstrated that the planting will conflict with and/or create a hazard to existing utility infrastructure, sight distance constraints, or ADA.

**9.08.050 Indemnity deposit on approved applications for permit.**

If the Director of Planning and Development Services determines that there is a probability of expense to the City arising from the applicant’s proposed use of public right-of-way, the applicant shall deposit with the Director of Planning and Development Services a cash deposit. The amount of the cash indemnity deposit shall be determined by the Director of Planning and Development Services at the time of approving the application, and shall be governed by the anticipated amount and extent of expense to the City as determined by the Director of Planning and Development Services. Such indemnity deposit shall be used to pay the cost, plus 15 percent thereof, of inspections, surveys, plans, and other services performed by the City, of:

A. Restoring the street;

B. Removing any earth or other debris from the street;

C. Replacing any utility interrupted or damaged; or completing any work left unfinished;

D. Filing an indemnity agreement with the City, if such an agreement is required within the permit; and

E. Any other expenses the City may sustain in conjunction with the permitted work. The balance of the cash indemnity deposit, if any, after the foregoing deductions, shall be returned to the applicant.



1 If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the  
2 Director of Planning and Development Services determines that engineering studies must be made  
3 prior to the approval of any application for permit, the cost of such study shall be paid for by the  
4 applicant, or deducted from his indemnity deposit.

5 The Director of Planning and Development Services may require the applicant to file with the City  
6 a surety bond approved as to substance and form by the City Attorney, which bond shall run for the  
7 full period of the permit, in a sum to be determined by the Director of Planning and Development  
8 Services, to be an amount commensurate with the subject matter of the permit,, and conditioned  
9 that such applicant shall faithfully maintain such installation in a safe and secure condition and shall  
10 faithfully comply with all the terms of the permit and all the provisions of this and all other  
11 ordinances of the City of Tacoma, and shall faithfully perform the removal of, or reimburse the City  
12 for, the cost of removing such installation and restoring the right-of-way to the same or better  
13 condition as though such installation had not existed, upon the revocation or voluntary termination  
14 of said permit.

15 **9.08.060 Indemnity to save the City harmless from claims.**

16 The City of Tacoma may require the applicant to file with the Department of Planning and  
17 Development Services, prior to the effective date of any permit, a Commercial and/or Residential  
18 General Liability policy using the most current version of the Insurance Services Office form  
19 CG001 or the equivalent, issued by a company duly licensed to do business in the state of  
20 Washington. The required policy must be in effect for the duration of the permit.. Coverages  
21 provided by the insurance policy shall include, but shall not be limited to, all of the usual coverages  
22 commonly referred to by the insurance industry as:

23 Operations Liability

24 Premises/Completed Operations Liability

25 Owner's and Contractor's Protective Liability

26 Blanket Contractual Liability

1 In the case of Commercial Insurance, the insurance policy shall: (1) name the City of Tacoma as an  
2 additional insured using the most current version of the Insurance Services Office form CG2012;  
3 (2) apply as primary insurance and be non-contributory, regardless of any insurance which the City  
4 may carry; (3) include a "cross-liability" (Separation of Insured) clause; and (4) include limits of  
5 protection set by City of Tacoma Risk Management for combined single limit, bodily injury and  
6 property damage. It is to be understood and agreed that the permittee's obligation to hold harmless  
7 the City from claims for damages arising out of the operations related to the permit shall not be  
8 limited to the amount of insurance provided by the permittee. The Permittee shall give notice to the  
9 Risk Manager of the City of Tacoma 30 days before the cancellation of said policy. In the case of  
10 Commercial Insurance, the applicant must provide a certificate of insurance as evidence of the  
11 Commercial General Liability insurance and a copy of the endorsement showing the City of  
12 Tacoma as additional insured prior to the effective date of the permit. In the case of Residential  
13 Insurance, when required, the homeowner must provide proof of homeowner insurance in the  
14 amount of not less than \$500,000.00.

15 **9.08.070 Revocation of permits and removal of development.**

16 All permits and/or development granted under the provisions of this chapter may, in any case, be  
17 revoked by the Director of Planning and Development Services, or designee, upon 30 days' notice,  
18 or without notice in case any such use or occupation shall become dangerous or any structure or  
19 obstruction permitted shall become insecure or unsafe, or shall not be constructed, maintained, or  
20 used in accordance with the provisions of this chapter. The development shall be removed at the  
21 expense of the permittee and/or adjacent property owner.



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If any such structure, obstruction, use, or occupancy is not discontinued on notice to do so by the Director of Planning and Development Services, the City may forthwith remove such structure or obstruction from such place, or make such repairs upon such structure or obstruction as may be necessary to render the same secure and safe, at the expense of the permittee permit or successor, and such expense, together with the cost of its collection, may be collected in the manner provided by law. As an alternative, the City may enforce under Title 8.

