

ORDINANCE NO. _____

AN ORDINANCE ADOPTING REGULATIONS FOR SMALL CELL TECHNOLOGY FACILITIES IN THE CITY OF FLOWOOD, MISSISSIPPI

WHEREAS, the City of Flowood, Mississippi, (the "City") seeks to facilitate the availability of reliable, personal wireless communications services for its citizens and the public by permitting the placement of Small Cell Technology Facilities and associated structures along the Right of Way and on private properties in the City; and

WHEREAS, the installation, expansion, and maintenance of Small Cell Technology Facilities and associated structures on or along the Right of Way and on private properties might have significant impact upon: (1) the aesthetic values and character of the City; (2) safe use and passage on or along the Rights of Way by the public; and (3) properties and property values in the City in the areas where such structures are placed; and

WHEREAS, the Federal Telecommunications Act of 1996 (the "Act") and regulations promulgated with respect to the Act by the Federal Communications Commission ("FCC") authorize local governments to enact reasonable regulations for the permission, placement, expansion, height, and maintenance of Small Cell Technologies Facilities and associated structures; and

WHEREAS, as provided in this Ordinance and as permitted by Federal and State Law, the City seeks to mandate, where feasible, the collocation of Small Cell Technology Facilities on existing poles and other Structures as opposed to installation of new structures; and

WHEREAS, the above-noted collocation and other provisions of this Ordinance are intended to be consistent with the Act and its associated regulations; and

WHEREAS, the adoption of the regulations, procedures, and requirements in this Ordinance will permit Applicants and Providers to enhance the provision of personal wireless service and protect the public welfare, health, safety, and interests of the City's citizens.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Flowood, Mississippi, that the following is adopted:

SECTION 1. 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 ninety (90) days;
- (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, 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 relates 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 sixty (60) days 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, or in the immediate vicinity of 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. "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.

- I. "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.
- J. "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.
- K. "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.
- L. "Private Property" means real property located in the City that does not lie within the Right of Way.
- M. "Public Works Director" means the person appointed by the Mayor and confirmed by the City Board of Aldermen as the Director of the Department of Public Works, which is responsible for the administration of this Ordinance.
- 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. These terms do not include the City's decorative and/or architecturally significant street light poles as those decorative lights are inappropriate for use as a Support Structure.
- 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 2. Permit Required to Place DAS and/or Small Cell Technology Facilities.

- A. 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 Private Property, including substantially modifying the position or characteristics of any such existing Facility thereon.
- B. The Public Works Director (the "Director"), or his designee, will review and administratively process any request for a permit to determine whether, in the exercise of the Directors reasonable discretion, it should be issued for the location and in the manner requested by the Applicant. In this process, the burden is on the Provider or Applicant to demonstrate that the placement of the proposed DAS and/or Small Cell Technology Facility and associated Accessory Equipment or Support Structure is the minimal physical installation which will achieve the goal of enhancing the provision of personal wireless services when considering all pertinent factors discussed in the provision immediately below. 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. The factors, requirements and guidelines that the Director may consider and will apply when determining whether to issue a permit for placement of DAS and/or Small Cell Technology Facilities and associated structures include, but are not limited to, the following:
- (1) the visual impact of placing the Support Structures or Facilities in the subject area;
 - (2) the ability and specifications of the structures upon which the Facilities and Accessory Equipment are placed to safely support those Facilities and Accessory Equipment;
 - (3) the character of the area in which the structures are requested, including surrounding buildings, properties and uses;
 - (4) whether the appearance and placement of the requested structures is aesthetically consistent with the immediate area and/or needs landscaping;
 - (5) whether the structures are consistent with the historic nature and characteristics of the requested location;
 - (6) whether the structure meets the height limitations established for the zoned district in which a structure is located;
 - (7) Collocation. To the extent reasonable, 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 utility, franchisee, the City or other

entity. If the Applicant demonstrates that no collocation opportunities exist in the area where a technologically documented need for a Facility exists, the Applicant may request that a new pole or other Support Structure be installed in that area for purposes of constructing the Facilities. Before any new Support Structure is permitted, each of the following must occur:

