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RESOLUTION NO. R-49-2019

**A RESOLUTION OF THE LAS VEGAS CITY COUNCIL REGARDING THE IMPLEMENTATION OF A FLAT, COST-BASED CONSTRUCTION PERMIT FEE FOR THE CONSTRUCTION AND INSTALLATION OF A SMALL WIRELESS FACILITY WITHIN, ON OR UPON THE CITY'S RIGHTS-OF-WAY OR ON A CITY FACILITY ON OR UPON ITS RIGHTS-OF-WAY BY THE PROVIDERS OF TELECOMMUNICATIONS SERVICES AND BY COMPANIES THAT ENTITLE, CONSTRUCT AND PROVIDE TELECOMMUNICATIONS INFRASTRUCTURE FOR TELECOMMUNICATIONS PROVIDERS**

WHEREAS, on December 19<sup>th</sup>, 2018, the Las Vegas City Council adopted Resolution No. R-66-2018 that acts to: 1) provide a written procedure for providers of telecommunications services and wireless infrastructure providers when applying for an agreement to rent City-owned property for the installation of Wireless Facilities, including Small Wireless Facilities; 2) provide a form agreement that must be used by providers of telecommunications services and wireless infrastructure providers to allow for the rental of locations within, around or upon City-owned property for the installation of telecommunications facilities, including Small Wireless Facilities; 3) provide advance notice of the aesthetic considerations that govern the placement of such Small Wireless Facilities within, around or upon City-owned property pursuant to such form agreement; and 4) facilitate the process for the issuance of applying for and approving such Small Wireless Facilities so as to meet the shot clocks imposed by the FCC in its Declaratory Ruling and Third Report and Order in the case entitled "In the Matter of Broadband Deployment by Removing Barriers to Infrastructure Investment," WT Docket No. 17-79 and WC Docket No. 17-84 ("FCC Order").

WHEREAS, the FCC Order, in interpreting Section 47 USC 253(c) of the Communications Act of 1934 requires that "one-time fees" for the deployment of Small Wireless Facilities, known generally at the City of Las Vegas to be up-front permitting fees charged by the relevant departments of the City of Las Vegas to review the engineered drawings and plans for the intended construction and installation of such Small Wireless Facilities, the site upon which the small wireless facility will be located, and ultimately, the inspection of the construction, are to be "fair and reasonable compensation." The FCC indicates that "fair and reasonable compensation" must be "cost-based" and a "reasonable approximation" of the City's actual and reasonable costs in providing such review and inspection services, if the City is not going to adopt the FCC "safe harbor" fee of \$500 for five small wireless facilities, and \$100 for each small wireless facility

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1 thereafter. *See* FCC Order, p. 33-37.

2           **WHEREAS**, the City Council now desires to adopt this resolution for the purposes of the FCC  
3 Order to establish a specific construction permit fee (the one-time fee) for the construction and installation  
4 of one small wireless facility within, on or upon City-owned rights-of-way and City-owned facilities on or  
5 upon its rights-of-way, and to provide evidence that such fee is “fair and reasonable compensation” and  
6 “cost-based” in order to comply with the terms of the FCC Order in as transparent a manner as possible;

7           **WHEREAS**, the City Council adopted R-60-2004, the REVISED FEE SCHEDULE FOR LVMC  
8 TITLE 13 AND CHAPTER 11.50 setting the fees for construction work to be accomplished within, on or  
9 upon the City’s rights-of-way. Pursuant to such fee schedule, the City currently charges: 1) a Plan Check  
10 Fee for the Initial Submittal of the small wireless facility in an amount equal to 1.25% of the approved  
11 bond estimate; and 2) inspection fees in an amount equal to 3% of the approved bond estimate amount for  
12 the first \$25,000.00 (minimum \$150.00), 2.75% of the approved bond estimate amount between \$25,000.00  
13 and \$100,000.00 and 1.5 % for any amount in excess of \$100,000.00. Based upon historical data, the  
14 current up-front permit fee for a small wireless facility in total is between \$300.00 and \$900.00, with an  
15 average of approximately \$700.00 for each small wireless device permit filed. The City believes this  
16 amount is well below the City’s actual cost in providing review and inspection services, based upon a  
17 review of the City’s historical actual costs for providing the services necessary to accept, review, provide  
18 site visitation, inspect and close out a permit for a small wireless facility within, on or upon the City’s  
19 rights-of-way or its facilities on or upon the rights-of-way. R-60-2004 is attached hereto as Exhibit 1.

