ORDINANCE NO. 4389

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO APPROVE AMENDMENTS TO CHAPTER 47, "STREETS, SIDEWALKS AND PUBLIC WORKS GENERALLY," OF THE SCOTTSDALE REVISED CODE BY AMENDING SECTIONS AND ADDING NEW SECTIONS.

WHEREAS, the City of Scottsdale desires to continue to accommodate community needs for telecommunication services in the rights of way while also balancing the City's need to manage and care for the public rights of way and to receive fair and reasonable compensation for use of the rights of way;

WHEREAS, the City of Scottsdale further desires to amend the provisions of Chapter 47 to provide clarity of language and improve the operations of the of the City;

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1.

Chapter 47 of the Scottsdale Revised Code, relating to Streets, Sidewalks and Public Works is amended in accordance with the provisions of Resolution No. 11403 with an outline of the provisions that may be affected below:

ARTICLE I. - GENERAL
  Sec. 47-2. - Definitions. (Right-of-Way)
  Sec. 47-4. - Interpretation.

ARTICLE II. - ACQUISITION OF RIGHT-OF-WAY
  Sec. 47-11. - Right-of-way alignment.

ARTICLE III. - IMPROVEMENT OF RIGHT-OF-WAY
  Sec. 47-21 - Improvement standards.
  Sec. 47-25. - In lieu payments.
  Sec. 47-26. - In lieu construction.
  Sec. 47-28. - Agreement for city acceleration of infrastructure.
  Sec. 47-31 - Assurance of completion.

ARTICLE IV. - USE OF RIGHT-OF-WAY
  DIVISION 3. - USE OF THE RIGHT-OF-WAY-TYPES OF PERMITS
  Sec. 47-50(c)(5). - Use of the right-of-way – PWR. Insurance and indemnification.
  Sec. 47-51(c)(5). - Private improvements in the right-of-way – PWR. Insurance and indemnification.
  Sec. 47-61. - Preservation of monuments.
  Sec. 47-82. - Water, gas, electric and communications facilities-encroachment.

ARTICLE V. - DISPOSITION OF RIGHTS-OF-WAY AND EASEMENTS
  Sec. 47-91. - Notice of the abandonment application.
  Sec. 47-94 - Application for release of easement.

ARTICLE VI. ENFORCEMENT
DIVISION 1. – APPEAL FROM RIGHT-OF-WAY SUPERVISOR’S INTERPRETATION
Sec. 47-104. – Additional remedies for encroachments and damage in the right-of-way.

ARTICLE VII. – TELECOMMUNICATIONS
Sec. 47-161. – Purpose and findings.
Sec. 47-162. – Definitions.
Sec. 47-163. – Telecommunications license.
Sec. 47-164. – License application.
Sec. 47-165. – License terms.
Sec. 47-166. – Compensation.
Sec. 47-166a – Credit for Amounts Paid; In-Kind Exchange.
Sec. 47-167. – Coordination to minimize disruption to the city’s public highways.
Sec. 47-168. – Exemptions; Issuance of Exempt License.
Sec. 47-169. – Wireless Communication Facilities.

as provided in that certain document known as “Amendments to Various Provisions of Chapter 47 of the Scottsdale Revised Code Regarding Streets, Sidewalks and Public Works Including an Update Primarily to the Telecommunications Provisions,” a paper and electronic copy of which is on file in the office of the City Clerk, which document was made a public record by Resolution No. 11403 of the City of Scottsdale, Arizona, and is hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance.

Section 2.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein 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 3.

The effective date of this Ordinance, as it relates to the amendments to Chapter 47 of the Revised Code of the City of Scottsdale, is July 11, 2019.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 11th day of June, 2019.

ATTEST:
By: Carolyn Jagger, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: Eric C. Anderson, Senior Assistant City Attorney

CITY OF SCOTTSDALE, an Arizona municipal corporation

By: W. J. “Jim” Lane, Mayor