

Town of Georgina

Wireless Telecommunications Installations on Municipal Property Policy

May 5, 2021

Georgina Wireless Telecommunications Installations on Municipal Property Policy

BACKGROUND INFORMATION

Council approved the Broadband Strategy and Action Plan on April 22, 2020.

It has three key actions:

- Identification of a broadband champion to ensure sustained momentum,
- Issue a Request for Information (RFI) to formally engage internet service providers on approaches for improving connectivity, with a report back to Council in Q3 2020 on recommended next steps,
- Development of a set of broadband-related policies and requirements such as a dig-once policy, enhanced connectivity criteria for new developments, and standardized processes/agreements for access to the South Shore Community Broadband (SSCB) network and municipal rights-of-way.

As part of the Town's Broadband Strategy and Action Plan, Georgina intends to promote third-party wireless telecommunications service providers' usage of the South Shore Community Broadband (SSCB) network of towers to enhance broadband connectivity in the Town. At present, the Town does not have an explicit policy on this matter and therefore there is no direction on how requests by third party providers should be processed. However, any applications requiring a new tower location would be required to follow the Town's Antenna System Siting Protocol once updated.

The purpose of this report is to recommend a policy structure promoting the use of municipal buildings, lands, and towers by third parties for wireless telecommunications services such as Fixed Wireless Access (FWA) and Cellular.

TELECOMMUNICATIONS IS A FEDERALLY REGULATED INDUSTRY

Telecommunications is a field regulated by the Government of Canada. Innovation, Science and Economic Development Canada (ISED) approves and issues licences, sets safety standards and approves sites for antenna systems and antenna-supporting structures. Proponents seeking to install antenna systems are required by ISED to investigate the feasibility of sharing or using existing infrastructure to limit tower proliferation.

ANALYSIS

The Town retained the services of a consultant to conduct a market scan of a sampling of municipalities to inform the Town of the most appropriate policies in place that could be tailored to suit its requirements. The scan included the following locations:

- Mississauga, ON
- Aurora, ON
- Richmond Hill, ON
- Hastings, ON
- Barrie, ON
- Hamilton, ON

- York Region, ON
- Sudbury, ON
- Markham, ON
- Durham Region, ON
- Muskoka, ON
- Seguin, ON
- Edmonton, AB
- Surrey, BC

The Town initiated a Request for Information (RFI) for Broadband Delivery Services that closed in October 2020. As a result of the RFI, most of the respondents were then interviewed, and where applicable, provided input on wireless broadband equipment installations. Additional interviews were held with wireless internet service providers (WISPs) that are active in the region to solicit feedback on reasonable rural market fees for broadband wireless equipment installations on community-owned locations.

Of the communities reviewed, York Region was considered the most appropriate model as its policy included consideration of its own tower assets (no other communities researched seemed to have policies that dealt with community-owned tower assets for colocation purposes). The Region also has a comprehensive fee structure that contemplates wireless related equipment installations on their assets including buildings, lands, towers, light and traffic poles and other facilities. Due to the Town's tower locations and its objective to support and facilitate rural broadband connectivity, a Small Cell annual licence fee per attachment was added to the "Licence Class 3: Installations on Town-Owned Towers" rate table following consultation with the rural ISPs. The balance of the fees are aligned with those of York Region, adjusted by the 3% annual increase to reflect their 2021 fees.

It is therefore reasonable to generally harmonize the Town's policy with that of York Region with modifications as noted herein.

CURRENT THIRD-PARTY ARRANGEMENTS AND WIRELESS ANTENNAS ON TOWN PROPERTY

The Town does not have any third-party wireless equipment on its current SSCB infrastructure. The equipment we have on the towers are for the Town's wireless broadband network and 2-way radios (Operations & Infrastructure, Parks, and the Fire Emergency Services).

TOWN OF GEORGINA – DEPARTMENT OR DIVISION NAME
POLICY No. #####

Subject: Wireless Telecommunications Installations on Municipal Property Policy	Authority, Ref. & Sec.	
Policy Classification:	Pages:	Year Month Day
Recommended/Approved by:	Contact Position for Inf.	

Policy Statement:

A policy providing the framework for the approval and execution of licence agreements for the installation of third-party wireless telecommunications equipment on The Town of Georgina’s (the “**Town**”) buildings, lands, towers, facilities and roads.

Purpose:

This policy (the “**Policy**”) provides a framework for the approval and execution of licence agreements for the installation of third party wireless telecommunications equipment on buildings, lands and facilities owned by the Town, including buildings, lands, towers, light and traffic poles and other facilities (collectively “**Town Property**”) and for the installation of carrier-owned poles on or within a Town road or road allowance (collectively the “**Municipal Right-of-Way**”), but excluding underground and aerial fibre installations on or within a Municipal Right-of-Way.