20           **WHEREAS**, upon a review of the permitting process for small wireless facilities, the City found  
21 that it has been charging significantly less than it should be to recover its costs for the work and effort by its  
22 staff when a permit application for a small wireless facility is received for an installation within, on or upon  
23 the City’s rights-of-way or its facilities on or upon the rights-of-way. As indicated above, the City has only  
24 been charging a permit fee based upon the time and services of the land development department in  
25 receiving, reviewing and inspecting the proposed permit for compliance with the Building Code. However,  
26 in actuality, two departments must review a permit application for a small wireless facility – the Land

1 Development division of the Building and Safety Department for building code compliance and the  
2 Transportation Engineering division of the Public Works Department, when these installations are  
3 constructed in the City's rights-of-way and on City-owned traffic assets. The City's review found that  
4 Land Development division staff cost the City, at its fully-burdened rate, including salary and all benefits,  
5 for one permit application, \$241.33 for the initial intake process and plan review and \$161.25 for the  
6 inspections necessary to close out the permit, for a total of \$402.58. The City found that the Traffic  
7 Engineering division staff cost the City at its fully-burdened rate, including salary and all benefits, \$486.13  
8 for the initial pre-permit process and \$483.36 for the inspections necessary to close out the permit, for a  
9 total of \$969.49. The total cost to the City to review one application for construction and installation of a  
10 single small wireless facility on City-owned property is \$1,372.07. Attached hereto at Exhibit 2 and  
11 Exhibit 3 are spreadsheets that delineate in detail the City's fully-burdened labor costs for each item  
12 performed by the Land Development division and the Traffic Engineering division when reviewing a single  
13 permit application for a small wireless facility within, on or upon the City's rights-of-way or its facilities  
14 within, on or upon the rights-of-way.

15 **WHEREAS**, the City Council believes that the change from a construction permit fee based upon  
16 the percentage of the estimated cost of construction for a small wireless facility to a fee based upon the  
17 actual costs of the staff time to complete the work to accept, review, provide site visitation, inspect and  
18 close out a permit for a small wireless facility within, on or upon the City's rights-of-way or its facilities  
19 within, on or upon the rights-of-way is appropriate in light of the FCC order, and the new flat fee for a  
20 small wireless facility permit for installations within, on or upon the City's rights-of-way or its facilities  
21 within, on or upon the rights-of-way is a "cost-based" approximation of the City's costs, thus "fair and  
22 reasonable" as required by the FCC Order.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**  
24 **LAS VEGAS AS FOLLOWS:**

25 1. Notwithstanding any permit fee otherwise currently required for the construction of small wireless  
26 facilities upon City-owned property pursuant to LVMC 13.040.050 and Resolution R-60-2004, this

1 resolution establishes, for purposes of LVMC 13.040.050(C), the construction permit fee for each  
2 individual installation of one Small Wireless Facility within, on or upon City rights-of-way or City  
3 facilities on or upon its rights-of-way. Such fee shall be \$1,372.00, as this fee is found to be fair,  
4 reasonable and the approximate cost of services rendered.

5 2. This resolution excludes the proposed installations of small wireless facilities on or upon private  
6 property and City-owned property not within on, in or upon City rights-of-way as the standard Land  
7 Development fees currently charged by the City are fair, reasonable, and are the approximate cost of  
8 services rendered by the City to receive, review and inspect a proposed permit for compliance with the  
9 Building Code in either of these instances.

10 3. This fee only includes the acceptance and review of the construction permit application and plans,  
11 site visitation, and the number of inspections indicated on Exhibit 2 and Exhibit 3 to close out the permit by  
12 the relevant City Departments for one Small Wireless Facility and its associated Antenna Equipment  
13 installed within, on or upon the City's rights-of-way or on its facilities within, on or upon the rights-of-way,  
14 as defined by the FCC Order. Any request for any other permit approvals associated with a Small Wireless  
15 Facility shall be treated as a separate construction permit application and the City will charge the permit fee  
16 as required by R-60-2004. Routine maintenance of installed small wireless facilities within, on or upon  
17 City rights-of-way or on City facilities within, on or upon its rights-of-way are not subject to this  
18 construction permit fee, unless the routine maintenance is equivalent to a new installation. Any request for  
19 any other permit approvals associated with a request for routine maintenance shall be treated as separate  
20 application, and the City will charge the appropriate permit fee.

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1 4. Any additional inspections required for any small wireless facility in excess of the number  
2 indicated as included in the flat fee on Exhibit 2 or Exhibit 3 shall incur fee of \$140.00 per hour rounded up  
3 to the next highest hour.

