

ORDINANCE NO. 2020-008

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA, AMENDING THE TOWN CODE OF THE TOWN OF SPRINGERVILLE, ARIZONA, TITLE 5 BUSINESS LICENSES AND REGULATIONS BY DECLARING THE DOCUMENT ENTITLED "TOWN OF SPRINGERVILLE TELECOMMUNICATIONS SERVICE WIRED FACILITIES IN PUBLIC HIGHWAYS" DATED December 16, 2020 AS A PUBLIC RECORD; TO AMEND THE SPRINGERVILLE TOWN CODE TITLE 5 BUSINESS LICENSES AND REGULATIONS, BY ADOPTING NEW CHAPTER 5.22 TELECOMMUNICATIONS SERVICE – WIRED FACILITIES IN THE PUBLIC HIGHWAYS INCLUDING SECTIONS 5.22.010 DEFINITIONS, 5.22.020 LICENSE REQUIRED, 5.22.030 LICENSE APPLICATION, 5.22.040 CONDITIONS OF LICENSE, 5.22.050 COMPENSATION, ALL RELATED TO THE REGULATION OF PERSONS PERFORMING WORK IN THE PUBLIC HIGHWAYS, INCLUDING REQUIREMENTS FOR OBTAINING A LICENSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, the Town Council has determined that Town Code Title 5 Business Licenses and Regulations, needs the addition of Chapter 5.22 Telecommunications Service- Wired Facilities in the Public Highways to comply with laws governing the use of the public highways by telecommunications and other companies that have installed or will install wired facilities in the public highways.

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

Section 1. In General

A. The Code of Springerville, Arizona, Title 5 Business Licenses and Regulations, Chapter 5.22 Telecommunications Service- Wired Facilities in the Public Highway is hereby added.

B. That certain document entitled "Town of Springerville Telecommunications Service- Wired Facilities in Public Highways" dated December 16, 2020, three paper copies or one paper copy and one electronic copy of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.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 Common Council of the Town of Springerville, Arizona, this 16 day of December, 2020, by the following vote:

AYES:


Five

NAYES: None

ABSENT: None

EXCUSED: None

ABSTAINED: None




Phil Hanson, Jr., Mayor

ATTEST:




Kelsi Miller, Town Clerk

APPROVED AS TO FORM:



Tim Shaffery, Town Attorney

I, KELSIE MILLER, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. ~~2020~~²⁰²⁰ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF SPRINGVILLE, ARIZONA, ON THE 16 DAY OF December 2020, WAS POSTED IN THREE PLACES ON THE ____ DAY OF December, 2020.



Kelsie Miller, Town Clerk