

Chapter 13
BICYCLES, MOPEDS, GOLF CARTS AND PEDICABS

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Article 13-1 Definitions, Penalties, Application

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Section 13-1-1 Definitions

In this chapter unless the context otherwise requires:

- A. "Bicycle" means a device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen inches in diameter or having three wheels in contact with the ground any of which is more than sixteen inches in diameter.
- B. "Bicycle lane" means any portion of a roadway designated for bicycle use and defined by pavement markings, curbs, signs or other traffic-control devices.
- C. "Daytime" means the period between sunrise and sunset.
- D. "For hire" means to provide, or offer to provide, a service in exchange for any form of payment, whether monetary or otherwise, or gratuity.
- E. "Golf cart" means an electric motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty-five miles per hour and that is designed to carry not more than four persons including the driver.
- F. "Knowingly" means, with respect to conduct or a circumstance described in this article, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.
- G. "Nighttime" means the period between sunset and sunrise.
- H. "Operator" means the person who is in actual physical control of the pedicab.
- I. "Pathway" means a facility designated for use of bicycles, golf carts and pedestrians.
- J. "Pedal bicycle with helper motor," "moped," or "motorized electric or gas powered bicycle or tricycle" means every bicycle equipped with a helper motor, if such vehicle has an electric motor or maximum piston displacement of fifty cubic centimeters, a brake horsepower of one and one-half or less and a maximum speed of twenty-five miles per hour on a flat surface with less than a one

percent grade.

K. "Pedicab" means either a bicycle or a motorized electric or gas powered bicycle or tricycle that transports or is held out to the public as available to transport passengers for hire, including a bicycle or a motorized electric or gas powered bicycle or tricycle that pulls, or to which is attached, a trailer, sidecar, or similar device.

L. "Person" means a corporation, firm, partnership, limited liability company, association, organization and any other group acting as a unit, as well as an individual.

M. "Sidewalk" means a facility designated for use of pedestrians and bicycles. (Ord. 13-186 § 1; Ord. 11-164 § 1)

Section 13-1-2 Responsibility of Parent

The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate any provisions of this chapter.

Section 13-1-3 Application of Provisions

The regulations of this chapter in their application to bicycles, mopeds, golf carts and pedicabs shall apply when a bicycle, moped, golf cart or pedicab is operated upon any street, bicycle lane, pathway or sidewalk subject to those exceptions stated in this chapter. (Ord. 13-186 § 1; Ord. 11-164 § 1)

Section 13-1-4 Penalty

Any person violating any of the provisions of this chapter shall be liable for the imposition of a civil sanction not to exceed two hundred fifty dollars, unless another penalty is specified.

Article 13-2 Abandoned Bicycles

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Section 13-2-1 Duty of City to Take Possession

It shall be the duty of the city to take possession of all bicycles that have been abandoned on any street, alley or in any other public place in the city.

Section 13-2-2 Notice of Owner

Upon taking possession of any abandoned bicycle, it shall be the duty of the city to ascertain, if possible, the owner thereof and to notify such owner that such bicycle is in the possession of the police department. This notice may be given to the owner in person, by phone or by ordinary mail.

Section 13-2-3 Sales

A. In the event that the owner of an abandoned bicycle cannot be found or does not claim such bicycle, the city shall proceed to sell such bicycle at public auction. Such sale shall be held in the manner set forth in this chapter. However, the finder of such bicycle shall be notified prior to the auction and allowed to make claim to said bicycle.

B. From time to time the city council may decide to exempt certain bicycles from the above sale procedure and give such exempted bicycles to nonprofit organizations, as approved by the city council, for disbursement. The nonprofit organizations shall request the bicycles in writing directed to the city council. The organization shall provide a specific statement as to the proposed use of the bicycles in its request.

Section 13-2-4 Notice of Sale

After twenty days from the date of taking from the date of the taking of possession of an abandoned bicycle, the city shall publish in the official newspaper of the city, at least twice, a notice of sale of such bicycle and shall post a copy of such notice in three public places in the city. A copy of such notice shall be mailed to the owner, if known, at his last known address. This copy may be mailed at least thirty days before the date of the sale. Such notice shall contain a brief description of the

bicycle, if known; its number, if known; its last registration number, if known and shall also state the hour, date and place of sale and the place where the bicycle may be seen.

Section 13-2-5 Auction, Disposition of Funds

The sale shall be a public auction to the highest bidder for cash, but in no event shall any bicycle be sold to any person for less than the cost of advertising and sale. All money received from such sale over and above the cost of advertising and sale shall be retained in a separate fund for at least six months. Upon the expiration of such time, unless sooner claimed as provided in this article, such money shall be paid over into the general fund.

