CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6880

AN ORDINANCE regarding various fees for wireless facilities in the public right of way; fees for city electrical facilities access, pole reservation, and annual wireless communication facilities; and providing for severability.

WHEREAS, certain fees are assessed by the City of Bellevue, Transportation Department for wireless facilities in the public right of way; and

WHEREAS, the City of Bellevue intends to increase transparency and facilitate streamlined wireless facilities development; and

WHEREAS, the City Council considers the following fees and charges established herein to be adequate and appropriate; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Scope of Ordinance

This Ordinance establishes fees collected by the Transportation Department for locating wireless facilities in the public right of way as provided for in Title 6 of the Bellevue City Code (BCC).

Section 2. Administration

The Director of the Transportation Department, or the Director's designee, is authorized to interpret the provisions of this Ordinance and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions, and setting policies and procedures related to administration of the Ordinance.

Section 3. Responsibility for Payment of Fees

For the purposes of this Ordinance, the wireless carrier or service provider that requests to reserve use of, or executes an agreement for use of, the public right of way is responsible for the payment or ongoing payment of applicable fees, unless otherwise specified in the applicable executed agreement. The Transportation Director, or the Director’s designee, may take appropriate actions to collect amounts past due to the extent allowed by local, state, and federal law.

Section 4. Refunds

Any fee established in this Ordinance which was erroneously paid or collected will be refunded or reconciled by means of applying erroneously paid fees towards other or future fees.

Section 5. Small Wireless Facility Fees

1. City Electrical Facilities Access Fee

    a. Scope: The City Electrical Access Fee applies when a wireless carrier elects to execute a circuit access agreement, as provided for in BCC 6.08.070, to access and use the City's circuit or electrical facilities to power the wireless carrier's privately-owned and maintained Small Wireless Facility equipment.

    b. Calculation: The City Electrical Facility Access Fee will be charged on a per site basis for each Small Wireless Facility that uses City electrical facilities. The initial fee will be calculated using the fee schedule in effect when the wireless carrier connects to City circuit or electrical facilities for the associated Small Wireless Facility. When a Small Wireless Facility connects to City circuit or electrical facilities after January 31st of any calendar year, the first annual payment of the City Electrical Facility Access Fee is prorated from the month the wireless carrier connects to city power to the end of the calendar year.

    c. Adjustment: The City Electrical Facility Access Fee may be administratively adjusted each year using the average Consumer Price Index (CPI), a 5-year rolling average of annual rates for all Urban Consumers (Seattle-Tacoma-Bellevue, WA). Fee adjustments for the subsequent year are calculated during the prior year after October CPI rates are posted. Administratively adjusted rates go into effect January 1 of each year, beginning January 1, 2026.

2. Pole Reservation Fee

    a. Scope: The Pole Reservation Fee applies when a wireless carrier submits an application and is granted a permit to reserve a City-owned streetlight for an 180-day term prior to the wireless carrier submitting a formal Small Wireless Facility permit application.

b. Calculation. The Pole Reservation Fee is calculated by determining the dollar per-day rate of the annual small wireless facilities pole lease fee and multiplying that amount by the 180-day term. The Pole Reservation Fee is set based on the annual small wireless facilities pole lease in effect when the reservation request is submitted.

c. Adjustment: The annual pole lease fee may be administratively adjusted each year using the average CPI, a 5-year rolling average of annual rates for all Urban Consumers (Seattle-Tacoma-Bellevue, WA). Fee adjustments for the subsequent year are calculated during the prior year after October CPI rates are posted. Administratively adjusted rates go into effect January 1 of each year, beginning January 1, 2026.

3. Fee Schedule:

Small Wireless Facilities in the Public Right of Way Fees		
Type	**Fee**	**Due At**
Small Wireless Facility – City Electrical Facility Access Fee	$1,151.77 for 2025	Annually
Small Wireless Facility - Pole Reservation Fee	$166.75 for 2025	Issuance

Section 6: Wireless Communication Facilities Lease Fees

1. Scope: The Wireless Communication Facilities Lease fee is a site-specific fee which applies when an applicant installs ground-based or pole-mounted Wireless Communication Facility equipment in the public right of way pursuant to a valid right of way use agreement with the City. The fee may apply to:

    a. The placement of new structures in the right-of-way regardless of height, unless the new structure is the result of a mandated relocation in which case no charge will be imposed if the previous location was not charged;

    b. The placement of replacement structures when the replacement is necessary for the installation or attachment of wireless facilities, the replacement structure is higher than the replaced structure, and the overall height of the replacement structure and the wireless facility is more than sixty feet; or

c. The placement of personal wireless facilities on structures owned by the City located in the right-of-way. A site-specific charge shall not apply to the placement of personal wireless facilities on existing structures, unless the structure is owned by the City.

2. Calculation: The fee schedule in this section sets forth a representative Wireless Communication Facility Annual Lease Fee based on an analysis of fee rates. Pursuant to RCW 35.21.860 this fee is a site-specific charge assessed pursuant to an agreement between the City and the service provider of personal wireless services and may be subject to site-specific negotiation and arbitration.

3. Adjustment: The representative Wireless Communications Facilities annual lease fee may be administratively increased by three (3) percent annually. Administratively adjusted rates go into effect January 1 of each year, beginning January 1, 2026.

4. Fee Schedule:

Wireless Communication Facilities in the Public Right of Way Fee		
Type	**Fee**	**Due At**
Wireless Communication Facility (WCF) in the Right-of-Way Lease Fee	$13,200 for new WCF sites for 2025	Annually

Section 7. In the event of any conflict between this Ordinance and Ordinance No. 5009, the fees and provisions in this Ordinance shall prevail. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 8. The fees and procedures adopted by this Ordinance shall take effect January 1, 2026.

Section 9. This Ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this ____ day of _____, 2025 and signed in authentication of its passage this ____ day of _____, 2025.

(SEAL)

_____
Lynne Robinson, Mayor

Approved as to form:
Trisna Tanus, City Attorney

_____
Heather Jones, Assistant City Attorney

Attest:

_____
Charmaine Arredondo, City Clerk
Published _____