

ORDINANCE FOR THE ESTABLISHMENT OF WATER TANK ATTACHMENT FEES FOR PUBLIC SAFETY
PWCORD2016-11

BE IT ORDAINED by the Fayetteville Public Works Commission (FPWC) that pursuant to the Charter of the City of Fayetteville, Section 6A.7.(3) the following Ordinance for the Establishment of Water Tank Attachment Fees for Public Safety is hereby adopted.

Purpose

The purpose of this Ordinance is to set a cost based fee for the attachment of Public Safety Equipment on Water Tanks under the management and control the Fayetteville Public Works Commission (PWC).

Definitions

Attachment – For the purposes of this Ordinance, Attachment shall have the same meaning as Public Safety Equipment.

Governmental Body – For the purposes of this Ordinance, Governmental Body shall be defined as any department, division or branch of the Federal Government, the State of North Carolina, Cumberland County North Carolina, the City of Fayetteville North Carolina or other local municipalities in Cumberland County where PWC manages and controls facilities.

Non-Standard Attachment – For the purposes of this Ordinance, Non-Standard Attachment is defined as a piece of Public Safety Equipment that is attached on a water tank and requires that it be mounted to a support post or other special mounting structure. Requests to mount Public Safety equipment to other PWC locations, such as electric poles, shall also be considered as Non-Standard Attachments.

Public Safety Equipment – For the purposes of this Ordinance, Public Safety Equipment is defined as equipment and devices installed by governmental body or their approved agent that is used for the exclusive non-commercial purpose of promoting or enforcing public safety. Examples of this type of equipment and devices includes but is not limited to; cameras, antennas, and repeaters.

Standard Attachment – For the purposes of this Ordinance, Standard Attachment is defined as a piece of Public Safety Equipment that is approved by PWC to be mounted on the water tank at a location that does not require the use of a support post or other special mounting structure.

Applicability

The governmental body, or their agent, shall prepare a detailed request for attaching Public Safety Equipment to PWC facilities. This request shall include, at a minimum, the water tank the Attachment is requested to be mounted to and the desired location of that Attachment. A detailed description of the type of Public Safety Equipment to be attached shall also be included as well as the manufacturers

specifications. This description shall include, at a minimum; the type of device, type of communication signal utilized and the size, weight and mounting requirements of the Attachment.

PWC upon reviewing the request will determine whether the Attachment is Standard or Non-Standard. If the Attachment is deemed to be Standard, a monthly fee of \$30 per attachment shall apply.

If the Attachment is deemed to be Non-Standard, PWC will develop a Non-Standard Attachment fee that will be based upon the size, weight and mounting characteristics of the specific Attachment being proposed.

The fee being charged is for only the use and general maintenance of the space approved by PWC for the Attachment. All costs to mount, maintain, modify, inspect, operate or remove the Attachment are the responsibility of the governmental body or their agent. If PWC is required to provide personnel during the installation, inspection, maintenance or removal of the Attachment, the costs associated with providing such personnel shall be billable to the governmental body or their agent. Standard hourly rates and applicable overheads shall apply.

Once approved, the Governmental Body or their Agent shall enter into a standard attachment agreement with PWC for the attachment(s). Unless otherwise agreed to between the parties PWC shall bill for all Attachments under Agreement on a monthly basis. If a Governmental Body or their agent has multiple Attachments, a single agreement may be entered into between the parties listing the specific Attachments covered by that agreement.

Changes in Fee Structure

The Commission reserves the right to change the fee structure from time to time as may become necessary to recover costs associated with having attachments on water tanks and other facilities under the management and control of PWC. Such fee changes shall automatically apply to all existing and future attachments under agreement. If the Commission changes the fee structure, notification of such changes shall be given to all governmental bodies or their agents under agreement with the Commission a minimum of 60 days prior to the effective date of the fee change.

Effective Date

This Ordinance is effective on the date approved by the Commission.