4 PASSED, ADOPTED AND APPROVED this 18<sup>th</sup> day of December, 2019.

5 CITY OF LAS VEGAS

6  
7 BY 

~~CAROLYN G. GOODMAN, Mayor~~

**Michele Fiore, Mayor Pro-Tem**

8 ATTEST:

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10 LUANN D. HOLMES, MMC

City Clerk

11 APPROVED AS TO FORM

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James B. Lewis,

Deputy City Attorney

11/27/19  
Date

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RESOLUTION ADOPTING A REVISED FEE SCHEDULE FOR  
LVMC TITLE 13 AND CHAPTER 11.50

WHEREAS, LVMC 13.40.050 authorizes the City Council of the City of Las Vegas to establish a fee schedule pertaining to public improvement work governed by Title 13 of the Municipal Code; and

WHEREAS, LVMC Chapter 11.50, pertaining to temporary traffic control, also contemplates and refers to a fee schedule to be adopted pursuant to LVMC 13.40.150 for purposes of charging development-related fees; and

WHEREAS, on April 16, 2003, the City Council, by means of Resolution No. R-51-2003, adopted a fee schedule for the purposes mentioned above; and

WHEREAS, the City Council desires to adopt by resolution a revised fee schedule in order to make certain adjustments in the fees contained therein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS as follows:

- 1. The Revised Fee Schedule attached hereto is hereby adopted pursuant to LVMC 13.40.050.
- 2. The Revised Fee Schedule attached hereto shall replace and supersede the Fee Schedule adopted by means of Resolution No. R-51-2003.

PASSED, ADOPTED, AND APPROVED this 21 day of April, 2004.

CITY OF LAS VEGAS

BY   
OSCAR B. GOODMAN, Mayor

ATTEST:

  
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM

Valsteel 4-7-04  
Date

**REVISED FEE SCHEDULE FOR LVMC TITLE 13 AND CHAPTER 11.50  
(ADOPTED PURSUANT TO LVMC 13.40.050)  
(Revised April 2004)**

FEE DESCRIPTION	FEE AMOUNT
<b>MAP, PLAN &amp; PERMIT-RELATED FEES</b>	<b>PER ITEM AS STATED</b>
Final map processing fee (basic)	\$100 per map
Additional (per lot) final map processing fee	\$10 per lot
Fee for application to deviate from standard (basic)	\$250 per application
Additional fee for deviation from standard	\$50 per deviation
Plan check fee for initial submittal	1.25% of approved bond estimate (with a \$500 minimum for a commercial project or residential subdivision, and a \$100 minimum for a single residence)
Plan check fee for any resubmittal to make required corrections if made later than one year following notification or if plans have been substantially redesigned	1.25% of approved bond estimate (with a \$500 minimum for a commercial project or residential subdivision, and a \$100 minimum for a single residence)
Express civil plan check application fee	\$300 per application
Express civil plan check hourly fee	\$600 per hour (1 hour minimum)
Plan revision fee	\$100 per sheet affected by revisions
Plan replot fee	\$200 per sheet (includes associated plan revision fee)
Minor excavation permit fee (for excavations affecting at most one traffic lane or 20 feet longitudinally)	\$50 per permit request
Flood zone determination fee	\$20 per determination
<b>INSPECTION FEES</b>	<b>PER ITEM AS STATED</b>
Inspection fee (fee for first \$25,000 of approved estimate)	3% of approved estimate amount for first \$25,000 (with a \$150 minimum for a commercial project or residential subdivision, and a \$50 minimum for a single residence)
Inspection fee (additional fee for approved estimate amount in excess of \$25,000, up to \$100,000)	2.75% of approved estimate amount in excess of \$25,000, up to \$100,000)
Inspection fee (additional fee for approved estimate amount in excess of \$100,000)	1.5% of approved estimate amount in excess
Reinspection fee	\$100 per reinspection
Retest fee	\$100 per retest

