

ORDINANCE NO. 13-767

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING THE “UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN, SECTION 4.25, WIRELESS TELECOMMUNICATIONS FACILITIES” AND ADOPTING BY REFERENCE THE NEW “UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN, SECTION 4.25, WIRELESS COMMUNICATIONS FACILITIES”

WHEREAS, the Town’s current wireless telecommunications section of the Unified Development Ordinance (UDO) proscribes the authority of staff to issue administrative approval of wireless communication facilities that fully comply in all respects with the design requirements set forth in the UDO; and

WHEREAS, the Town’s current wireless telecommunications section of the UDO does not articulate the three (3) primary categories of such facilities – (1) Concealed, (2) Disguised, and (3) Visible – and the manner in which the Town will process applications for such proposed facilities; and

WHEREAS, the Town desires to amend and clarify the foregoing, as well as other matters governing the issuance and approval of permits for the location of wireless communication facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1: That certain document known as "Unified Development Ordinance Of The Town, Section 4.25, Wireless Communications Facilities," three (3) copies of which are on file in the office of the Town Clerk of the Town of Chino Valley, Arizona, which document was made a public record by Resolution No. 13-1009 of the Town of Chino Valley, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 2: “Unified Development Ordinance Of The Town, Section 4.25, Wireless Telecommunications Facilities,” is hereby deleted in its entirety and is superseded by the new “Unified Development Ordinance Of The Town, Section 4.25, Wireless Communications Facilities.”

Section 3: All other sections of the UDO, other ordinances, and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed on the effective date of this Ordinance.

Section 4:

A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be guilty of a Class 1 misdemeanor.

Section 5: The amendment of the Unified Development Ordinance of the Town, Section 4.25, does not affect the rights and duties that have matured and/or the penalties that were incurred hereunder and/or any proceedings that were begun before the effective date of this Ordinance.

Section 6: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of March, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney