

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON ADOPTING AND APPROVING FEES RELATED TO IMPLEMENTATION OF CHAPTER 284, TEX. LOCAL GOV'T CODE; REPEALING ORDINANCE NO. 2017-243; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the fees related to the implementation of Ch. 284, Tex. Local Gov't Code is in furtherance of the City's authority under both state and federal law to manage the Public Right-of-Way to ensure the health, safety, and welfare of the public; NOW THEREFORE

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That the findings set forth above are incorporated as if fully set forth herein.

SECTION 2. That the City Council approves and adopts the following fees in accordance with Ch. 284, Tex. Local Gov't Code ("LGC"):

a. Network Node Annual Public Right-of-Way Fee (Sec.284.053 (a) and (b) and Sec. 284.054, LGC): \$250.00 annually for each Network Node (This fee will be adjusted on annual basis by an amount equal to one-half of the annual change, if any, in the Consumer Price Index for All Consumers for Texas, as published by the Federal Bureau of Labor Statistics as published in February for the proceeding twelve months.).

b. Transport Facility Monthly Right-of-Way Fee (Section 284.055(b)(2), LGC): \$28.00 per month per Network Node located in the public right-of-way for which the installed transport facilities provide backhaul unless or until the time the network provider's payment of municipal fees to the City exceeds its monthly aggregate per-node compensation to the City.

c. Collocation Fee for Network Nodes on Service Poles (Sec. 284.056, LGC): \$20.00 annual fee for each Service Pole.

d. Collocation Fee for Network Nodes on Municipally Owned Utility ("MOU") Poles (Sec. 284.201(b), LGC: This amount shall be based on a pole attachment rate consistent with Sec. 54.201, Tex. Util. Code, applied on a per-foot basis. This amount will change annually. Contact Denton Municipal Electric for the current rate.

e. Network Node Application Fee (Sec. 284.156, (b)(2), LGC):

i. \$500.00 for each application containing up to five (5) Network Nodes; and

ii. \$250.00 for each additional Network Node beyond five (5).

f. Node Support Pole Application Fee (Sec. 284.156, (b)(2), LGC): \$1,000.00 for each Node Support Pole whether the same is a Service Pole or MOU Pole.

g. Transport Facility Application Fee (Sec. 284.055 (b)(1) and 284.156, (b)(2), LGC):

i. \$500.00 for each application containing up to five (5) network nodes; and

ii. \$250.00 for each additional network node beyond five (5).

h. Resubmittals of any application under e, f, or g above will be considered to be new applications and required to pay to the appropriate application fee.

SECTION 3. Ordinance No. 2017-243 is repealed and replaced by this ordinance.

SECTION 4. That this ordinance shall become effective immediately upon execution.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

By:  _____