

RESOLUTION R23-04-04

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, AMENDING TITLE XV, SECTION 151.141, AND ADDING TITLE XV, SECTIONS 151.141 TO 151.145 TO THE CODE OF THE CITY OF EL MIRAGE.

WHEREAS, the Mayor and City Council have adopted Title XV of the City Code to provide rules and regulations regarding development within the City including Chapter 151 “Public Rights-of-Way; Encroachments”; and

WHEREAS, several Sections within this Chapter discuss the requirements for the installation of various utilities within the City; and

WHEREAS, the City of El Mirage would like to add Sections to provide specific requirements for high-voltage electric transmission lines; and

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, provided that the adopting ordinance is published in full;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of El Mirage, Arizona that the City of El Mirage City Code be amended as follows:

Section 1. That the document attached hereto as Exhibit “A” amending Sections 151.141 and adding Sections 151.141 to 151.145 to the City Code to provide requirements for high-voltage electric transmission lines under the discretion of City Council is hereby declared to be a public record.

Section 2. That the document attached hereto as Exhibit “A”, shall be added to Section 151 of the City Code in its entirety and is ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Mayor and Council of the City of El Mirage this 18th day of April 18, 2023.

Alexis A. Hermosillo, Mayor

ATTEST:

APPROVED AS TO FORM:

Sharon Antes, City Clerk

Justin Pierce, City Attorney

EXHIBIT “A”

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Title XV, Chapter 151: “Public Rights-of-Way; Encroachments”, Section 001 Definitions: the following shall be added:

§ 151.001 DEFINITIONS.

HIGH-VOLTAGE ELECTRIC TRANSMISSION LINE. A power line that carries high voltage between a generating plant and a substation. These lines are usually 60 Kilovolts (kV) and greater, and are considered hazardous. Lines with capacity of 12-60 kV and above are considered high voltage. High voltage lines do not include local distribution and service lines.

Title XV, Chapter 151: “Public Rights-of-Way; Encroachments”, Sections 141 - 145: the following shall be added:

HIGH-VOLTAGE ELECTRIC TRANSMISSION LINES

§ 151.141 SETBACKS FOR OCCUPIED RESIDENTIAL BUILDINGS.

High-Voltage Electric Transmission Lines shall be set back from the nearest occupied residential building a distance not less than three times the height of the tower. The setback distance shall be measured from the center of the tower base to the nearest point on the foundation of the occupied residential building.

High-Voltage Electric Transmission Poles that are visible from residential areas shall have colors that are predominant within the surrounding landscape, such as desert and earth tones. A buffer area one hundred feet wide, adjacent to the ultimate right-of-way line, is required and shall be landscaped with mature vegetation.

§ 151.142 PROPERTY LINES.

All High-Voltage Electric Transmission Lines shall be set back from the nearest property line a distance of not less than 2.5 times the height of the tower. The setback distance shall be measured to the center of the tower base.

§ 151.143 PUBLIC ROADS.

All High-Voltage Electric Transmission Lines shall be set back from the nearest public roadway a distance of not less than 1.5 times the tower height, as measured from the right-of-way line of the nearest public roadway to the center of the tower base.

§ 151.144 HIGH-VOLTAGE ELECTRIC TRANSMISSION LINES.

High-Voltage Electric Transmission Lines must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

§ 151.145 WAIVER OF SETBACKS.

Upon application, the City may waive the setback requirement for public roadways for good cause.