



STATUS		
Council Approved	Y	N
CAO Approved:	Y	N

<p>TITLE: Communications Installations on Regional Property</p>	<p>NO.: Approval Date: January 24, 2009 Last Updated: August 2002</p>
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POLICY STATEMENT:

A policy providing the framework for the approval and execution of license agreements for the installation of third party communications equipment on Regional property and facilities, save for underground fibre installations and installations on Regional roads and road allowances.

APPLICATION:

To all Regional Employees.

PURPOSE:

This Policy provides a framework for the approval and execution of license agreements for the installation of third party communications equipment on Regional property, including elevated water storage tanks, buildings and facilities, but excluding underground fibre installations and installations on Regional roads and road allowances.

Permitting non-Regional entities to erect communication facilities on Regional property is a source of income to the Region, and reduces the visual impact of multiple communications towers by locating antennae on the Region’s existing structures.

The growth in the telecommunications industry since 2001 and the fact that space is now at a premium for such facilities makes it necessary to establish a fee structure reflective of current industry practises and to cover the Region’s increasing costs surrounding the granting of these licenses to private and public sector third parties.

DESCRIPTION:

The Regional Municipality of York properties and facilities shall be available to both the public and private sectors for the installation of communications facilities in accordance with the conditions in this Policy.

All entities applying to install communications equipment on Regional property shall obtain, at their own expense, building and any other necessary permits and approvals from the area municipality in which the property is located. All entities are responsible for acquiring and maintaining the necessary radio licenses from Industry Canada or other regulatory or governmental approvals to provide wireless services.

All entities installing communications equipment on Regional property shall enter into a license agreement with the Region for an initial term of five years with an automatic renewal for successive five year periods unless terminated or not renewed by either party.

Licensees shall carry insurance naming the Region as co-insured and shall indemnify the Region against claims arising from their use of or presence on the Regional property and facilities.

The licensee may terminate the license agreement upon sixty (60) days' written notice. The Region may terminate the license agreement forthwith on written notice in the case of overdue payment, bankruptcy, insolvency etc. and where the Region believes extenuating circumstances warrant termination.

Agreements shall describe in some detail the nature of the installation and the floor or external occupied area involved, and shall include a license fee. Changes in equipment or usage shall be subject to Regional approval and corresponding changes in fees.

The Region shall not be liable for any damages or claims arising from interruptions or delays in the licensee's services arising from the suspension of operations or removal of equipment that is found to be interfering with other communications equipment.

There will be an administrative fee for each Telecommunications Request Application Form submitted as outlined in Schedule "A-3" of the license agreement.

Licensees must comply with the Licensing and Site Access Protocol and, where applicable, the Protocol for Antennas on Elevated Water Storage Tanks, being Schedules "C" and "D" respectively, to the license agreement, in performing any work in connection with the installation, alteration, repair or maintenance of its communications equipment.

Non-profit organizations, area municipalities, government agencies, Housing York Inc., the York Regional Police, and other police services installing equipment for the purpose of enabling interoperability with the York Regional Police, and amateur radio service clubs involved in emergency management planning, as approved by the Region's Emergency Management Branch, shall be exempt from the payment of license fees.

License agreements can not be assigned without the Region's consent.

Any licenses granted on or before December 31, 2008 will continue to be subject to the terms and provisions of the applicable license agreement until their expiration or termination, including the fees set forth in the license agreement. Upon expiration, a licensee will be required to enter into a new licence agreement and pay fees in accordance with this Policy.

License Fees

Licenses granted on or after January 1, 2009 are subject to the following fees:

Fees Description	Fees (\$)				
	2009	2010	2011	2012	2013
Annual fee per telecommunications site	\$10,000.00	\$10,500.00	\$11,025.00	\$11,576.00	\$12,155.00
Annual Fee per antenna	640.00	672.00	706.00	741.00	778.00
Application fee for new installations, and for modification to existing installations	2,000.00	TBD	TBD	TBD	TBD

The 2009 annual base fee and fee per antenna will increase each year by 5%, commencing in 2010. The application fee will be initially set at \$2,000.00 unless modified by the Region. The Region may waive the application fee in its sole discretion.

RESPONSIBILITIES:

The Regional Municipality of York:

- Enter into license agreements with licensees.

Legal Services:

- Legal Services shall prepare license agreements on behalf of The Regional Municipality of York.
- The Regional Solicitor shall report in the first quarter of each year on the status of licence agreements with third parties for the previous calendar year.

Commissioner of Environmental Services or Commissioner of Corporate Services (or designate):

- The Commissioner of Environmental Services is authorized to execute, on the Region’s behalf, Telecommunications Structure Licence Agreements respecting licenses of equipment on the Region’s elevated water storage tanks and related facilities.
- The Commissioner of Corporate Services is authorized to execute, on the Region’s behalf, Telecommunications Structure Licence Agreements respecting licenses of equipment on Regional administrative buildings and related facilities.

Licensees:

- Obtain building and any other necessary permits and approvals from area municipalities, Industry Canada or other government agencies.
- Enter into license agreements with The Regional Municipality of York.
- Carry insurance in accordance with the license agreement.

CONTACT:

A. GENERAL INQUIRIES

General Telecommunications inquiries are directed to the Property Services Help Desk at (905) 830-4444 x1701.

B. INSTALLATIONS ON ELEVATED WATER STORAGE TANKS

Telecommunications requests for installations on elevated water storage tanks and related facilities are the responsibility of the Telecommunications Account Representative (TAR), Water and Wastewater Branch, Environmental Services Department.

C. INSTALLATIONS ON REGIONAL ADMINISTRATIVE BUILDINGS

Telecommunications requests for installations on Regional administrative buildings and related facilities are the responsibility of the Manager of Facilities Management, Corporate Services Department.

D. INSTALLATIONS ON REGION’S RESIDENTIAL HOUSING PROPERTIES (INCLUDING HOUSING YORK INC. PROPERTIES)

Telecommunications requests for installations on the Region’s residential housing properties are the responsibility of the Manager of Housing York Inc.

APPROVAL INFORMATION

CAO Approval Date: January , 2009

Committee: Finance and Administration **Clause:** **Report No:**

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