

ORDINANCE NO. 17-038

AN ORDINANCE OF THE CITY OF GILMER, TEXAS, DESIGNATING DESIGN DISTRICTS FOR THE INSTALLATION OF NODES AND NODES SUPPORT POLES, TO BE DESIGNATED THEREIN; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE FURTHER REVISIONS TO THE DESIGN MANUAL; AND PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 284 of the Texas Local Government Code, effective September 1, 2017, provides a regulatory framework governing the installation of Nodes and Node Support Poles in the City's Right-of-Way; and

WHEREAS, pursuant to Chapter 284, Network Providers installing wireless equipment in the City's Right-of-Way must comply with the Design Manual adopted by the City for that purpose; and

WHEREAS, Chapter 284 authorizes the City to designate Design Districts and Historic Districts, wherein heightened aesthetic requirements may be applied to such equipment; and

WHEREAS, the City of Gilmer has determined that certain areas of the city which should be designated as design districts, for purposes of Chapter 284, in order to preserve the character and aesthetic qualities of these areas,

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

SECTION 1. The following areas of the City of Gilmer, are hereby designated as a Design District for the installation of network nodes and node support poles, pursuant to Chapter 284 of the Local Government Code:

Within the City Limits and Within the Right-of-way of:

(1) the Town Square area Bounded By:

- **Cass Street to the North**
- **Trinity Street to the West**
- **Harrison Street to the South**
- **Hwy 271 to the East**

SECTION 2. All Network Providers seeking to install wireless equipment in the right-of-way of the City of Gilmer pursuant to Chapter 284 of the Local Government Code must comply with the adopted Design Manual.

SECTION 3. The City Manager, or designee, is hereby authorized to revise the Design Manual as necessary to reflect changed conditions.

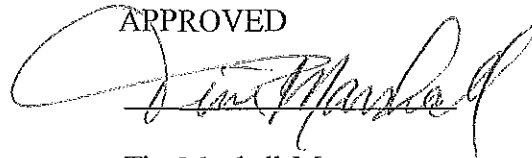
SECTION 4. All provisions of the ordinances of the City of Gilmer in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Gilmer not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

SECTION 6: This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

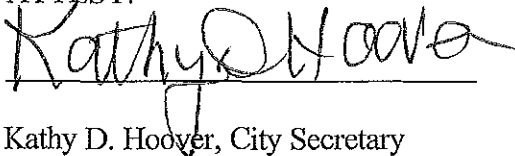
PASSED AND APPROVED by the City Council of the City of Gilmer, Texas on the 10th day of October, 2017.

APPROVED



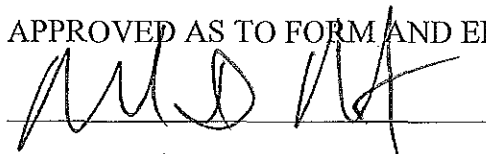
Tim Marshall, Mayor

ATTEST:



Kathy D. Hoover, City Secretary

APPROVED AS TO FORM AND EFFECT:



Michael D. Martin, City Attorney