- (a) the Applicant must have provided the City written evidence that no reasonable collocation opportunity exists. This evidence shall include, but not be limited to, affidavits, correspondence, or other written information that demonstrates that the Applicant has taken all commercially reasonable actions to achieve collocation in the requested location or area, that the Applicant has pursued but been denied access to all potential collocation sites in the subject area (and the reasons for any such denial(s)), and otherwise show that the Applicant is unable to collocate on an existing Support Structure; and
 - (b) the Director must recommend the placement of a new Support Structure in the Right of Way; and,
 - (c) newly constructed Support Structures shall be built in such manner as to readily accommodate collocation by no less than one (1) similar (though potentially competing) entity with equipment of equal or greater size. The owner of such new structures may charge no more to a collocating entity than what the City charges the owner for application and annual access.
- (8) if a Facility is attached to a utility pole or other Support Structure, 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 by zoning ordinances; 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;
 - (9) unless the Director determines otherwise, the Facility shall be no closer than Five-hundred (500) feet as compared to any other permitted location for similar Facilities, whether free standing, or collocated;
 - (10) the location of any new structure shall be subject to review by the Director for its visual impact and to avoid an appearance of "clutter" among other Right of Way uses in the vicinity;
 - (11) the Accessory Equipment shall, if reasonably possible, be buried or 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;
 - (12) the color of Antenna and Accessory Equipment shall be compatible with that

- of the Support Structure or in a manner that otherwise attempts to conceal the equipment against the background of the developed or natural environment;
- (13) the Facility (including the Accessory Equipment) shall not be illuminated unless required by applicable laws and regulations;
 - (14) display of logos, branding, or the like on the Facilities in any way that may reasonably be construed as advertising shall be prohibited;
 - (15) whether the proposed installation could cause harm to the public or pose any undue risk to public safety validated through a means of industry certified reports for EME exposure limits or disruption of visual site triangles related to traffic;
 - (16) whether the proposed installation may interfere with vehicular traffic, passage of pedestrians, or other use of the Right of Way by the public;
 - (17) whether the proposed location is more suited for a DAS Facility or a Small Cell Facility;
 - (18) if the proposed installation will disturb conditions on the Right of Way, whether the Applicant can demonstrate its ability and financial resources to restore the subject area to its preexisting condition following installation; and
 - (19) 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.

SECTION 3. Application Process.

The application process for locations within City Right of Way follow herein. Applications for locations on private property, including, but not limited to, additions to existing structures on private property, are required to be reviewed by the City's Permit Department, subject additionally to the City's Building Code and construction permitting processes.

- A. At a minimum, each application for a permit shall contain the following:
 - (1) 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 antenna and other proposed Facilities;

- (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, letter 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; provided that, if a representation is made to the City that the attachment has been authorized in principle by the owner of the Support Structure but the Applicant subsequently fails to furnish the City documentation that finalizes any such agreement, the City may refuse to issue the requested permit until that documentation is provided, or, if the City issues the requested permit before receiving such final documentation, the subject permit may be revoked and any license to use that part of the Right of Way be rescinded.
 - (5) If the Applicant requests permission to place Facilities on a new Support Structure, include the substantiation therefore required by Section 2B(6) in this ordinance.
 - (6) Photo-simulated post-construction renderings depicting the proposed facilities and equipment, including any/all equipment cabinets, ancillary structures, coloration, and landscaping.
- B. An application shall not be deemed complete until the Applicant has submitted all documents, information and forms specifically enumerated in this ordinance that pertain to the location, construction, or configuration of the Facilities or Support Structures at the requested location(s). Within thirty (30) calendar days after an application for permit is submitted, the City shall notify the applicant in writing if any additional information is needed to complete that application or supplemental information is required to process the request.
- C. Additional Requirements. Any Provider or Applicant to whom a permit is issued and places Facilities and associated Support Structures on the Right of Way, shall comply with the following requirements so long as those Facilities and Support Structures are on or under the Right of Way:
- (1) Prior to installing the Facilities or Support Structures, the Applicant shall provide the City a 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.

