

**ORDINANCE NO. 1949**

**AN ORDINANCE TO AMEND CHAPTER 14 OF THE  
MOUNTAIN BROOK MUNICIPAL CODE**

**WHEREAS**, in Ordinance No. 1948 the City Council of the City of Mountain Brook, Alabama (“City Council”) has enacted new regulations that apply to placement of Small Cell Technology Facilities (“Facilities”, as defined in Ordinance No. 1948 and used herein) along public right of ways and on private properties within the City;

**WHEREAS**, the regulations in Ordinance No. 1948 will be codified in a new Chapter 126 of the Mountain Brook Municipal Code; and

**WHEREAS**, Sections 2(e) and 3(c) of Ordinance No. 1948 provide that certain fees be paid by personal wireless service providers or applicants in connection with the review of applications, initial issuance and annual reissuance of permits required to construct, place, maintain and operate Facilities in the City;

**WHEREAS**, the City Council herein amends Chapter 14 of the Mountain Brook Municipal Code to set forth the level of fees contemplated in Sections 2(e) and 3(c) of Ordinance No. 1948.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama, as follows:

**Section 1.**

Chapter 14 of the Mountain Brook Municipal Code is amended to add the following:

**CHAPTER 126**

**SMALL CELL TECHNOLOGY FACILITIES**


<b>Section of Code</b>	<b>Description</b>	<b>Fee</b>
26-_____	<b>Permits to Place &amp; Operate Facilities on Public Right of Way</b>	
	Permit Application & Review Fee (Ord. No. 1948 § 2(e)(i), January 11, 2016)	\$200.00
	Initial Permit Issuance Fee per Support Structure (Ord. No. 1948 § 2(e)(ii), January 11, 2016)	\$100.00
	Annual License Fee per Support Structure (Ord. No. 1948 § 2(e)(iii), January 11, 2016)	\$500.00
	Permit Application & Review Fee (Ord. No. 1948 § 3(c)(i), January 11, 2016)	\$200.00
	Initial Permit Issuance Fee per Support Structure (Ord. No. 1948 § 3(c)(ii), January 11, 2016)	\$100.00

**Section 2. Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

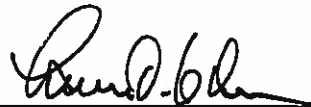
**Section 3. Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

**Section 4. Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.'

**ADOPTED:** The 11th day of January, 2016.

  
\_\_\_\_\_  
Council President

**APPROVED:** The 11th day of January, 2016.

  
\_\_\_\_\_  
Mayor

#### **CERTIFICATION**

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on January 11, 2016, as same appears in the minutes of record of said meeting, and published by posting copies thereof on January 12, 2016, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street  
Overton Park, 3020 Overton Road

Gilchrist Pharmacy, 2805 Cahaba Road  
The Invitation Place, 3150 Overton Road

  
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City Clerk