

ORDINANCE OF THE CITY OF FLOWOOD, MISSISSIPPI

AN ORDINANCE AMENDING THE ORDINANCE ADOPTED NOVEMBER 5, 2018 AS IT RELATES TO SMALL CELL TECHNOLOGY IN THE CITY.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FLOWOOD, MISSISSIPPI:

SECTION 1. That the Small Cell Technology Ordinance adopted on November 5, 2018 be amended by repealing it in its entirety and replacing it as follows.

SECTION 2. Definitions.

The terms below have the following meanings for purposes of this ordinance.

(A) "Abandonment" or "Abandon(s)" means that, following the placement of DAS and/or Small Cell Technologies Facilities (and associated Accessory Equipment) or Support Structures in the City pursuant to a permit issued to a Provider or an Applicant, any of the following has occurred:

- (1) for any reason the Facilities cease to be used to transmit signals, data or messages or otherwise be used for their intended purposes for a period of six (6) months or more;
- (2) the City revokes the permit for placement and use of those Facilities due to nonpayment of applicable fees, the failure of the Provider or Applicant to comply with conditions in the permit or in this ordinance concerning them, or other valid reason; or
- (3) the Provider or Applicant fails to perform any of its responsibilities, obligations and requirements in this ordinance or in a permit that relate to the installation, construction, maintenance, use or operation of the Facilities, Accessory Equipment or Support Structures, and that breach remains uncured for a period of six (6) months after the City provides written notice of the breach to the Provider or Applicant.

(B) "Accessory Equipment" means any equipment other than an antenna that is used in conjunction with DAS and/or Small Cell Technology Facility arrangements. This equipment may be attached to or detached from a DAS and/or Small Cell Technology Wireless Support Structure, and includes, but, is not limited to, cabinets, optical converters, power amplifiers, radios, DWDM and CWDM multiplexers, microcells, radio units, fiber optic and coaxial cables, wires, meters, pedestals, power switches, and related equipment on a Support Structure. The term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

(C) "Antenna" means communications equipment that transmits and receives electromagnetic radio signals, is attached to a DAS and/or Small Cell Technology Wireless Support Structure and is used to communicate wireless service.

(D) "Applicant", whether singular or plural, means a Personal Wireless Service Provider, Wireless Infrastructure provider, or an entity (including one that is not a Provider) that is authorized by a Personal Wireless Service Provider to apply for or receive a permit to install, construct, manage, modify or maintain a DAS and/or Small Cell Technology Facility and related Accessory Equipment or Support Structure in the City, or an entity certificated by the Mississippi Public Service Commission to provide telecommunication service.

(E) "Application" means a formal request submitted to the City for a permit to install, construct, modify or maintain a DAS and/or Small Cell Technology Facility and related Accessory Equipment or Support Structure.

(F) "City" means the City of Flowood, Mississippi.

(G) "City Board of Aldermen" means the Board of Aldermen of the City of Flowood, Mississippi.

(H) "City Public Works Director" means the person appointed by the Mayor and confirmed by the City Board of Aldermen as the Director of Public Works, which is responsible for the administration of this ordinance.

(I) "Collocation" means the placement or installation of a new DAS and/or Small Cell Wireless Technology Facility or related Accessory Equipment on an existing pole or other Support Structure that is owned, controlled or leased by a utility, the City, or other person or entity.

(J) "DAS" or "Distributed Antenna System" is a network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

(K) "Distributed Antenna System Facilities and/or Small Cell Technology Facility(ies)" or "Facilities", whether singular or plural, means and includes the following types of structures: (a) antenna; and (b) associated Accessory Equipment.

(L) "Personal Wireless Service Provider" or "Provider" means an entity that provides personal wireless communication services to the public or citizens of the City on a commercial basis and is authorized by the FCC to provide those services.

(M) "Private Property" means real property located in the City that does not lie within the Right of Way.

(N) "Right of Way", whether singular or plural, means the surface and space in, upon, above, along, across, over and below any public streets, avenues, highways, roads, courts, lanes, alleys, boulevards, ways, sidewalks, and bicycle lanes, including all public utility easements, as the same now or may hereafter exist, that are within the City's corporate boundaries and under the

jurisdiction of the City. This term shall not include county, state or federal rights of way or any property owned by any person or entity other than the City.

