

**ORDINANCE NO. 1070.65**

**AN ORDINANCE AMENDING THE CITY OF DRIPPING SPRINGS FEE SCHEDULE TO INCLUDE THE USE OF CITY RIGHT-OF-WAY FOR SMALL CELL INFRASTRUCTURE TO COMPLY WITH CERTAIN PROVISIONS OF CHAPTER 284 OF THE LOCAL GOVERNMENT CODE INCLUDING LEVYING APPLICATION FEES AND PUBLIC RIGHTS-OF-WAY USE RATES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**WHEREAS**, the 85<sup>th</sup> Texas legislature passed S.B. 1004 (to be codified as the new Texas Local Government Code Chapter 284) (“Chapter 284”) to be effective September 1, 2017;

**WHEREAS**, Chapter 284 also provides for the payment of application fees and annual public rights-of-way rates;

**WHEREAS**, the City requires the payment of fees for similar types of commercial development inside the City’s territorial jurisdiction other than a type for which application or permit fees are not allowed by law;

**WHEREAS**, after receiving and reviewing the costs related to right-of-way management, the City Council finds that the fees established are necessary and do not exceed the amount reasonably necessary to provide the services and administer and enforce the regulatory program to which they are related; and,

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

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ENACTMENT**

The 2016-17 City of Dripping Springs Fee Schedule of the City of Dripping Springs’s Code of Ordinances is hereby amended so to read in accordance with Attachment “A”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any struck-through text shall be deleted from the Code, and any underlined text shall be inserted into the Code, as stated on Attachment “A”.

**3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this, the 12<sup>th</sup> day of September 2017, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

by: Bill Foulds  
Bill Foulds, Mayor Pro Tem

ATTEST:

Andrea Cunningham  
Andrea Cunningham, City Secretary





OFFICE OF THE CITY CLERK  
CITY OF DUBUQUE, IOWA

DEPARTMENT OF PUBLIC WORKS  
CITY OF DUBUQUE, IOWA

CITY OF DUBUQUE, IOWA

TO THE HONORABLE CITY CLERK OF THE CITY OF DUBUQUE, IOWA  
FROM THE BOARD OF PUBLIC WORKS

WHEREAS, the Board of Public Works has the honor to acknowledge the receipt of your letter of the 15th inst. in relation to the matter of the proposed improvement of the street known as ...

**ARTICLE I**

Section 1. That the Board of Public Works do hereby ...

**ARTICLE II**

Section 1. That the Board of Public Works do hereby ...

**ARTICLE III**

Section 1. That the Board of Public Works do hereby ...

**ARTICLE IV**

Section 1. That the Board of Public Works do hereby ...

**ARTICLE V**

City of Dripping Springs  
**CODE OF ORDINANCES**  
**APPENDIX A FEE SCHEDULE**  
**CODE OF ORDINANCES**

**CHAPTER 16: PUBLIC WAYS AND PLACES**

**ARTICLE 16.03: STREET CUTS, EXCAVATIONS AND REPAIR OF CITY STREETS**

Fees and Rates. Pursuant to Chapter 284 of the Texas Local Government Code, there is hereby levied and assessed and shall be collected the application fees and public rights-of-way use rates set forth in the table below:

**Section 16.03.008 Review of Applications**

<u>Application Fees</u>	<u>Amount</u>
• <u>Network node</u>	<u>\$500.00 per application for up to 5 network nodes, and \$250.00 for each additional network node on a single application; up to 30 network nodes are allowed on each application.</u>
• <u>Node support pole</u>	<u>\$1,000.00 per application for each pole</u>
• <u>Transport Facility</u>	<u>\$500.00 for up to 5 network nodes and \$250.00 for each additional network node on a single permit; up to 30 network nodes are allowed on each permit.</u>

**Sec. 16.03.010.(d) - Municipal authorization required; Registration; Compensation and fees**

Annual Public Rights-of-Way Use Rates	Amount
• Network node	\$250.00 per network node site.
• Node support pole	No separate rate from the network node annual fee (each support pole should have a network node attached)
• Transport Facility	\$28.00 monthly for each network node site, unless an equal or greater amount is paid the city, e.g., under Chapter 283, Tex. Loc. Gov. Code or Chapter 66, Tex. Util. Code.
• Service Pole Attachment	\$20 per year to collocate a network node on a service pole in the public right-of-way