

**ORDINANCE NUMBER 12-11**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, ADOPTING “ARTICLE 36 WIRELESS TELECOMMUNICATIONS FACILITIES” BY REFERENCE AS ARTICLE 36 OF THE MARICOPA CITY ZONING CODE AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, that certain document known as the ”Article 36 Wireless Telecommunications Facilities” was adopted as a public record by Resolution No. 12-74 on October 30, 2012;

**WHEREAS**, the Mayor and City Council of the City of Maricopa believe, after consultation with its staff, that amending the Zoning Code by adopting Article 36 would be in the best interest of the City of Maricopa; and

**WHEREAS**, A.R.S. §9-802 allows a City to adopt a public record by Ordinance as a means to reduce publication costs while ensuring that the public gets fair notice and opportunity to review its operative provisions;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AS FOLLOWS:**

**SECTION 1.** Pursuant to Arizona Revised Statutes Section 9-802, that certain document known as “ARTICLE 36 WIRELESS TELECOMMUNICATIONS FACILITIES” of the Maricopa City Zoning Code, three copies of which are on file in the office of the City Clerk of the City of Maricopa, Arizona, which document was made a public record by Resolution No. 12-74 of the City of Maricopa, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

**SECTION 2.** “Article 36 Wireless Telecommunications Facilities”, which was made public record by Resolution No. 12-74 of the City of Maricopa, Arizona, is hereby inserted in the Maricopa City Zoning Code.

**SECTION 3.** Article 36 of the Zoning Code of the City of Maricopa contains the following penalty clauses:

**Failure to comply with co-location requirements set forth in Section G when feasible may result in denial of a permit request or revocation of an existing permit.**

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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 5.** This Ordinance shall become effective thirty (30) days from the date of adoption by the City Council for the City of Maricopa.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 30<sup>th</sup> day of October, 2012.

APPROVED:

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Christian Price  
Mayor

ATTEST:

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Vanessa Bueras, CMC  
City Clerk

APPROVED AS TO FORM:

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Denis Fitzgibbons  
City Attorney