



## RESOLUTION 2019-047

### AMENDING THE FEE SCHEDULE RELATING TO RIGHT-OF-WAY AND RELATED FEES

**WHEREAS**, the Sherwood Municipal Code authorizes certain administrative fees and charges to be established by resolution of the City Council; and

**WHEREAS**, the current fee schedule was adopted on June 20, 2018 through Resolution 2018-060; and

**WHEREAS**, the City Council will be reviewing and adopting a new fee schedule in June as part of the City budgeting process; and

**WHEREAS**, there are new fees related to right of way permits and small cell wireless facilities that must be implemented before the full annual fee schedule adoption process; and

**WHEREAS**, the amendments to the fee schedule attached hereto as Exhibit A provide a differentiation for right of way permits that involve small cell wireless facilities, based on the staff time associated with processing those permit applications; establish a fee for temporary use of the right of way permits; establish an annual fee for small cell wireless facilities in the right of way, based on the staff time associated with such facilities in the right of way; and clarify and remove duplicative language; and

**WHEREAS**, the City has met the requirement for providing an opportunity for public comment prior to the adoption of this fee resolution as required by ORS 294.160.

### NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

**Section 1.** The amendments to the fee schedule identified in Exhibit A, attached hereto, are hereby approved.

**Section 2.** This Resolution shall be effective upon its approval and adoption.

**Duly passed by the City Council this 21<sup>st</sup> of May, 2019.**

  
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Keith Mays, Mayor

Attest:

  
\_\_\_\_\_  
Sylvia Murphy, MMC, City Recorder

**Amendments to the fee schedule**

**Section 1.D shall be amended to read as follows:**

**1. Franchise Fees (as set by franchise agreements):**

Cable and Broadband Services

Frontier

5% of gross revenue

Ordinance No. 2007-008 Exp. 10/31/22

Natural Gas

Northwest Natural Gas

5% of gross revenue collected

Ordinance No. 2006-016

Cable and Broadband Services

Comcast

5% of gross revenue

Resolution No. 2000-857 Exp. 9/5/26

Garbage/Solid Waste

Pride Disposal

5% of gross revenue

Ordinance No. 98-1049 Exp. 11/1/19

**2. Privilege Taxes and Associated Fees:**

*Privilege tax payments shall be reduced by any franchise fee payments received by the City, but in no case will be less than \$0.00.*

License application fee

\$50

Telecommunications Utilities (as defined in ORS 759.005)

Privilege tax: 7% of gross revenues as defined in ORS 221.515.

Utility Operators that provide service within the city (as defined in SMC 12.16.120.A.1) not listed above

Privilege tax: 5% of gross revenues.

Utility Operators that do not provide service within the city (as defined in SMC 12.16.120.A.2)

\$2.90/Lineal foot per year or \$4,000 per year, whichever is greater.

Utility Operators limited to facilities mounted on structures in the Right of Way (as defined in SMC 12.16.120.A.3) other than small wireless facilities

\$5,000 per structure per year.

Small Wireless Facility fee

\$675 per facility per year.

**Section 8.C.7 shall be amended to read as follows:**

Right of Way Permit Fees

ROW Small Wireless Facility permit

\$850 per facility

ROW Construction permit (for other than small wireless facilities)	\$153 per permit
Inspection fee	\$153 or 4% of project estimate, whichever is greater
ROW Use permit	\$25