

ORDINANCE NO. 3474

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH RICHLAND HILLS TO MODIFY THE FEE SCHEDULE TO ADD FEES FOR THE USE OF NETWORK NODES AND SMALL CELL WIRELESS FACILITIES AS SET FORTH IN APPENDIX A; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The North Richland Hills City Council desires to amend the schedule of fees to include fees for the use of network nodes and small cell wireless facilities as set forth in Appendix A, Fee Schedule;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:

Section 1: The fees established by Appendix A of the North Richland Hills Code of Ordinances for Chapter 70, Streets, Sidewalks and Other Public Places, Article VIII, Use of Public Rights-of-Way for Small Cell Wireless Facilities, is hereby amended by adding fees for the use of network nodes and small cell wireless facilities as set forth in Section 70-235(d):

Code Section	Description	Fee
70-235 (d)	Network node, small cell wireless facilities	\$500 – covers up to five (5) nodes \$250 per application for each additional node
	New support pole	\$1,000 per application for each pole
	Annual public right-of-way rate, subject to CPI increase	\$250 per node installed in the right-of-way within the city boundaries

Section 2: All other fees set forth in Appendix A not amended herein in this ordinance remain unchanged and in full force and effect.

Section 3: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent

jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6: This ordinance shall become effective September 1, 2017.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the 28th day of August, 2017.

CITY OF NORTH RICHLAND HILLS

By:

Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to Form and Legality:

Maleshia McGinnis, City Attorney