(O) "Support Structure" or "DAS and/or Small Cell Technology Wireless Support Structure," whether singular or plural, means a freestanding structure designed or used to support, or capable of supporting, DAS and/or Small Cell Technology Facilities, including, but not limited to, utility poles, street light poles, traffic signal structures, rooftops, attics, or other enclosed or open areas of a building or accessory structure, a sign, or a flag pole.

(P) "Stealth Technology" means a method(s) of concealing or minimizing the visual impact of a DAS and/or Small Cell Technology Facility (and associated Accessory Equipment) and Support Structure by incorporating features or design elements which either totally or partially conceal such Facilities or equipment. The use of these design elements is intended to produce the result of having said Facilities and associated structures blend into the surrounding environment and/or disguise, shield, hide or create the appearance that the Facilities are an architectural component of the support structure.

(Q) "Wireless Infrastructure Provider" means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

SECTION 3. Permit Required to Place DAS and/or Small Cell Technology Facilities.

The application process for locations within City Right of Way follow herein. The application process for locations on private property, to include additions to existing structures on private property, are subject to the guidelines of this Ordinance, as well as review by the City's Architectural Review Committee, and shall also be subject to any applicable construction permitting processes.

(A) Provider or Applicant must obtain an infrastructure permit from the City before placing, installing, constructing, or operating any DAS and/or Small Cell Technology Facility (and associated Accessory Equipment) on any Support Structure that is located on the Right of Way, or substantially modifying the position or characteristics of any such existing Facility thereon.

(B) Permits are to be filed with the Permit Department along with payment of the applicable permit application fee. Applications that are found to warrant a waiver or discount of the permit application fee will be handled as a reimbursement after the fact.

(C) The City Public Works Director (the "Director"), or his designee, will review and process any request for a permit. The Director will determine whether the application is complete and whether the proposed facilities comply with the guidelines herein and whether review by any other person or committee should be required. Except as set forth in this section, this permitting process will be administrative and not require the approval of the City Board of Aldermen or City official other than the Director.

(D) For complete applications, the city will respond with a final determination of approval or denial within 60 days of submission for collocated applications, whether individual or batched, and within 90 days of submission for new locations, whether individual or batched. Should considerably large batches or groupings of applications stress the city's resources requiring additional time to process, the city shall so notify the applicant(s) in writing, including a reasonable timeline for processing. If/when applications are resubmitted after being determined to be materially incomplete, the timeline starts over for review.

(E) If/when applications are determined to be materially incomplete, the city will notify the applicant within 30 days of their submission.

(F) If/when applications are denied due to non-compliance, the city will notify the applicant in writing of the specific non-compliant attribute(s). The applicant shall have thirty (30) days in which to submit amendments to its application to cure any deficiency without incurring additional application fees.

(G) Upon approval of an application, the permit will be processed and prepared for pick-up. The applicant may pay the related license fee specified herein and pick up the infrastructure permit.

(H) Permits for the construction of new facilities or the placement of collocated equipment shall be good for six (6) months following processing of the permit.

(I) Each application for a permit shall contain the following:

(1) Site Plan and structural drawings stamped by an engineer licensed in the State of Mississippi depicting the type of Facilities, Support Structure, and means and points at which such Facilities and associated Accessory Equipment will be attached to a Support Structure;

(2) Map(s) designating with specificity the location(s) of the requested Facilities and all other existing or proposed locations within 1,000 feet;

(3) The geographic coordinates of all existing antenna and other proposed Facilities within the City;

(4) If the Facilities will be located on a Support Structure on the Right of Way that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement or other documentation evidencing that the owner of that Support Structure authorizes the Facilities to be attached thereto or agrees in principle to authorize that attachment.

(5) If the Applicant requests permission to place Facilities on a new Support Structure, include the substantiation therefore required by Section 4(A) in this ordinance.

(6) Photo-simulated post-construction renderings depicting the proposed facilities and accessory equipment, including any/all equipment cabinets, ancillary structures, coloration, and landscaping.

(7) Demonstrated ability and financial resources to restore the subject area to its preexisting condition following installation if/when the proposed installation will disturb conditions on the Right of Way.

