



Ordinance No. 3079
An Ordinance Adding Section 13.56.050 and Amending Subsection 1.30.080 to the Anacortes Municipal Code to Establish and Limit the City's Use of Dark Fiber Leases

Whereas the City Council of the City of Anacortes desires to provide reliable, high-speed internet to the residents and businesses of Anacortes, for the benefit and growth of economic and community goals; and

Whereas the City Council desires to promote the health, safety, and welfare of the community in the use and provision of telecommunication facilities and services while providing for the equitable distribution among telecommunication subscribers of the costs of construction, expansion, replacement, maintenance, and operation of telecommunication facilities and services; and

Whereas the City Council desires to adopt regulations outlining the limitations on how dark fiber within the City's municipal fiber network can be used to provide municipal fiber network services for the Anacortes community.

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. A new section 13.56.050 is added to the Anacortes Municipal Code to read as shown in Attachment A.

Section 2. Sub-section 1.30.080(A)(1)(a) is amended to read as follows:

a. Dark Fiber Leases. Leases for customer use of unactivated deployed fiber within the city network through which the city transmits neither light nor any other signal; provided, that:

- i. The lease is for no more than eight strands per each lessee;
- ii. The lease term is for no more than five years;
- iii. The requested lease will not interfere with the city's ability to provide residential and commercial fiber service to all potential subscribers;
- iv. The lease is on a form approved by the City Attorney.
- v. The lease is consistent with the requirements of Section 13.56.050 of the Anacortes Municipal Code.

Section 3. This ordinance shall take effect five (5) days from and after its passage, approval and publication in the manner required by law.

PASSED and APPROVED this 14th day of December, 2020.

CITY OF ANACORTES:

Laurie Gere

Laurie Gere, Mayor

Attest:

Steven D. Hoglund

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam

Darcy Swetnam, WSBA #40530 City
Attorney

Attachment A

New Section 13.56.050 Dark Fiber Leases.

- A. The primary purpose of the City's municipal fiber network infrastructure is to provide communication services to end users within its service area. The City's fiber service area is the entirety of Fidalgo Island.
- B. The City may enter into leases for the provision of dark fiber services subject to the following restrictions:
 - 1. The City may not lease substantial portions of the network.
 - 2. The City may only enter into agreements for dark fiber service that provide:
 - a. Connectivity for parties that do not provide communication services within the City's service area; or
 - b. Connectivity between an outside communications service provider's point of network presence and:
 - i. Another of that outside service provider's points of network presence, or
 - ii. That outside service provider's local customer, or
 - iii. Another outside communications service provider's point of network presence;
 - 3. The City may only enter into dark fiber leases using excess network capacity not necessary for the City's current or planned provision of residential and commercial fiber services. Network capacity will be determined by the Director of the Department overseeing Fiber in his or her sole discretion.
- C. The City may not enter into any lease for dark fiber services that is inconsistent with this section.
- D. Any dark fiber lease entered into pursuant to this Section must comply with Chapter 1.30 AMC.