**9.08.075 Fees.**

The City Council hereby authorizes the fees for street occupancy permits set forth in the schedule below. Application and renewal fees are established commensurate with the costs of administration involved in the issuance and continuance of the permits. Application and renewal fees do not apply to exempt activities. Use fees are established for certain commercial occupancies of the street rights-of-way, and are payable in addition to the application. Sidewalk cafes are recognized as a special street occupancy that promotes desirable street life that can have favorable economic impact by encouraging visitation to City business districts and result in patronage of its businesses. Because sidewalk cafes are an encouraged use and promote various public benefits, no fee shall be charged for the street occupancy permit fees for sidewalk cafes. In addition:

**A. Commercial Use Fees will be charged for:**

1. Above-ground development located in the right-of-way adjacent to commercial uses, including private parking areas, signs, and construction fencing.
2. Habitable space located under vaulted sidewalks.
3. Underground development located in the right-of-way adjacent to commercial uses, including private utilities (regardless if it is located under a vaulted sidewalk), monitoring wells, soldier beams, tie backs, and soil nails.

**B. Commercial Use Fees will not be charged for:**

1. Alternative walkway materials and amenities required by code, such as benches, bike racks and irrigation for vegetation in the right-of-way.
2. Development adjacent to single-family and duplex properties.
3. Sidewalk cafes.

Right-of-Way occupancy permit fees shall be collected by Planning and Development Services Department, and payment of required fees is a condition of the issuance and continuance of any such permit. Commercial Annual Use Fees shall be deposited in the General Fund.



**RIGHT-OF-WAY OCCUPANCY PERMIT FEES  
ADMINISTRATIVE FEES**

<b>General Application Fee*</b> (includes processing, initial inspection, review, document preparation)	\$640
<b>Sidewalk Café – Application Fee**</b> (includes processing, initial inspection, review, document preparation)	No Fee
<b>Annual Renewal Fee</b> (includes site inspection for compliance, file review, insurance review and application of fee escalators/adjustments as required)	\$ 90

\*Includes application for small cell facilities, regardless if on City pole or private pole; except application fee may be waived if review is conducted under a work order.

\*\*The elimination of fees is designed to encourage this use, which the City finds promotes economic development and revitalization of its business districts.

**GENERAL ANNUAL USE FEES**

<b>Commercial Occupancy - Exclusive Use</b> (based on square footage occupied)	10% of Assessed Land Value**
<b>Commercial Occupancy - Non-exclusive Use</b> (based on square footage occupied)	5% of Assessed Land Value**
<b>Subsurface Use</b> (based on square footage occupied)	2.5% of Assessed Land Value**
<b>Minimum Annual Commercial Occupancy Fee</b> (for commercial occupancies, unless exempted herein)	\$120
<b>Small Cell Facility when subject to Pole Attachment Agreement**</b>	No Fee
<b>Sidewalk Cafés</b> (subject to annual renewal fee only – annual permit to be posted onsite)	None

\*\*Assessed Land Value is abstracted from the Pierce County Assessor’s property tax assessment for the entire property excluding improvement (building) value. The land value used is that of the property abutting the street occupancy area except in any case where the assessment of the abutting property is inconsistent with other, comparable properties in the vicinity. In such a case, the City may adjust the assessed value for the purpose of setting fees for street occupancies.

\*\* When locating a new private pole designed solely for small cell facilities, the pole will be subject to the commercial Occupancy General Annual Use Fee. Small Cell Facilities on private poles will be subject to the commercial Occupancy General Annual Use Fee.



**SPECIFIC USE FEES**

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Signs – Annual Fee

<b>Commercial</b>	\$600
Non-Commercial (directional signs or similar)	\$ 75

Monitoring Wells – Annual Fee

One well	\$175
Each additional well	\$150

Subsurface Structural Supports – One-Time Fee (per location)

Soldier Beams	\$700
Soil Nails	\$700
Tie-Backs	\$700

Section 1. The use fees shall not apply to street occupancies in the Shoreline Districts until an alternative use fee formula is developed that recognizes the unique characteristics of the non-exclusive parking uses within the rights-of-way of the Shoreline Districts.

**9.08.080 Issuance of permits.**

Upon approval by the Director of Planning and Development Services, or designee, of an application for the use or occupation of a public right-of-way, the Department of Planning and Development Services shall issue a permit therefor. The original permit shall remain in the custody of the Planning and Development Services Department and a copy shall be given to the grantee.

**9.08.090 Validation of prior permit.**

Permits issued prior to the adoption of this Ordinance shall remain in force and effect for the term of said permit; provided that, upon the renewal, extension, or reissuance of such permits, they shall conform to the provisions of this chapter.