Definitions:

Antenna: An electrical device which converts electric power into radio waves, and vice versa. It is typically used with a radio transmitter or radio receiver which is often referred to as a remote radio unit or “RRU”.

Applicant: An individual, company, municipality, government agency, board or commission, or other public or private sector entity, proposing to install telecommunications equipment on Town Property or on a Municipal Right-of-Way.

Building: Town-owned building the primary use of which is for the Town’s general administration purposes.

Carrier: A telecommunications service provider that provides telecommunications services and includes wireless carriers or mobile network operators.

Co-location: The placement of telecommunications equipment owned by one carrier on a tower or pole owned by a different carrier or tower consolidator, thereby creating a shared facility.

In-Building Equipment Installation: Wireless telecommunications equipment installed within a building intended to enhance cell phone reception.

Licence Agreement: The Town's form of telecommunications licence agreement under which the grants a licence to a licensee to install and maintain telecommunications equipment on Town Property or on a Municipal Right-of-Way.

Licensee: An applicant that has entered into a licence agreement with the Town to place telecommunications equipment on Town Property or on a Municipal Right-of-Way.

Macro Cell Equipment Installation: Wireless telecommunications equipment using large antennas that are mounted on top of or attached to a building, or an existing or new tower, not in the right-of-way. These installations also include remote radio units typically located near the antennas and have equipment cabinets at their base.

Operational Facility: A Town-owned facility or structure with the primary purpose of providing services to Town residents. Operational Facilities may include facilities for water, wastewater, management and collection of waste, including hazardous waste, recycling depots, and facilities related to the provision of transit and transportation services.

Pole: A light or traffic pole but excludes telecommunication monopoles.

Small Cell Equipment Installation: Wireless telecommunications equipment typically involves mounting small cell box/antenna(s) onto an existing, replaced pole or new pole or a monopole of the same or similar size as adjacent pole(s) in the right-of-way and parking lots. Small cell equipment may also be installed in/on other locations in the right-of-way including kiosks, bus shelters and street furniture and in locations other than in the right-of-way such as on towers, in or on buildings or operational facilities. These installations may also include small equipment cabinets at their base.

Small Macro Cell Equipment Installation: Wireless telecommunications equipment typically involves adding large antennas around the top of an existing or replaced pole or new monopole in the right-of-way or on a tower in a parking lot and elsewhere, having a maximum tower height of 15 meters. These installations also include equipment cabinets at their base.

Telecommunications: Has the meaning defined under the *Telecommunications Act*, S.C. 1993, c.38, as same may be amended or superseded.

Telecommunications Equipment: Telecommunications infrastructure to provide wireless telecommunications services, including without limitation, antennas, lines, cables, remote radio units (RRUs), equipment, structures and/or plant.

Tower: A tower built from the ground to host telecommunications equipment. Towers may be free-standing, decorative, or guyed. Towers may also include monopoles with either flush mounted, pinwheel mounted or shrouded antennas.

Tower Consolidator: An entity whose primary business is to erect towers and/or poles for the purpose of renting space to one or more carriers or other entities wishing to site their telecommunications equipment on a tower or pole, thereby creating a shared facility.

Key Policy Objectives:

This Policy's key objectives are:

- To provide a single access administration point through the ITS Division, to simplify the approval process for applicants applying to install telecommunications equipment on Town-owned property.
- To encourage entities considering installing telecommunications equipment in Town to locate their equipment on Municipal Property.
- To support broadband coverage in the Town, particularly in the underserved rural and lakefront areas.

Description:

- Applicants will apply through the Town's single access point on the prescribed form, describing the proposed installation. The Town will consult with the applicant and if the Town agrees with the proposal, the applicant will be required to provide detailed engineering drawings for the proposed works for the Town's approval.
- Applicants must execute the Town's Licence Agreement which will set out: (i) the telecommunications equipment to be installed, (ii) a specified term with renewal options, (iii) the licence fees payable, and (iv) the terms and provisions of the licence granted.
- Applicants must obtain, at their own expense, any applicable permits and approvals, from an agency or government body, and where the telecommunications equipment installation is on a Municipal Right-of-Way, a road occupancy permit and, as necessary, a municipal consent.
- Applicants must obtain and maintain, at their own expense, the necessary radio licences from Innovation, Science and Economic Development "ISED" Canada and any other regulatory or governmental approvals required to provide wireless services. Applicants are responsible for ensuring that they comply with all applicable Federal regulatory requirements, including, without limitation, and to the extent applicable, ISED's Canada Client Procedures Circular 2-0-03 Rev. 5 and Health Canada's Safety Code 6, both are amended from time to time.

