

Ordinance No. 326-2019 (As Amended)

Council Members Johnson and Brancatelli
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to issue one or more permits to Cellco Partnership d/b/a Verizon Wireless to encroach into the public right-of-way at various locations in the City of Cleveland by installing, ~~using, and maintaining small cell technology equipment, fiber optic cable to be attached to Cleveland Public Power, CEI or Traffic utility poles (by separate permission of pole owner) and duct banks and vaults.~~ using and maintaining fiber optic cable and other equipment related to wireline backhaul facilities pursuant to R. C. Section 4939.03

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Capital Projects is authorized to issue one or more permits, revocable at the will of Council, to Cellco Partnership d/b/a Verizon Wireless, 7575 Commerce Ct., Lewis Center, Ohio, 43035 ("Permittee") to encroach into the public right-of-way at various locations in the City of Cleveland by installing, using, and maintaining fiber optic cable and other equipment related to wireline backhaul facilities pursuant to R.C. § 4939.03. The permit(s) authorized shall not be issued until the Manager of the Division of Engineering and Construction and the Director of Capital Projects have first reviewed and approved each specific encroachment location that the Permittee requests.

Section 2. That Permittee may assign a permit only with the prior written consent of the Director of Capital Projects. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to poles, duct banks, or vaults owned by another; Permittee shall obtain such permission from the respective owner.

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit(s) authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the permit shall reserve reasonable right of entry to the encroachment location to the City.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

JBM:CH:gje
3-18-19

FOR: Director Spronz

Amendments to Ord. No. 326-2019

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, strike lines 7, 8, 9, 10 and 11 and insert "using and maintaining fiber optic cable and other equipment related to wireline backhaul facilities pursuant to R.C. Section 4939.03.".

Date: _____ (Signed): _____

Stephanie Melnyk
Chief Assistant Director of Law

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