(8) Certificate(s) of insurance, or of self-insurance, evidencing that it has obtained and will maintain the following types of insurance in connection with its operations on or use of the Right of Way:

(a) Commercial General Liability coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of Facility or Support Structure placed on or along the Right of Way by the Applicant (or any of their contractors) with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate; and

(b) Workers Compensation Insurance as required by statute. The required General Liability coverage shall include the City as an additional insured, and may be provided through a combination of a primary and umbrella excess policies. All required insurance policies shall be furnished by insurers who are eligible to transact business in the State of Mississippi and are rated at least A-VII by AM Best. Following initial installation, if any changes in coverage occur, the Applicant shall furnish the City a new Certificate indicating that the above-noted coverage remains and will remain in effect. In lieu of the insurance requirements above, an Applicant may provide a certificate of self-insurance sufficient to satisfy the above amounts.

SECTION 4. Standards and Aesthetic Guidelines.

The following are the standards and aesthetic guidelines with which proposed facilities shall comply:

(A) Collocation. To the extent practical, all Facilities and associated Accessory Equipment that are placed in the City shall be attached to a pre-existing Support Structure that is owned, controlled or leased by a provider, utility, franchisee, the City or other entity. If the Applicant demonstrates that no collocation opportunities exist in the area where need for a facility exists, the Applicant may apply to install a new pole or other Support Structure in that area for purposes of constructing the Facilities. Documentation may include written evidence that no practical collocation opportunity exists and which demonstrates that the Applicant has been unsuccessful after taking all commercially reasonable actions to achieve collocation in the requested location or area.

(B) Generally, locations should be designed to accommodate a future sidewalk where none currently exists. Though sites will vary, standard design will include a minimum 3' grass or

landscape strip from the back of the curb and a minimum 5' sidewalk. Poles should be placed at the back of the ROW where other conditions or standards do not conflict.

- (C) New poles proposed in the ROW should be placed in line with existing poles within the ROW unless placement conflicts with the placement requirement in 4(B).
- (D) For facilities attached to a utility pole or other Support Structure in the Right of Way, no antenna or other part of the facility shall extend more than ten (10) feet above the height of such Support Structure or beyond the maximum height established in the Zoning Ordinance for such structure. If the facility includes an antenna array, the array shall be flush mounted within six (6) inches of the support structure or be contained in a canister that is a continuation of the diameter of the support structure, and the array colored to match the support structure. All facilities shall be installed in such a way as to provide a smooth, tapered transition between poles and shrouded equipment. No cabling or wiring shall be strapped to or otherwise protruding or visible from any pole or equipment, the same to remain concealed and/or shrouded.
- (E) The facility shall be no closer than five - hundred (500) feet as compared to any other permitted location for similar facilities in the Right of Way, whether free standing, or collocated. However, the Director has the discretion to permit a facility be located within five – hundred (500) feet of another permitted location.
- (F) Except as stated herein, the Accessory Equipment shall, be placed at least twelve (12) feet above the ground and limited to six (6) cubic feet for each applicant's equipment on a given support structure and limited to twenty-eight (28) cubic feet cumulatively. Alternatively, accessory equipment may be installed underground without size limitation. In the discretion of the Director, the city may require that accessory equipment be housed and appropriately concealed at ground level in order to protect the aesthetic character of the area.

Placement of all accessory equipment underground when the policy does not otherwise require undergrounding shall warrant a discount of 50% of the application fee and 50% of the annual license fees. Such discounting of ongoing license fee shall cease if/when equipment is reinstalled above ground.

- (G) Except as specified otherwise herein or in the discretion of the Director, poles shall be metal with a black, powder coated paint/finish. All equipment thereon shall be of the same finish.
- (H) Locations in areas that contain utility or light poles of a specific ornamental design or that are within 500 feet of such a pole in the ROW will require facility designs that mirror the ornamental features of that area. Where the applicant cannot produce a design that adequately mirrors the ornamental features of the area, the Director may recommend an alternative location (such as an alley, side street, opposite side of street, or other). It is expected that over time, such area will expand and be added to. At the adoption of this policy, areas currently include, but are not limited to, the Waterpointe development, The Refuge Hotel & Conference Center development or areas featuring underground utilities.