- Licensees must obtain and maintain insurance coverages satisfactory to the Town, naming the Town, as applicable, as additional insureds, and provide evidence of this insurance on the Town's standard Certificate of Insurance form. Licensees shall indemnify the Town, as applicable, and save them harmless from and against any claims arising with respect to the licensee's telecommunications equipment installation and/or licence.
- Licensees must comply with all applicable Municipal protocols and procedures in connection with their telecommunications equipment or licence.

Licence Classes and Licence Fees:

- Telecommunications equipment installations on Town Property or on a Municipal Right-of-Way will be subject to fees and charges applicable to the class of licence that is issued.
- The classes of licences and their corresponding fees and charges are set forth below.

Licence Class 1: Installations On/In Buildings

No.	Description of Fees and Charges	Year 2021
1	Building application fee for Macro Cell, Small Cell and In-Building – per application.	\$2200
2	Macro Cell annual site licence fee per building.	\$18000
3	Macro Cell annual licence fee per antenna.	\$1100
4	Small Cell annual site licence fee per building.	Nil
5	Small Cell annual licence fee per attachment.	\$350
6	In-Building annual site licence fee per building.	Nil
7	In-Building annual licence fee per attachment.	Nil

Licence Class 2: Installations in the Town Right-of-Way

No.	Description of Fees and Charges	Year 2021
1	Municipal Right-of-Way installation application fee – per application (each application is limited to a maximum of 10 small cell attachments or one small macro cell).	\$2200
2	Small Cell annual licence fee per attachment and co-location attachment.	\$350
3	Small Macro Cell annual site licence fee (includes first carrier).	\$7700
4	Small Macro Cell annual co-location licence fee for each co-located carrier after first carrier.	15% of rent payable to Licensee by co-locating carrier

Licence Class 3: Installations on Town-Owned Towers

No.	Description of Fees and Charges	Year 2021
1	Town-owned tower installation application fee – per application.	\$2200
2	Macro Cell annual site licence fee for initial 2 – 3 metres vertical dedicated space on tower.	\$17500
3	Macro Cell annual site licence fee for second or subsequent 2 – 3 metres of vertical dedicated space on tower.	\$8800
4	Small Cell annual licence fee per attachment on tower.	\$900
5	Applicant shall pay all costs related to a tower analysis, subject to the sole discretion of the Town.	Variable
6	Should the Applicant’s colocation request be approved, subject to any tower remediation and/or reinforcement, Applicant shall agree to pay all costs related to such work.	Variable

Licence Class 4: Installations of Tower Consolidator and Carrier Towers

No.	Description of Fees and Charges	Year 2021
1	Carrier/tower consolidator tower installation application fee – per application.	\$2200
2	Annual site licence fee for tower and compound installation for first carrier in urban designated area.	\$22000
3	Annual site licence fee for tower and compound installation for first carrier in rural designated area.	\$18500
4	Annual co-location licence fee for each co-located carrier after first carrier.	15% of rent payable to Licensee by co-locating carrier

Licence Class 5 Installations on Municipal Property Not Designated in Licence Classes 1 – 4

No.	Description of Fees and Charges	Year 2021
1	Application fee – per application.	\$2200
2	Small Cell annual licence fee per attachment and co-location attachment.	\$350

Where advantageous to the municipality and residents (e.g. to facilitate enhanced broadband connectivity in hard to service areas), this policy provides delegated authority to the Chief Administrative Officer and Treasurer to waive and/or amend licence fees, in whole or in part, at the Town’s sole discretion.

Additional Charges:

- In addition to the fees and charges set out above, the applicant shall be responsible for all costs reasonably applicable to the telecommunications

equipment installation, operation, maintenance, relocation or removal, as more particularly described in the Licence Agreement.

Application Fee:

- Application fees with respect to an application for a new licence to install equipment at a new site, or an application to implement “modifications” to existing equipment under a current licence, are set out in the above Tables for each licence class.
- “**Modifications**” include but are not limited to changes in usage, changes in configuration including multi-coupling, replacement, removal, additions and/or changes to the location of the applicant’s telecommunications equipment. The Town may waive the application fee if the modifications are rudimentary in the Town’s sole opinion.

Fee Escalation:

- Annual licence fees are subject to a 3% escalation during each year of the term of the licence.
- The Town may increase, decrease or modify application fees from time to time, at the Town’s sole discretion.

Non-Compliance with Policy:

- Shall result in non-approval of an application to install telecommunications equipment on Town Property or on a Municipal Right-of-Way, termination of Licence Agreement, or cancellation of permits.