

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS AMENDING ORDINANCE NO. 2017-75, ESTABLISHING STANDARDS FOR NETWORK NODES AND NODE SUPPORT POLES IN THE PUBLIC RIGHT-OF-WAY IN THE CITY OF BOERNE; SAVINGS CLAUSE, REPEALER; AND SETTING AN EFFECTIVE DATE

WHEREAS, the City of Boerne, Texas ("City") seeks to encourage wireless infrastructure investment by providing a fair, reasonable, and predictable process for the deployment of network nodes and node support poles, which managing the public right-of-way in the overall best interests of the public health, safety and welfare; and

WHEREAS, the City is amending this ordinance to fully comply with and implement Chapter 284 of the Texas Local Government Code and comply with the Federal Law to the extent it pre-empts local control.

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

- I. **Amendment:** That Ordinance No. 2017-75 of the City of Boerne, Texas is hereby amended as follows:

Section 3- Permitted Use; Application and Fees

- (G) Application Fees. All applications for permits pursuant to this **Ordinance**/Chapter shall be accompanied by a fee of \$500.00 for up to five network nodes addressed in the same application; ~~\$250~~ **\$100.00** for each additional node in the same application; and a fee of \$1,000.00 for each node support pole.

Section 8 - Public Right-of-Way Rate

- (A) Annual Rate. Once a network provider has installed and made operational a network node in the public right-of-way, network provide shall pay to the City compensation for use of the public right-of-way in the amount of ~~\$250~~ **\$270.00** annually per node in the City public right-of-way.

- II. **Savings Clause.** The remainder of Ordinance No. 2017-75 remains unchanged. The Code of the City of Boerne, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.
- III. **Repealer.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.
- IV. **Effective date.** The Amendment to this Ordinance shall take effect immediately upon approval by the City Council of the City of Boerne, Texas and after publication if required by the City Charter.

PASSED and APPROVED on first reading this the ____ day of January, 2019.

PASSED, APPROVED, and ADOPTED on second reading this the ____ day of January, 2019.

APPROVED

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney