

TOWN OF PINETOP-LAKESIDE

ORDINANCE NO. 18-412

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE ARIZONA, ADOPTING NEW TITLE 17, CHAPTER 17.106 WIRELESS COMMUNICATION FACILITIES, BY REFERENCE.

WHEREAS, the Town Council of the Town of Pinetop-Lakeside believes that amending the Town Code to add Title 17, Chapter 17.106 is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, as follows:

1. **Adoption.** Title 17, Chapter 17.106, Wireless Communication Facilities is hereby adopted and made a part of that certain document known as the "Pinetop-Lakeside Town Code" three copies of Chapter 17.106, Wireless Communication Facilities are on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, which document was made a public record by Resolution No. 18-1453 of the Town of Pinetop-Lakeside, Arizona; and is hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance.
2. **Invalidity.** If any section, subsection, sentence, clause or portion of this Ordinance or any part of Title 17, Chapter 17.106, Wireless Communication Facilities, adopted herein by reference is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof or the remaining Articles and Sections of the Pinetop-Lakeside Town Code.
3. **Penalty Provisions.** The following provision is included in Title 17, Chapter 17.106 as adopted in Section 1 of this Ordinance and is set forth below to provide notice as required by A.R.S. § 9-803 regarding penalty provisions that must set forth herein:

17.106.080 Removal of Wireless Communication Facilities

- A. All wireless communication facilities shall be maintained in compliance with the standards contained in applicable building and technical codes, including the EIA/TIA 222-F Standards, as published by the Electronic Industries Association and amended from time to time, so as to ensure the structural integrity of such facilities.

B. If upon inspection by the Community Development Director any such wireless communication facility is determined not to comply with the code standards referenced in this code or that constitute a danger to persons or property, then upon notice being provided to the owner of the wireless communication facility and the owner of the site of the wireless communication facility, such owners shall have 30 days to bring the Wireless Communication Facility into compliance. The following measures will be followed if the Wireless Communication Facility remains noncompliant based on this subsection:

1. If such wireless communication facility is not brought into compliance within 30 days, the Town may provide notice to the owners requiring the wireless communication facility to be removed and the site restored to its natural condition.
2. If such wireless communication facility is not removed within 30 days of receipt of such notice and the site restored to its natural condition, the Town may remove such wireless communication facility and place a lien upon the property for the costs of removal and restoration.
3. Delays by the Town in taking action shall not in any way waive the Town's right to take action.
4. The Town may pursue all legal remedies available to it to ensure that Wireless Communication Facilities not in compliance with code standards or which constitute a danger to persons or property are brought into compliance or removed.
5. The time periods for repair, removal and restoration set forth in subsection (B)(1) of this section may be shortened in the Community Development Director determines that a Wireless Communication Facility poses an immediate danger to persons or property.

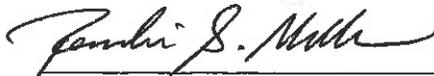
PASSED AND ADOPTED by the Mayor and Town Council in an open meeting by the Town Council, Town of Pinetop-Lakeside, Arizona, this 3rd day of May, 2018, to be effective upon the expiration of a thirty (30) day period following adoption and publication pursuant to A.R.S. §§ 9-812, 9-813 and 9-803 is complete.

TOWN OF PINETOP-LAKESIDE



Stephanie Irwin, Mayor

ATTEST:


Remilie S. Miller, MMC
Town Clerk



APPROVED AS TO FORM:



William J. Sims, III
Town Attorney