

ORDINANCE NO. 2017-0926-6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LITTLEFIELD, TEXAS: ADOPTING A DESIGN MANUAL FOR INSTALLATION OF WIRELESS NODES AND SIMILAR FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND ON CITY INFRASTRUCTURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, in 2017, the Texas Legislature enacted chapter 284 of the Texas Local Government Code (hereafter chapter 284) mandating that cities allow wireless service providers to use the public right-of-way and municipally-owned infrastructure for the installation of nodes and other wireless facilities described in chapter 284, and prescribing certain other terms, conditions, restrictions, fees, and duties as to cities and service providers; and,

WHEREAS, pursuant to chapter 284, the City Council now desires to adopt the Design Manual attached to this ordinance;

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

SECTION 1. That the Design Manual attached to this ordinance is hereby adopted as an official regulation of the City of Littlefield.

SECTION 2. That the \$250 per day civil penalty specified in the Design Manual is specifically mentioned here and expressly adopted.

SECTION 3. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Littlefield, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 4. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 5. Continuation. That nothing in this ordinance (or any code or manual adopted herein) shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance repealed by this ordinance and such prior law is continued in effect for purposes of such pending matter.

SECTION 6. Penalty. A violation of this ordinance is an offense punishable in accordance with the Littlefield Code of Ordinances.

SECTION 7. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

INTRODUCED AND PASSED by the City Council of the City of Littlefield, Texas, on this the 26 day of September, 2017



Eric Turpen, Mayor

ATTEST:



Janine Butler, City Secretary

