

**RESOLUTION NO. 19/20-16  
CITY OF DAYTON, OREGON**

***A RESOLUTION OF THE DAYTON CITY COUNCIL ESTABLISHING FEES FOR THE  
PLACEMENT OF SMALL WIRELESS FACILITIES IN THE RIGHT OF WAY***

**WHEREAS**, the City of Dayton (“City”) has Constitutional and Charter authority to manage its rights-of-way (“ROW”); and

**WHEREAS**, Dayton Municipal Code “DMC” Chapter 6 (Section 6.11) states that the City has jurisdiction and exercises regulatory management over all public rights of way in the City; and

**WHEREAS**, Resolution 19-20-15 imposes additional design and construction standards specific to placement of Small Wireless Facilities (“SWF”) in the ROW; and

**WHEREAS**, the City Council finds that all utilities placing SWF in the ROW should compensate the City for the privilege of such ROW use, which is a limited public asset; and

**WHEREAS**, the City Council further finds that the City should be compensated for the costs, impacts, and burdens related to such use; and

**WHEREAS**, the City has the authority under State and Federal law to establish by resolution fees related to such use; and

**WHEREAS**, the City Council desires to adopt uniform SWF application and usage fees.

**NOW, THEREFORE, THE CITY OF DAYTON RESOLVES AS FOLLOWS:**

**Section 1.** The application fee for siting SWF in the City ROW on existing infrastructure, as it involves both access to City ROW and vertical infrastructure located in the City ROW, shall be \$500.00 for up to 5 sites and \$100.00 for each additional site, unless the City’s actual cost of processing such applications exceeds the otherwise applicable fee, in which case the fee shall be adjusted to an amount equal to the City’s actual cost for processing the application. The ROW application fee for siting SWF on new support structures to be installed in the City ROW shall be \$1,000.00 per new support structure proposed, unless the City’s actual cost of processing such applications exceeds the otherwise applicable fee, in which case the fee shall be adjusted to an amount equal to the City’s actual cost of processing the application. In those cases where the City’s processing costs exceeds the otherwise applicable application fee, the fee paid shall cover all reasonable costs incurred by the City in securing outside expertise necessary to evaluate such applications.

**Section 2.** The annual usage fee for siting and maintaining SWF shall be \$270.00 per SWF attachment sited in the ROW, unless the City’s actual cost for administering and making the City ROW available for the subject attachment(s) exceeds the otherwise applicable fee, in which case the annual fee shall be adjusted to an amount equal to the City’s actual cost for

administering and making the City ROW available for the subject attachment(s). In those cases where the City's annual per-attachment cost exceeds the otherwise applicable usage fee, the actual usage fee paid shall cover all the reasonable costs incurred by the City in securing outside expertise necessary to administer and make the City ROW available for the subject attachment(s).

**Section 3.** This Resolution is and shall be effective immediately upon its adoption by the City Council.

**INTRODUCED AND ADOPTED** this 2nd day of March, 2020.

**In Favor:** Collins, Holbrook, Mackin, Price, Wytoski

**Opposed:** None

**Absent:** Marquez, Sandoval-Perez

**Abstained:** None

**CITY OF DAYTON, OREGON**

  
\_\_\_\_\_  
Elizabeth Wytoski, Mayor

03/04/2020

ATTEST:

  
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Patty Ringnald, City Recorder

03/02/2020