- (I) Facilities (including the Accessory Equipment) shall not be illuminated unless required by applicable laws and regulations.
- (J) The display of logos, branding, or the like on the facilities in any way that may be construed as advertising is prohibited.
- (K) An installation shall not cause harm to the public or pose any undue risk to public safety, as validated through a means of industry certified reports for EMF exposure limits.
- (L) Site design shall not interfere with sight triangles at intersections, vehicular traffic, passage of pedestrians, or other use of the Right of Way by the public.
- (M) Structures and facilities, either in their installation or continued operation shall in no way interfere with the telecommunications capabilities of emergency responders or any public safety personnel.
- (N) Facility height including antenna array shall not exceed 50 feet in any instance. Structures on which facilities are mounted shall not be 10% taller than other adjacent structures or shall not extend the structure on which they are located more than 10%. The city will seek to ensure that facility height, including antenna array does not exceed the height of any ornamental poles in the vicinity.
- (O) Undergrounding Requirements. In areas where site plans have dictated that utilities be placed underground, accessory equipment shall likewise only be allowed underground, unless otherwise approved by the Director. In areas where there are no overhead powerlines or other overhead wires in the ROW, but the standard for other utility accessory equipment is a concealed box at ground level, the same shall be allowed for small cell accessory equipment.

SECTION 5. Additional Requirements.

- (A) If construction or installation are not completed within six (6) months following the approval of the application, the permit will terminate and the applicant be required to remove any partially installed equipment. The city may hold applications for the same or nearby locations until it is known whether full installation/construction on an active permit is completed. If/when construction or installation is underway but delayed due to unforeseen circumstances, the city may consider a request for one six (6) month extension to a permit. Permit application fees shall be non-refundable.
- (B) All Facilities and associated Support Structures shall be installed, erected, maintained and operated in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC. The Director may require a copy of any state or federal permit.
- (C) Following the installation of any Facilities and associated Support Structures, the Provider or Applicant, upon reasonable request and for good cause, shall furnish the City Clerk a written

certification from a licensed professional engineer in the State of Mississippi stating that those structures have been inspected and are being maintained, operated and used in compliance with all applicable laws and regulations, including those of the FCC that pertain to the transmission of wireless communication signals. For purposes of this provision, "good cause" shall mean circumstances have arisen that indicate the Facilities and associated Support Structures have been damaged, are not functioning in compliance with applicable laws and regulations, or otherwise pose a hazard to the public. If those Support Structures should fail at any time to comply with applicable laws and regulations, the Provider or Applicant, at either of their expense, shall cause those structures to be brought into compliance with said laws and regulations within fifteen (15) days of the date of any written notice to them from the Director of non-compliance, or cease all personal wireless service operations related to those structures until the Applicant or Provider comes into full compliance with said laws and regulations.

(D) The Facilities and associated Support Structures must at all times be maintained in good and safe condition.

(E) Each Applicant or Provider that applies for a permit to place Facilities (including the Accessory Equipment) and Support Structures on the Right of Way and installs and utilizes those structures shall defend, indemnify and hold the city and its employees or officials, harmless from all demands, losses, expenses (including attorney's fees and court costs), claims for personal injury or property damage, judgments or liabilities of any type that may be asserted or claimed against the city (or its employees or officials) by any third person, firm or entity that arise out of or relate in any manner to the following:

(1) the installation, construction, maintenance, use or operation of the permitted Facilities, Accessory Equipment or any Support Structure on or about the Right of Way; and/or

(2) the failure of the Provider or Applicant to perform any of their respective responsibilities, obligations and permit requirements in this ordinance. Notwithstanding the foregoing, the Provider or Applicant shall not be obligated to indemnify the city for city claims resulting from the sole negligence or willful acts of the city (or its representatives).

(F) Franchise Agreements for Other Uses of Right of Way. This ordinance regulates the placement of DAS and/or Small Cell Technology Facilities (and associated Accessory Equipment) on or in the immediate vicinity of Support Structures that are located or proposed to be located on the Right of Way. No provision in this ordinance is intended to permit, regulate or authorize the placement by a Provider or Applicant of fiber optic lines, coaxial cable, switches, pedestals or networking equipment of any type that is used to transport telecommunication signals, data or messages between Support Structures or between any other points on the Right of Way. In the event any such Provider or Applicant desires to place telecommunications equipment or Facilities along the Right of Way at points not regulated by this ordinance, the City may enter into franchise or similar agreement that authorize, govern and apply to such use of other locations on or along the Right of Way.

(G) Prior to December 31st of each year, any provider or applicant shall provide the Director with the location and geographic coordinates of each of its Facilities and/or Support Structures located within the municipal boundaries of the city.

(H) To facilitate the coordination and co-location of DAS Facilities and/or Small Cell Technology Facilities, any applicant or provider shall within thirty (30) days of a written request by the Director, provide a copy of their respective DAS and/or Small Cell Technology Facility master plan for the location of DAS Facilities and/or Small Cell Technology Facilities inside the municipal boundaries of the city.

