

**ORDINANCE NO. 29-2018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 21, "BUILDING REGULATIONS", ARTICLE 21.13, "RIGHT-OF-WAY MANAGEMENT", BY AMENDING SECTION 21.13.184, TO AUTHORIZE VARIANCES OR WAIVERS FOR THE APPLICATION OF THE DESIGN MANUAL FOR NETWORK NODES, AND TO ADOPT SECTION 21.13.185, TO PROVIDE FOR NETWORK PROVIDER FEES; AND AMENDING THE MASTER FEE SCHEDULE FOR THE CITY OF SEAGOVILLE, TO AMEND THE PUBLIC WORK FEES TO ADOPT FEES FOR THE INSTALLATION OF NETWORK NODES AND RELATED EQUIPMENT IN THE CITY RIGHT-OF-WAY; PROVIDING A REPEALING CLAUSE, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Seagoville finds that the City previously adopted regulations applicable to the installation of wireless network nodes and related equipment in the City's rights-of-way; and

**WHEREAS**, the City Council for the City of Seagoville finds that it is necessary to amend its code of ordinances to adopt provisions that are consistent with federal law; and

**WHEREAS**, the City further finds that its necessary to amend the City's Master Fee Schedule to adopt fees for the installation of Network Nodes and related equipment in the City's Right of Way.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:**

**SECTION 1.** That the Code of Ordinances of the City of Seagoville, Texas is amended by amending Chapter 21, "Building Regulations", amending Article 21.13, "Right-of-Way Management", and Sections 21.13.184 and 21.13.185, to read as follows:

**"ARTICLE 3.17. RIGHT-OF-WAY USE**

....

**Sec. 21.13.184 Compliance with design manual**

A network provider shall comply with the city design manual for the installation of network nodes and node support poles, as amended by the right-of-way manager, unless a variance or exemption has been granted, pursuant to Section 21.13.141.

**Sec. 21.13.185 Network Provider fees; Exemptions.**

Network Providers must pay the Network Node application fee(s), the Network Node User Fees and the Transport Facility user fees, as applicable, as adopted in the City's Master Fee Schedule. Network Providers are exempted from the following fees provided for in this article:

- (1) Permit application fee, including expedited application fee and permit expiration fee;

- (2) Administration fee;
- (3) Saturday inspection fee;
- (4) Registration fee.

**Secs. 21.13.186–21.13.200 Reserved”**

**SECTION 2.** That the Master Fee Schedule for the City of Seagoville, Texas is amended by amending “Public Works” fees, to include Right of Way Fees and Network Provider Fees, to read as follows:

**“FEE SCHEDULE**

**CITY OF SEAGOVILLE MASTER FEE SCHEDULE – FY 2018-2019**

**PUBLIC WORKS**

DEPARTMENT	BASICS/COMMENTS	FEE EFFECTIVE 1/1/17	PROPOSED FEE INCREASE / DECREAS	FEE EFFECTIVE 10/1/18
<b>CULVERTS</b>				
Installation including base material		Actual Cost	\$ -	Actual Cost
<b>INSPECTION FEE</b>				
		4%	\$ -	4%
<b>RIGHT OF WAY FEES</b>				
Right of Way Registration Fee				
Right of Way Permit Fee				
Saturday Inspection Fee				
Right of Way Administration Fee				
<b>NETWORK PROVIDER FEES</b>				
Network Node Application Fee			\$500.00 (1-5 network nodes); \$100.00 (each additional network node); \$1,000.00 per pole	
Network Node User Fee			\$270.00 annually for each network node	
Transport Facility monthly user fee			\$28 multiplied by the number of the network provider’s network nodes located in the public right-of-way for which the installed transport facilities provide backhaul, until the time the network provider’s payment to the City exceeds its monthly aggregate per month compensation to the City”	

**SECTION 3.** That all provisions of the ordinances of the City of Seagoville in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Seagoville not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

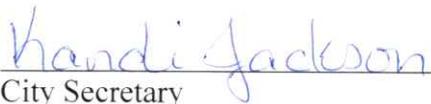
**SECTION 5.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS ON THIS THE 3<sup>rd</sup> DAY OF DECEMBER, 2018.**

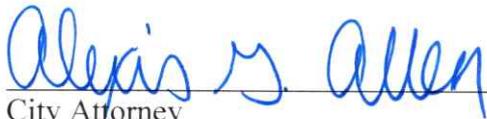
**APPROVED:**

  
\_\_\_\_\_  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
City Attorney

DEPARTMENT	BASICS/COMMENTS	FEE EFFECTIVE 1/1/17	PROPOSED FEE INCREASE / DECREASE	FEE EFFECTIVE 10/1/18
CULVERTS				
Installation including base material		Actual Cost	\$ -	Actual Cost
INSPECTION FEE				
	.....		4% \$ -	4%
<b>RIGHT OF WAY FEES</b>				
Right of Way Registration Fee			\$50.00	
Right of Way Permit Fee			\$500.00	
Saturday Inspection Fee			\$250.00	
Right of Way Administration Fee			\$50	
<b>NETWORK PROVIDER FEES</b>				
			\$500.00 (1-5 network nodes); \$100.00 (each additional network node);	
Network Node Application Fee			\$1,000.00 per pole	
Network Node User Fee			\$270.00 annually for each network node	
Transport Facility monthly user fee			\$28 multiplied by the number of the network provider's network nodes located in the public right-of-way for which the installed transport facilities provide backhaul, until the time the network provider's payment to the City exceeds its monthly aggregate per month compensation to the City"	