

1 **Ordinance No. 05-2024**

2
3 AN ORDINANCE AMENDING CITY CODE TITLE 11: SUBDIVISION
4 REGULATIONS; TITLE 4: DESIGN STANDARDS; SECTION 8: FIBER SYSTEMS.
5

6 WHEREAS UCA § 10-3-701 states, “except as otherwise specifically provided, the
7 governing body of each municipality shall exercise its legislative power through
8 ordinances.” And
9

10 WHEREAS UCA 10-3-702 states that ‘the governing body may pass any ordinance to
11 regulate, require, prohibit, govern control or supervise any activity, business, conduct or
12 condition authorized by this act or any other provision of law’; And
13

14 WHEREAS, the city is nearing completion of the fiber installation project. Once the
15 installation project is complete, the city desires new development install infrastructure in
16 preparation for fiber connection. The attached proposed amendment lists requirements for
17 public development and private development as it relates to the city’s fiber system.
18

19 WHEREAS, The Providence City Planning Commission held a public hearing regarding
20 these proposed amendments on February 28th, 2024, taking comments, questions, and
21 recommendations from the public. The Planning Commission made the following
22 motion:
23

24 **Motion to recommend to City Council that they approve PCC 11-4-8 Fiber**
25 **System in accordance with the findings of facts, conclusions of law and**
26 **conditions as stated in the staff report, and with the addition that lines 20 & 36**
27 **include the word ‘development’. – Bob Washburn. 2nd – Robert Henke.**

28 **Vote:**

29 **Yea- Robert Henke, Michale Fortune, Bob Washburn & Shelly Nazer**

30 **Nay-**

31 **Abstained-**

32 **Absent- Joe Chambers & Brian Marble.**
33

34 WHEREAS, The City Council during the approval of the ordinance made the following
35 motion which was passed:
36

37 **Motion to adopt Ordinance 05-2024 PCC 11-4-8 Fiber System Code with**
38 **the following correction: that ‘by developer’ be removed from the**
39 **wording. - Council Member Speth. 2nd – Council Member Kunz.**
40

41 WHEREAS, The City Council motions to approve and have incorporated into the city
42 code the attached code review that establishes the amendments to PCC 11-4-8.
43

44
45 THEREFORE, be it ordained by the Providence City Council

- 46
 - The attached referenced code shall be approved and added to the city code.

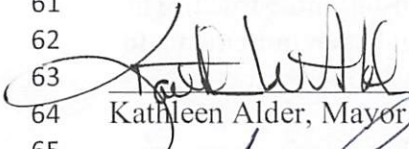
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- This ordinance shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 20th day of March 2024.

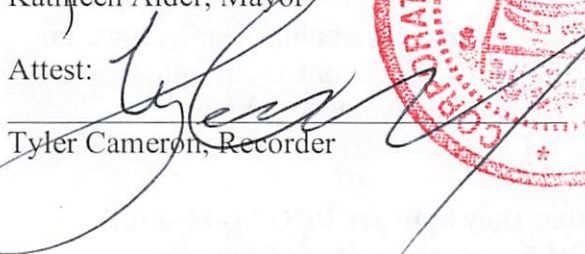
Council Vote:

Nebeker, Jeff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Kirk, Carrie	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Kunz, David	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sealy, Jeanell	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Speth, Brent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent



Kathleen Alder, Mayor

Attest:


Tyler Cameron, Recorder



11-4-8: Fiber System:

A. Requirements For Public Development:

1. Unless waived by the city council based on undue burden, or an unfavorable cost-benefit analysis, or the consideration of other relevant factors, the city will install or have installed communications conduit whenever the city undertakes or authorizes the following types of projects:
 - a. New street, road, sidewalk, bike path, or other transportation infrastructure construction.
 - b. Maintenance, repaving, or other significant work on the above infrastructure.
 - c. Excavations for the purpose of installing utilities, including, but not limited to, communications, electrical, gas, water, wastewater, storm drainage.
 - d. Other excavations, or work on public property on in the public right of way that provide a similar opportunity to install conduit for future use at a low additional cost.
2. When determining if a particular specification is feasible or practicable, the public works director or city engineer will consider the added cost, the length of the conduit installed (and therefore its potential future value), the impact on the overall project, and other relevant factors.
 - a. In general, the cost of purchasing, installing, and documenting conduit may be included in the cost of the overall project. However, other sources of funds may also be used if available.
3. Conduit installed on behalf of the City, will be owned by the City.
4. A record of all City-owned conduits will be maintained, and transferred into a geographic information system (GIS) whenever feasible.

B. Requirements for Private Development:

1. A private developer or development entity will install or have installed communications conduit and fiber-optic cable whenever the developer or applicant undertakes the following types of projects that are contiguous with existing communications conduit infrastructure or fiber-optic cable:
 - a. New street, road, sidewalk, bike path, or other transportation infrastructure construction.
 - b. Maintenance, repaving, or other significant work on the above infrastructure.
 - c. Excavations for the purpose of installing utilities, including but not limited to communications, electrical, gas, water, wastewater, sewer, or storm drainage.
 - d. Other excavations, or work on public property on in the public right of way that provide a similar opportunity to install conduit and fiber-optic cable for future use at a low additional cost.
2. Conduit installed on behalf of the city, will be owned by the city.
3. All fiber-optic cable will be installed by the city unless otherwise approved by the city.
4. A record of all city-owned conduits will be maintained, and transferred into a geographic information system (GIS) whenever feasible.