

When recorded, return to:
Paradise Valley Town Attorney
6041 E. Lincoln Drive
Paradise Valley, AZ 85253

ORDINANCE NUMBER 2019-09

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA; AMENDING THE PARADISE VALLEY TOWN CODE SECTION 2-5-2.I, SMALL WIRELESS SERVICE FACILITIES LOCATED IN THE RIGHTS-OF-WAY; AND DECLARING AN EMERGENCY

WHEREAS, A.R.S. §9-240(28)(a) establishes the authority to make, amend, or repeal all ordinances necessary or proper for the carrying into effect of the powers vested in the corporation, or any department or officer thereof, and Article 2-6 of the Town Code establishes procedures for the adoption of ordinances by the Town Council; and,

WHEREAS, the Town Council desires to amend Chapter 2, Article 2-5-2, Section I, of the Town Code, providing for Alternative Design Standards for certain Small Wireless Service Facilities Located in the Rights-of-Way on Existing Utility Poles.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:

Section 1. Section 2-5-2.I.6, the Alternative Design Standards Utilizing an Existing Utility Pole, is hereby amended (with deletions shown as ~~strike throughs~~ and additions shown in **bold**):

6. Alternative Design Standards Utilizing an Existing Utility Pole. An Applicant may propose the use of an existing Utility Pole SWF installation, for which the following design and concealment criteria shall be used:

- a) If the selected Utility Pole is a traffic signal or street light, the existing traffic signal or street light shall be replaced with a new engineered street light or traffic signal pole design that has the appropriate structural support strength including any footing modifications to accommodate the height and weight of the antenna and equipment located within, **or atop**, the replacement pole;
- b) The maximum height of the replacement pole shall not be more than six feet above the pre-existing height of the street light vertical pole or traffic signal vertical pole that it replaced (not including the mast arm);
- c) ~~All antennas and "pole-mounted" equipment shall be within a cylinder or container (or within the replacement pole) that is within two (2) inches of the width or diameter of the adjoining utility pole, with said container width or~~

diameter not to exceed twenty inches. The only protrusions or extensions from the pole shall be those that existed before the replacement pole, that is, in the case of street lights and traffic signals the mast arms or other supports for street lights, street name signs, and traffic signals;

d)c) All wiring associated with the SWF shall be contained within the replacement pole or underground;

e)d) All ground mounted equipment and connections shall be buried with the exception of the utility meter and the disconnect switch;

f)e) Shall contain standard details, such as dimensions, colors and materials, the same as those used for the existing 56th Street and Lincoln traffic signal installation that is consistent with the standard details in the application;

f) **For all traffic signal installations as well as street light installations not along Scottsdale Road**, all antennas and “pole-mounted” equipment shall be within a cylinder or container (or within the replacement pole) that is within two (2) inches of the width or diameter of the **traffic signal or street light pole to which it is affixed**, with said container diameter not to exceed twenty (20) inches. The only protrusions or extensions from the **signal or street light pole** shall be those that existed before the replacement pole, that is, in the case of **traffic signals or street lights** the mast arms or other supports for **luminaires**, street name signs, and traffic signals;

g) **For street light installations in a series along Scottsdale Road**, the replacement pole shall substantially match the existing pole in finish and color, diameter and taper, and have a luminaire arm that substantially matches the existing luminaire arm of the existing light pole. The application shall be considered in context with adjacent existing light poles to ensure consistency along the streetscape. All antennas and “pole-mounted” equipment shall be within a cylinder or container (or within the replacement pole) with said container not exceeding twenty (20) inches in diameter, with a three hundred and sixty (360) degree shroud that tapers from the bottom of the container to the pole. The only protrusions or extensions from the pole shall be those that existed before the replacement pole, that is, in the case of street lights the mast arms or other supports for luminaires.

Section 2. Pursuit to Section 1-9-2 of the Town Code, any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or imprisonment not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as described. Pursuant to Section 1-9-3 of the Town Code, a violation of the provisions of this Code or amendments thereto may also constitute a civil offense, and any person who is served with a citation charging such violation and who admits or is found responsible for such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed

1 seven hundred fifty dollars (\$750). Each day that a violation continues shall be a separate
2 offense punishable as described.

3
4 **Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this
5 Ordinance is for any reason held to be invalid or unconstitutional by the decision of any
6 court of competent jurisdiction, such decision shall not affect the validity of the remaining
7 portions thereof.

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9 **Section 4.** Whereas the immediate operation of the provisions of this ordinance is
10 necessary for the preservation of the public peace, health and safety, therefore, an
11 emergency is hereby declared to exist and this ordinance shall be in full force and effect
12 from and after its passage by the council.

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14 **Section 5.** In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the
15 Town Council has considered the individual property rights and personal liberties of the
16 residents of the Town before adopting this ordinance.

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19 PASSED AND ADOPTED by the Mayor and Council of the TOWN OF PARADISE
20 VALLEY, Arizona, this 19th day of August 2019.

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25 _____
26 Jerry Bien-Willner, Mayor

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28 SIGNED AND ATTESTED THIS 19TH DAY OF AUGUST 2019:

29
30 ATTEST:

31 APPROVED AS TO FORM:

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33
34 _____
35 Duncan Miller, Town Clerk

36 _____
Andrew Miller, Town Attorney