



## Legislation Text

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**File #:** 17-0523, **Version:** 1

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Consider and take action on an ordinance amending Chapter 98 of the Code of Ordinances of the City of League City entitled "Streets, Sidewalks and Other Public Places" by adding Article VII entitled, "Network Providers in the Public Right-Of-Way" to address the installation of network nodes and related equipment in the public right-of-way (Director of Planning and Development)

Staff recommends approval and requests first and final reading.

The Legislature recently passed Senate Bill 1004 which created Chapter 284 of the Texas Local Government Code. Chapter 284 requires that cities allow private communications companies to access public rights-of-way to place wireless antennas on city light poles, traffic poles, street signs, and just about any other vertical surface.

This proposed ordinance amends Chapter 98 of the Code of Ordinances by adding the following provisions:

- Gives Network Providers a right to collocate network nodes in the public right-of-way in compliance with Chapter 284
- Requires Network Providers obtain a city permit and pay applicable fees to install network node(s)
- Requires that Network Providers obtain sufficient insurance to cover potential claims for injuries to persons or damages to property
- Requires Network Providers comply with requirements in the "City of League City Design Manual for the Installation of Network Nodes and Node Support Poles" including:
  - Restriction on the placement of network nodes in municipal parks, residential areas and historic/design districts
  - Requiring that network providers comply with the City's undergrounding requirements
  - Establishing an order of preference for collocation on existing poles
  - Establishing general aesthetic requirements for network nodes (concealment, spacing, colors, etc.)
  - Prohibiting the placement of electric generators in the public right-of-way
  - Requiring removal in the event of a City project or for safety/imminent danger reasons
  - Requirement to remove network nodes that are obsolete or abandoned

### Timeline

- **February 22, 2017** - Senate Bill (SB) 1004 filed as part of 85th Texas legislative session; sponsors are Senators Hancock, Bettencourt, and Geren.
- **April 4, 2017** - SB 1004 passed by Senate; sent to House for consideration.
- **May 18, 2017** - House version of SB 1004 passed.
- **June 9, 2017** - SB 1004 signed by Governor Abbot; effective September 1, 2017.
- **July 31, 2017** - Presentation by staff to Planning and Zoning Commission on effects of SB 1004.
- **August 8, 2017** - Presentation by staff to City Council on effects of SB 1004.
- **August 14, 2017** - Upcoming regular meeting of P&Z; staff proposes Board conduct public hearing and for Board to consider recommending related City code amendments to City Council.
- **August 22, 2017** - Upcoming regular meeting of City Council; staff proposes City Council conduct public hearing and consider related City code amendments on first and final reading.
- **September 1, 2017** - SB 1004 goes into effect.

City staff recommends approval of this proposed ordinance on first and final reading.

Attachments:

- 1) Data Sheet
- 2) Proposed Ordinance
- 3) Proposed Design Manual

FUNDING

☐ ☐ NOT APPLICABLE

☐ ☐ Funds are available from Account # \_\_\_\_\_

☐ ☐ Requires Budget Amendment to transfer from Account # \_\_\_\_\_ to Account # \_\_\_\_\_