

ORDINANCE NO. 03-2018

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLIFTON, ARIZONA, AMENDING THE TOWN ZONING ORDINANCE OF THE TOWN OF CLIFTON, ARIZONA, BY AMENDING CHAPTER 1.12 SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES, BY ADDING NEW SECTION 1.12.370 WIRELESS FACILITIES IN THE RIGHT-OF-WAY RELATED TO THE LOCATION OF WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY IN THE TOWN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Clifton, Arizona, as follows:

Section I. In General.

The Town Zoning Ordinance of the Town of Clifton, Arizona, is hereby amended by amending Chapter 1.08 Definitions to add the following definitions (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

MONOPOLE. "Monopole" has the same meaning as set forth in A.R.S. Section 9-591.

SMALL WIRELESS FACILITY. "Small wireless facility" has the same meaning as set forth in A.R.S. Section 9-591.

WIRELESS FACILITY. "Wireless facility" has the same meaning as set forth in A.R.S. Section 9-591 and includes a monopole.

The Town Zoning Ordinance of the Town of Clifton, Arizona, is hereby amended by amending Chapter 1.12 Supplementary Requirements and Procedures Applicable within Zones, by adding new Section 1.12.370 Wireless Facilities in the Right-of-Way to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

1.12.370 WIRELESS FACILITIES IN THE RIGHT-OF-WAY. Small wireless facilities and utility poles supporting small wireless facilities are permitted in the right-of-way in compliance with Clifton Town Code Chapter 113. All other small wireless facilities are required to obtain a use permit prior to submitting an application for a wireless facility in the right-of-way. Monopoles are prohibited in the right-of-way.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a class one misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Clifton, Arizona, this 12th day of April, 2018 by the following vote:

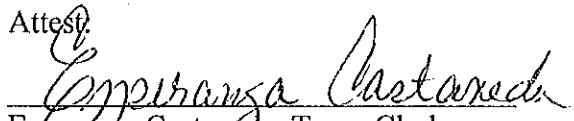
Approved this 12th day of April 2018.

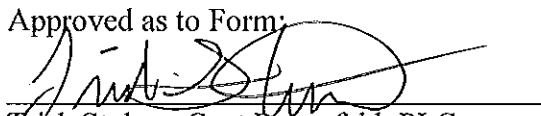
AYES: Councilmembers Reyes, West, Dorrell, Montoya, Lorenzo and Ahmann

NAYES: None _____ ABSENT: None _____

EXCUSED: N/A _____ ABSTAINED: None _____


Luis Montoya, Mayor

Attest:

Esperanza Castaneda, Town Clerk

Approved as to Form:

Irish Stuhan, Gust Rosenfeld, PLC
Town Attorneys