- (2) Permits for the construction of new facilities or the placement of collocated equipment shall be good for six (6) months following issuance of the permit. If construction or installation are not completed in that amount of time, the permit will terminate, and the applicant must remove any partially installed equipment. The City may take applications for the same or nearby locations and hold them in standby 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 fees shall be non-refundable.
- (3) 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.
- (4) 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.
- (5) The Facilities and associated Support Structures must be maintained in good and safe condition.
- (6) 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:

- (a) 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
 - (b) 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).
- (7) 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 or private property. No provision of 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 authorizes, governs and applies to such use of other locations on or along the Right of Way.

SECTION 4. 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) a \$500.00 non-recurring permit application fee that may include up to five Facilities, with an additional \$100.00 for each Facility beyond five or a \$1,000.00 non-recurring permit application for a new pole (i.e., not a collocation) intended to support one or more Facilities; each location in a combined application shall be required to receive a unique permit per location; and
 - (2) an annual license fee per Facility of \$270.00.
- B. Annual License Fee Payments. In the first year of this Permit, the Provider's or Applicant's annual license fee shall be due upon completion of a structure or installation

and payable within thirty (30) days therefrom and are not prorated. In the first year of this Permit, the license fee shall be \$270.00 for facilities completed and/or installed between January 1 and June 30 and shall be \$135.00 for facilities completed and/or installed between July 1 and December 31. Thereafter, the Provider's or Applicant's annual license fee payable under Section 4A(2) shall be due and payable to the City annually on or before December 31 for the following calendar year. All payments due under this Permit shall be made to the City of Flowood.

- C. 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.

SECTION 5. 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 Section) that is located on the Right of Way, the Provider shall notify the Director in writing, within thirty (30) days of the abandonment, and 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 6. 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 Chapter are supplemental to, and not intended to alter, affect or modify any other provisions in the City of Flowood ordinance that may be applicable to the placement or use of macro Telecommunications Towers.

SECTION 7. Posting of Permits.

At all times while work or construction is in progress, a copy of the permit must be located at or near the work or construction site and shall, on request, be shown to the Director or any public safety or code officer.

SECTION 8. Location of Facilities and Support Structures.

On or before December 31st of every calendar year, the Provider or Applicant shall provide the Director with the location and geographic coordinates of each of its Facilities and Support Structures located inside the municipal boundaries of the City of Flowood.

SECTION 9. Master Plans.

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 City, provide the City with 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 City.

SECTION 10. 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 11. Liability of the City.

Neither the City nor any officer or employee thereof shall be held responsible for any damages

caused by any work or construction in any street, alley, sidewalk, right-of-way, or other public place made by any person under the authority of a permit issued pursuant to the provisions of this Ordinance. The permittee shall be solely liable for any damage or loss occasioned by any act or omission occurring in connection with such work or construction, and shall fully indemnify, hold harmless and defend City, its officers, officials, and employees from and against any and all suits, actions, judgments, losses, costs, demands, claims, expenses (including attorney's fees), damages, and liabilities of every kind to which the City and its officers, officials, and employees may be subjected for injury of any type, death or property damage arising from or connected with any such act or omission. The City shall promptly notify a permittee, at the address(es) set forth in the permit, of any claim or suit served upon the City and alleging negligent or wrongful conduct by the permittee in connection with work or construction that is the subject of a permit.

SECTION 12. 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 13. 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 14. 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 Flynt, seconded by Alderman Rhoads, and was adopted by the following vote, to-wit:

Alderman Harmon:	YEA
Alderman Smith:	YEA
Alderman Flynt:	YEA
Alderman Rhoads:	YEA
Alderman McDaniel:	YEA

The Mayor thereby declared the motion carried and the Ordinance adopted, this the 5th day of November, 2018.

APPROVED:


GARY L. RHOADS, MAYOR

ATTEST:


JOSH CARLISLE, CITY CLERK

Published: November 14, 2018

