

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF CARROLLTON AMENDING TITLE III, CHAPTER 31 OF THE CARROLLTON CITY CODE BY ADDING SECTION 34.01(J)(4) REGARDING THE FEES FOR THE USE OF THE PUBLIC RIGHTS OF WAY; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS:

Section 1

That Title III, "Administration," Chapter 31, Section 34.01 (J) (4) of the Carrollton City Code is hereby added to read as follows:

§ 31.01 ESTABLISHMENT OF FEES FOR CITY SERVICES.

(J) *Public Works Department.*

(4) Use of Public Rights of Way:

For the purposes of this subsection only, the following definitions shall apply:

FACILITIES. The term "facilities" includes any and all structures and equipment installed in or on the public rights of way and includes property owned, operated, leased, licensed, used, controlled, or supplied by, for, or in connection with any person.

PERSON. The term "person" includes any corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

RIGHTS OF WAY. The term "rights of way" means the surface of, and the space above and below a public street, road, highway, freeway, land, path, public way or place, alley, court, boulevard, parkway, drive, or other easement now or hereafter held by or under the control of the City, in which the City holds the property rights.

Each person, other than a certificated telecommunications provider, as that term is defined in § 283.002 of the Texas Local Government Code, or a governmental entity providing just compensation pursuant to an interlocal agreement, shall pay to the City, on an annual basis, One Dollar (\$1.00) per linear foot of City's rights of way occupied by said person's facilities, plus an annual fee of One Thousand Dollars (\$1,000.00) per public street crossing, such amounts to be payable in advance of the construction, installation, purchase, use, lease, operation, or control of any facilities in the right of way.

No public utility holding a franchise agreement with the City providing for different terms of compensation shall be required to pay the fee designated herein.

Ordinance no. 2609

Section 2

That all Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance shall be and are hereby repealed.

Section 3

That, save and except as amended by this Ordinance, all other Ordinances of the City of Carrollton, Texas shall remain in full force and effect.

Section 4

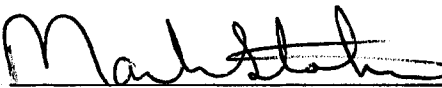
That the provisions of this Ordinance are severable in accordance with Section 10.07 of the Code of Ordinances, City of Carrollton, Texas.

Section 5

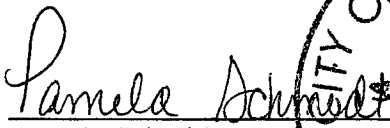
That this Ordinance shall become effective from and after the date of passage.

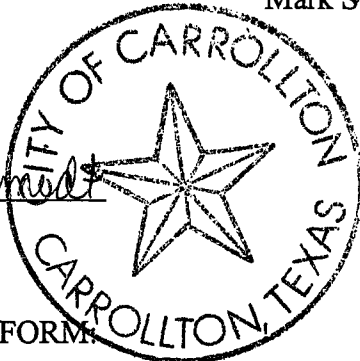
PASSED AND APPROVED on this the 1st day of May, 2001.

THE CITY OF CARROLLTON, TEXAS

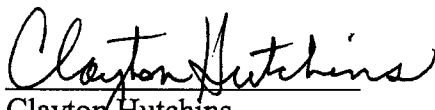
By: 
Mark Stokes, Mayor

ATTEST:

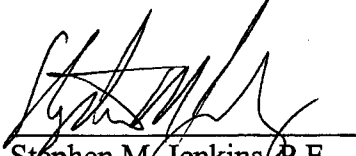

Pamela Schmidt,
City Secretary



APPROVED AS TO FORM


Clayton Hutchins,
City Attorney

APPROVED AS TO CONTENT


Stephen M. Jenkins, P.E.
Director of Public Works