



A BILL FOR AN ORDINANCE

RELATING TO TELECOMMUNICATIONS FACILITIES ON CITY PROPERTY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. Chapter 28, Article 12 of the Revised Ordinances of Honolulu 1990, as amended ("ROH") sets forth the terms and conditions, including the monthly rental amounts, for leases of telecommunications facilities on city property. The purpose of this ordinance is to amend various sections of ROH Section 28-12 to set fee schedules for licenses for telecommunications facilities on city property and allow non-monetary compensation for siting of telecommunications facilities on city property.

SECTION 2. ROH Chapter 28, Article 12, Section 28-12.2 is amended by amending subsection (d) to read as follows:

"(d) Unless otherwise authorized by the council, the monthly rental for the use of city real property for a telecommunications facility shall be as follows:

Type I Telecommunications Facilities:

<u>Aggregate Footprint</u>	<u>Monthly Rental Amount</u>
75 square feet or less	\$1,000
Greater than 75 but less than or equal to 125 square feet	1,200
Greater than 125 but less than or equal to 175 square feet	1,425
Greater than 175 but less than or equal to 225 square feet	1,650
Greater than 225 but less than or equal to 275 square feet	1,875
Greater than 275 but less than 325 square feet	2,100
325 square feet or more	2,325



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Type II Telecommunications Facilities:

<u>Aggregate Footprint</u>	<u>Monthly Rental Amount</u>
475 square feet or less	\$1,000
Greater than 475 but less than or equal to 525 square feet	1,200
Greater than 525 but less than or equal to 575 square feet	1,425
Greater than 575 but less than or equal to 625 square feet	1,650
Greater than 625 but less than or equal to 675 square feet	1,875
Greater than 675 but less than 725 square feet	2,100
725 square feet or more	2,325

The department may recommend and the council may authorize a different monthly rental amount when: (i) the city will be required to take measures to mitigate negative aesthetic aspects of the facility or minimize the potential threat of the facility to public safety; (ii) in instances where the department determines that the monthly rental amount is not feasible[.] or equitable; or (iii) in instances where the department accepts property or services in lieu of payment if approved by the city department or agency currently using the property."

SECTION 3. ROH Chapter 28, Section 28-12.3 is renumbered to Section 28-12.4 and is amended to read as follows:

"[Sec. 28-12.3] Sec. 28-12.4 Co-location of certain wireless communication facilities.

All leases or licenses to private persons or entities for the purposes of situating a privately owned wireless communications services facility on city property shall include appropriate provisions [conditions] to ensure that the facility shall be, to the [maximum] extent practicable, capable of supporting one or more antennas owned or used by private persons or entities other than the lessee[.] or licensee."



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SECTION 4. ROH Chapter 28, Article 12, is amended by adding a new Section 28-12.3 to read as follows:

“Sec. 28-12.3 Telecommunication License Fees.

Unless otherwise authorized by the council, the monthly license fee for the use of city real property for a telecommunications facility shall be as follows:

Type I Telecommunications Facilities:

<u>Aggregate Footprint</u>	<u>Monthly Rental Amount</u>
<u>75 square feet or less</u>	<u>\$900</u>
<u>Greater than 75 but less than or equal to 125 square feet</u>	<u>1,080</u>
<u>Greater than 125 but less than or equal to 175 square feet</u>	<u>1,282.50</u>
<u>Greater than 175 but less than or equal to 225 square feet</u>	<u>1,485</u>
<u>Greater than 225 but less than or equal to 275 square feet</u>	<u>1,687.50</u>
<u>Greater than 275 but less than 325 square feet</u>	<u>1,890</u>
<u>325 square feet or more</u>	<u>2,092.50</u>

Type II Telecommunications Facilities:

<u>Aggregate Footprint</u>	<u>Monthly Rental Amount</u>
<u>475 square feet or less</u>	<u>\$900</u>
<u>Greater than 475 but less than or equal to 525 square feet</u>	<u>1,080</u>
<u>Greater than 525 but less than or equal to 575 square feet</u>	<u>1,282.50</u>
<u>Greater than 575 but less than or equal to 625 square feet</u>	<u>1,485</u>
<u>Greater than 625 but less than or equal to 675 square feet</u>	<u>1,687.50</u>
<u>Greater than 675 but less than 725 square feet</u>	<u>1,890</u>
<u>725 square feet or more</u>	<u>2,092.50</u>

The department may recommend and the council may authorize a different monthly rental amount when: (i) the city will be required to take measures to mitigate negative aesthetic aspects of the facility or minimize the potential threat of the facility to public safety; (ii) in instances where the department determines that the monthly rental amount is not feasible or equitable; or (iii) in instances where the department accepts property or services in lieu of payment if approved by the city department or agency currently using the property.”

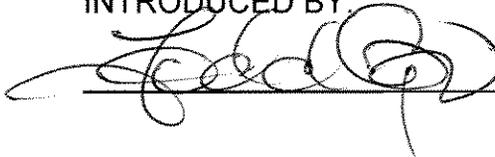


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SECTION 5. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

 (br)

DATE OF INTRODUCTION:

APR 1 2009
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2009.

MUFU HANNEMANN, Mayor
City and County of Honolulu