SECTION 6. Compensation.

(A) Permit and License Fees. The Applicant for a permit to place Facilities and associated Support Structures on the Right of Way shall pay the following types of fees:

(1) Permit Applications.

(a) New Support Structure: A permit application fee of \$1,000 for the first structure and \$500 each for additional structure up to a total of five (5) in a batched application, assuming that the engineered specifications for each structure on the application are the same (based on the structure itself). Each location in a batched application shall be required to receive a unique permit per location.

(b) Co-Locations: A permit application fee of \$500.00 for collocated attachment or attachment to other existing structures. Application may include a batch of five (5) locations at no additional cost, and \$100 each for each location greater than five (5).

(c) Combined Batches: A permit application that includes both new structures and co-locations will incur a fee of \$1,000 for the first new structure, \$500 for each additional new structure of the same specifications, \$1,000 for each additional new structure of differing specifications, and no cost for co-locations that do not take the total of all types/locations in the batch over five (5). When combined batches exceed five (5) sites, there will be a \$100 application cost for each co-location beyond five (5). (Example: a combined batch including 1 new structure and 5 co-locations would have a permit cost of \$1,100; \$1,000 for the new structure, and \$100 for the 6th site in the batch – co-location sites 2 through 5 being processed at no additional cost.)

(2) an annual license fee per each Support Structure on the Right of Way pertaining to the ongoing use of public property as enumerated below.

(B) Annual License Fee Amount. As compensation for the benefits and privileges under this Permit and in consideration of permission to use the ROW of the City, the Provider or Applicant shall pay as an Annual license fee to the City, through the duration of this permit, \$270.00 per small cell facility.

(C) Annual License Fee Payments. Payment of the annual license fee is due and payable to the City Clerk's office prior to the Provider/Applicant picking up the approved permit and is not prorated. Subsequent payments are due to the City Clerk's office on January 1st of every year.

(D) Annual License fee payments not received by the City on or before the due date shall be assessed interest of 1% per month commencing on the first day after the due date. Failure to make full payment including applicable interest charges, after thirty (30) days advance written notice, within sixty (60) days of the applicable payment date shall constitute a violation of this Permit.

(E) The City may authorize the waiver or discounting of the permit application fee or other fees if/when the placement of a new pole for small cell facility includes features that benefit or improve the ROW. Examples of such features for consideration might be the subsequent elimination of other poles in the vicinity, the inclusion or improvement of street lighting where warranted, reduction in the city's street lighting cost, and other similarly beneficial features. Consideration of such benefits for such waivers or discounting shall be at the discretion of the Director.

SECTION 7. Abandonment of Facilities on Right of Way.

(A) If a Provider or Applicant abandons any Facility (including the Accessory Equipment) or an associated Support Structure (collectively "Facilities" for purposes of this Ordinance) that is located on the Right of Way, the following rights and obligations shall exist. The City may require the Provider or Applicant, at their expense, to remove and reclaim the abandoned Facilities within six (6) months from the date of written notice of abandonment given by the City to them and to reasonably restore the condition of the property at which the Facilities are located to that existing before they were installed. If the Provider or Applicant fails to remove and reclaim its abandoned Facilities within such six (6) month period and the Facilities are located on the Right of Way, the City shall have the rights to:

- (1) remove them and charge its expense of any such removal operation to the account of the Provider or Applicant,
- (2) at the City's discretion, either resell the abandoned Facilities to a third party or dispose and salvage them; provided that the net proceeds of any resale of abandoned Facilities by the City to a third party shall be credited to the account of the Applicant or Provider that used those Facilities before the abandonment, and
- (3) charge any expense incurred by the City to restore the Right of Way to the account of the Provider or Applicant.

SECTION 8. Non-Applicability.

The placement of an antenna(s), facilities or equipment related to the following types of wireless communication services are exempt from regulation under this ordinance:

(A) amateur radio service that is licensed by the FCC if the facilities related thereto are not used or licensed for any commercial purpose; and

(B) facilities used by any federal, state or local government or agency to provide safety or emergency services. Further, the provisions in this Ordinance are supplemental to, and not intended to alter, affect or modify any other provisions in the City of Flowood that may be applicable to the placement or use of macro Telecommunications Towers.

