

# City of Mesquite, Texas

## Legislation Details (With Text)

<b>File #:</b>	19-3920	<b>Version:</b>	1	<b>Name:</b>	Ordinance - Right of Way Use Amendment, FCC Ruling
<b>Type:</b>	Agenda Item	<b>Status:</b>	Passed		
<b>File created:</b>	12/12/2018	<b>In control:</b>	City Council		
<b>On agenda:</b>	1/7/2019	<b>Final action:</b>	1/7/2019		
<b>Title:</b>	An ordinance amending Chapter 15 of the City Code modifying the rules and regulations governing the use and occupancy of the City's rights-of-way by providers of utility, telecommunications, wireless and cable services, and modifying the design manual for the installation of network nodes and node support poles pursuant to the Declaratory Ruling by the Federal Communications Commission.				

### Sponsors:

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### Code sections:

**Attachments:** 1. Ordinance

Date	Ver.	Action By	Action	Result
1/7/2019	1	City Council	Approved	Pass

An ordinance amending Chapter 15 of the City Code modifying the rules and regulations governing the use and occupancy of the City's rights-of-way by providers of utility, telecommunications, wireless and cable services, and modifying the design manual for the installation of network nodes and node support poles pursuant to the Declaratory Ruling by the Federal Communications Commission.

On June 9, 2017, Senate Bill 1004 was signed by the Governor of Texas to allow wireless infrastructure providers access to public rights-of-way effective September 1, 2017. This law, codified as Chapter 284 of the Texas Local Government Code, established limitations on the City's ability to manage its public rights-of-way. Chapter 284 standardized the practice of placing wireless facilities within public right-of-way for wireless providers and capped the fees that the City may charge for their use of its rights-of-way.

On September 26, 2018, the Federal Communications Commission issued a Declaratory Ruling, effective January 14, 2019, to accelerate the deployment of wireless service infrastructure which requires certain modifications to Chapter 15 of the City Code. Staff has also provided recommended changes to clarify conflicting language and resolve conflicts in requirements set forth by franchise utilities.

The proposed ordinance amends Chapter 15 of the City Code by:

- Including definitions in the Texas Local Government Code, Chapter 284, to apply in the interpretation of this Division of City code
- Modifying undergrounding requirements to exclude antennas
- Adjusting the application review periods
- Limiting the network node spacing requirements to new node support poles
- Adjusting the height restrictions for network node attachments on franchise utility poles

### Recommended/Desired Action

Staff recommends approval of the proposed ordinance.

**Attachment(s)**

Ordinance

**Drafter**

Curtis Cassidy, P.E.

**Head of Department**

Matthew Holzapfel, P.E.