

**ORDINANCE NO. 2018-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, AMENDING SECTION FOUR OF THE DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODE SUPPORT POLES AUTHORIZED BY ORDINANCE 2017-56 TO ESTABLISH A DAILY PENALTY OF \$500 FOR FAILURE TO RELOCATE IMPROPERLY PLACED EQUIPMENT; REPEALING ALL ORDINANCES IN CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** Section 4(B)(4)(b) of the City of San Marcos Design Manual for the Installation of Network Nodes and Node Support Poles authorized by Ordinance 2017-56 is hereby amended to read as follows:

b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days' notice to remove of Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect permitted location, if not relocated the Network Provider shall be subject to a penalty of \$500 per day penalty until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City Rights-of-way management ord., and other applicable ordinances concerning improperly located facilities in the rights-of-way.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance shall become effective upon its adoption on second reading.

**CONSIDERED AND APPROVED** on first reading on May 1, 2018.

**CONSIDERED, APPROVED, AND ADOPTED** on second reading on May 15, 2018.

John Thomaides  
Mayor

Attest:

Jamie Lee Case  
City Clerk

Approved:

Michael J. Cosentino  
City Attorney