SECTION 9. Suspension; Revocation of Permit

If work under an issued permit fails to conform to the conditions of the permit or the requirements of this Ordinance or existing ordinances of the City of Flowood, the permit may be revoked or suspended. If the permit is suspended, work shall be stopped until the permittee gives assurance to the Director of his or her ability and intention to complete the work in accordance with the conditions of the permit and this Ordinance and the other ordinances of the City. Any notice of revocation, suspension or stop work order shall be delivered in writing to the permittee or his or her designee or to a representative of the permittee, such as the project manager or the person who is overseeing or managing the work or construction and shall state the reasons for such action.

SECTION 10. Violations and Penalties

- A. Any person violating any of the provisions of this Article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this Article is committed. Upon conviction of any such violation, said violator(s) shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each such violation.
- B. No person who has violated any provision of this Article shall be issued another permit hereunder, nor shall any contractor or agent apply for or be issued such a permit on such person's behalf, until the outstanding violation is corrected or a plan for correction is approved by the Director, which approval shall not be unreasonably withheld. The foregoing requirement or penalty is in addition to any penalty or remedy for violation that may be imposed or sought by the City at law or equity.

SECTION 11. Appeals.

Whenever the Director shall, in a final decision, approve or disapprove an application filed pursuant to this Ordinance, the applicant or any person with justifiable cause shall be entitled to appeal such decision and be heard thereon before the City Board of Aldermen; provided, that there is filed with the City Clerk, on or before seven (7) days after the final decision, by the applicant, a notice in writing of such appeal and a fee of \$250.00 to at least cover the cost of

advertising for the Board of Alderman hearing. Upon the filing of the notice of appeal as provided herein, the City Clerk shall thereupon schedule a public hearing before the Board of Aldermen, not more than thirty (30) days after filing of such notice; provided, that no such hearing shall be held unless and until the City Clerk has caused to be published at least once in a newspaper of general circulation within the county, at least seven (7) days before such proposed hearing an advertisement stating the time, date and place of the hearing before the Board of Aldermen, the location of the property involved, the name of the applicant and the nature of the approval being sought.

On any appeal to the Board of Aldermen, the final decision of the Director shall be stayed pending the decision of the Board of Aldermen. The Board of Aldermen shall conduct a public hearing on the matter before rendering a decision. The standards and terms of this Ordinance shall be applied by the Board of Aldermen in considering the appeal. The Board of Aldermen may affirm, reverse or modify the decision of the Director.

Parties aggrieved by the decision of the Board of Aldermen shall have the right to appeal to the Circuit Court in the same manner and form as is required for any other appeal of actions of the Board of Aldermen.

SECTION 12. Other Ordinances; Severability

- A. All provisions of the ordinances of the City of Flowood in conflict with the provisions of this Article are hereby repealed and all other provisions of the ordinances of the City of Flowood not in conflict with the provisions of this Article shall remain in full force and effect.
- B. If any sentence, paragraph, subdivision, clause, phrase, or section of this Article or the application thereof to any person or circumstances be adjudged or held to be unconstitutional, illegal, invalid, or unenforceable by a court of competent jurisdiction, such finding or such invalidity shall not serve as an invalidation or affect the validity or enforceability of any other section or provision of this Article and to this end, the provisions of this Article are declared to be severable. Such an invalid sentence, paragraph, subdivision, clause, phrase, or section shall also not affect the validity of the Code of Ordinances as a whole.

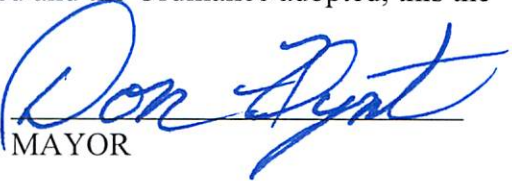
SECTION 13. Effective Date.

That this Ordinance take effect and be in force thirty (30) days from and after passage as provided by law.

The foregoing Ordinance having been reduced to writing, the same was introduced by Alderman McDaniel, seconded by Alderman Harmon, and was adopted by the following vote, to-wit:

ALDERMAN HARMON: AYE
ALDERMAN SMITH: ABSENT
ALDERMAN FLYNT: MAYOR PRO TEMPORE
ALDERMAN RHOADS: AYE
ALDERMAN MCDANIEL: AYE

The Mayor Pro Tempore thereby declared the motion carried and the Ordinance adopted, this the 15th day of July 2019.


MAYOR

ATTEST:


CITY CLERK

