## **ORDINANCE 2013-14.**

AN ORDINANCE AMENDING SECTION 15.11.010 OF THE PROVO CITY CODE BY EXPANDING THE DEFINITIONS OF "OPERATOR" AND "TELECOMMUNICATIONS SYSTEM' OR 'SYSTEM'." CITY WIDE IMPACT 13-0006OA

WHEREAS, it is proposed that Provo City Code Section 15.11.010 be amended to change the definitions of "Operator" and "'Telecommunications System' or 'System'" by adding language to those definitions to include the term "broadband Internet access;" and

WHEREAS, on May 8, 2013 the Planning Commission held a duly noticed public meeting to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council the ordinance be amended as proposed; and

WHEREAS, on May 21, 2013 the Municipal Council held a duly noticed public meetring to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, all persons for and against the proposed ordinance amendment were given an opportunity to be heard; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Land Use and Development Title of Provo City should be amended on the basis recommended by the Planning Commission and (ii) the ordinance amendment, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

## PART I:

Section 15.11.010 of the Provo City Code is hereby amended as follows:

## 15.11.010. Definitions

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"Operator" means any person who provides service over a telecommunications or broadband Internet access system and directly or through one (1) or more affiliates owns a controlling interest in such system, or who otherwise controls or is responsible for the operation of such a system.

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"Telecommunications System" or "System" means all conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased, or used by a provider located in the construction, ownership, operation, use or maintenance of a telecommunications or broadband Internet access system.

48 PART II: 49 50 A. If a provision of this Ordinance 2013-14 conflicts with a provision of a previously 51 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the 52 provision in this ordinance shall prevail. 53 54 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to 55 56 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby. 57 58 59 C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance. 60 61 D. This ordinance shall take effect immediately after being posted or published as 62

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required by law.

END OF ORDINANCE.