<b>SPECIAL DOCUMENT FEES</b>	<b>PER ITEM AS STATED</b>
Improvement agreement fee	\$100 per agreement
Bond assumption fee	\$250 per replacement bond
Bond reduction fee	\$150 per reduction
Covenant running with land fee	\$150 per application
Encroachment fee	\$25 per encroachment
<b>TECHNICAL STUDY FEES (INCLUDING WITHOUT LIMITATION DRAINAGE/FLOOD STUDIES, TRAFFIC IMPACT ANALYSIS)</b>	<b>PER SUBMITTAL OR RESUBMITTAL</b>
Master technical study review fee	\$1000 for master traffic impact analysis, \$400 for other
Fee for update/revision/amendment to approved master technical study	\$400
Individual technical study review fee	\$400 for drainage/flood study; \$300 for traffic impact analysis
Fee for update/revision/amendment to approved individual technical study	\$100
<b>TRAFFIC BARRICADE-RELATED FEES</b>	<b>PER ITEM AS STATED</b>
Traffic barricade plan permit fee	\$50 per plan or review
Traffic barricade plan renewal fee	\$100 per renewal
Fee for noncompliance with traffic barricade plan (basic)	\$100 per day per noncompliance
Fee for noncompliance with traffic barricade plan (additional fee, per unit of equipment)	\$10 per unit per day
Fee for placement of traffic barricades by City	Cost as determined by City
<b>RIGHT-OF-WAY CONSTRUCTION-RELATED FEES</b>	<b>PER ITEM AS STATED</b>
Fee for failure to obtain permit for work in right-of-way	\$100 per day per noncompliance, plus double the plan check fees and inspection fees described above
Fee for failure to comply with permit for work in right-of-way	\$100 per day per noncompliance
Roadway/sidewalk lane rental fee (arterial right-of-way)	\$100 per lane per cumulative week (calculated using the formula identified by the asterisk below)
Roadway/sidewalk lane rental fee (collector right-of-way)	\$75 per lane per cumulative week (calculated using the formula identified by the asterisk below)
Roadway/sidewalk lane rental fee (residential right-of-way)	\$50 per lane per week cumulative week (calculated using the formula identified by the asterisk below)

\*(0.5n(n+1))ab, where n=Number of weeks, a=Lane rental fee, b=Number of lanes



**EXHIBIT 2**

**Land Development Small Cell Site Estimated Implementation Cost**

Phase/Task <i>(Fully burdened rates)</i>	Administrative Support Assistant	Sr. Engineering Technician	Engineering Associate	Construction Inspector	Task Totals
	\$ 38.39	\$ 55.44	\$ 73.75	\$ 53.75	
<b>Permit Action Items</b>					
<b>Intake</b> - Screen Submittal for Completeness, create application, route plans for review, pay permit fees.	0.5	0.5			
<b>Plan Review/Comment</b> - LD review and comment on submitted plans to ensure compliance with Clark County Uniform Drawings and Specifications and issues permit. Routes plans, as needed, when other departments and divisions need to review plans.	0.5	0.5	2		
	\$ 38.39	\$ 55.44	\$ 147.50	\$ -	\$ 241.33
<b>Installation Action Items</b>					
<b>Inspection 1</b> - OIT staff perform utility conduit/bedding and utility backfill inspection to verify construction meets the approved plans and Clark County Uniform Standard Drawings and Specifications. (2 Insp)				1.00	
<b>Inspection 2</b> - OIT staff perform sidewalk, curb gutter, utility collars, and asphalt placement inspections to verify Clark County Uniform Standard Drawings and Specifications. (2 Insp)				1.50	
<b>Final Inspection</b> - OIT staff perform final inspection to verify all work has been completed and that there is no damage to existing infrastructure. (1 Insp)				0.5	
	\$ -	\$ -	\$ -	\$ 161.25	\$ 161.25
<b>TOTALS</b>	\$ 38.39	\$ 55.44	\$ 147.50	\$ 161.25	\$ 402.58

## TEFO Small Cell Site Estimated Implementation Cost

Phase/Task <i>(Fully burdened rates)</i>	Project Manager	Traffic Field Supervisor	Sr Traffic Sys Tech	Traffic System Tech	Task Totals
	\$ 98.36	\$ 85.34	\$ 74.45	\$ 68.60	
<b>Pre-Permit Action Items</b>					
<b>Coordination</b> - Meetings, email correspondence, scheduling and follow-up between City TEFO Staff and Small Cell Provider.		1			\$ 85.34
<b>Site/Power Investigation</b> - TEFO and Contractor visit to each small cell site to verify pole and power service locations. 2 technicians required.		0.5	0.5	2	\$ 217.09
<b>Plan Review/Comment</b> - TEFO review and comment on submitted plans through Building/Safety based on information gathered from site/power investigation.	1	1			\$ 183.70
	\$ 98.36	\$ 213.35	\$ 37.22	\$ 137.20	\$ 486.13
<b>Post-Installation Action Items</b>					
<b>Inspection 1</b> - TEFO staff perform initial construction inspection to verify site meets applicable codes and permit conditions and develop a punchlist of items to address. 2 technicians required.		0.5	0.5	2	\$ 217.09
<b>Inspection 2</b> - TEFO staff perform follow-up inspection to verify punchlist items were completed and finalize report for B/S for site completion. 2 technicians required.		0.5	0.5	2	\$ 217.09
<b>Asbuilt Documentation</b> - Review documentation provided from Small Cell Provider and document information in GIS database.	0.5				\$ 49.18
	\$ 49.18	\$ 85.34	\$ 74.45	\$ 274.40	\$ 483.36
<b>TOTALS</b>	\$ 147.54	\$ 298.69	\$ 111.67	\$ 411.59	\$ 969.49