Section 13-2-6 Claimants

Should any person, within six months after the date of the sale of a bicycle, make claim to such bicycle, such sum of money as may be in the hands of the city, less the sales and advertising costs which has been derived from the sale, shall be paid over to such claimant upon proof of his right to receive the same. In no event shall any claim be considered unless it is presented to the city in writing, under oath, and before the expiration of six months from the date of the sale.

Section 13-2-7 Certificates of Sale

On delivery to any purchaser of any bicycle sold under the provisions of this chapter, the city shall execute to such purchaser a certificate of sale of such bicycle, which certificate shall describe the bicycle in the same manner as in the advertisement of sale and shall recite the date of possession of the city and the date of sale. Such certificate shall pass the title to the bicycle to the purchaser.

Article 13-3

Operation of Bicycles, Mopeds and Golf Carts

Sections:

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[13-3-3 Riding or Operating Golf Carts](#)

[13-3-4 Riding Pedal Bicycle with Helper Motors \(Mopeds\)](#)

Section 13-3-1 General

- A. No person shall ride or operate a bicycle, moped or golf cart at excessive speed or otherwise in an unsafe manner reasonably expected to infringe upon the safety of such person or others.
- B. No person shall operate a bicycle, moped or golf cart so as to cause damage to the personal or real property of another.
- C. Every person riding a bicycle, moped or golf cart upon a street shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by state law and this chapter, except as to those provisions which by their nature can have no application.
- D. A person operating a bicycle, moped or golf cart upon a street at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right hand curb or edge of the street, except under any of the following situations:
1. If overtaking and passing another bicycle, moped, golf cart or vehicle proceeding in the same direction.
 2. If preparing for a left turn at an intersection or into a private road or driveway.
 3. If reasonably necessary to avoid conditions including fixed or moving objects parked or moving vehicles, bicycles, mopeds, golf carts, pedestrians, animals or surface hazards.
- E. No person shall drive a vehicle other than a golf cart upon or across a sidewalk, bicycle lane or pathway except to enter or leave the street and only after giving the right-of-way to all bicycles, mopeds, golf carts and pedestrians lawfully upon the sidewalk, bicycle lane or pathway. The operation of golf carts shall comply with Section [13-3-3](#).
- F. The city is authorized to erect or place signs designating the existence of a pathway and otherwise regulating the operation and use of bicycles, mopeds and golf carts with respect thereto, so long as the same are consistent with this chapter. When such signs are in place, no person shall disobey the same. (Ord. 11-164 § 1)

Section 13-3-2 Riding Bicycles

- A. No person shall ride a bicycle on any sidewalk, pathway or public or private property when prohibited by a sign which is clearly visible to those entering upon such sidewalk, pathway or property.
- B. Whenever any person is riding a bicycle upon a sidewalk, pathway or public or private property, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- C. Any person riding a bicycle on a sidewalk or pathway that is about to enter or cross a street shall yield the right-of-way to all the traffic on such street. (Ord. 11-164 § 1. Formerly 13-3-3)

Section 13-3-3 Riding or Operating Golf Carts

- A. No person shall operate a golf cart on any sidewalk except to cross such sidewalk when entering or leaving a driveway. No person shall operate a golf cart on any pathway or public or private property when prohibited by a sign which is clearly visible to those entering upon such pathway or property.
- B. A person operating a golf cart upon a pathway or public or private property shall yield the right-of-way to pedestrians and bicycles and shall give an audible signal before overtaking and passing such pedestrian or bicycle.
- C. No person shall operate a golf cart on pathways at a speed of more than twenty-five miles per hour.
- D. Any person operating a golf cart on a pathway that is about to enter or cross a street shall yield the right-of-way to all the traffic on such street.
- E. All persons riding in or operating a golf cart shall remain seated while the golf cart is in motion.
- F. Any person operating a golf cart on a public street or pathway shall have a valid driver's license.
- G. Any person operating a golf cart for hire shall comply with the requirements of Article [13-4](#), in addition to all provisions of this section. (Ord. 13-186 § 1; Ord. 11-164 § 1)

Section 13-3-4 Riding Pedal Bicycle with Helper Motors (Mopeds)

- A. A person may drive a moped on streets, including bicycle lanes.
- B. Mopeds shall be prohibited on pathways and sidewalks, except when propelled by human power with helper motor disengaged. (Ord. 11-164 § 1. Formerly 13-3-6)

Article 13-4 Operation of Pedicabs

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Section 13-4-1 Application of Traffic Regulations

When operating a pedicab, pedicab drivers shall comply with the regulations set forth in A.R.S. Chapter 3, Articles 1 through 15, governing the operation of a motor vehicle on public roads. (Ord. 13-186 § 1)

Section 13-4-2 Pedicab Safety Requirements

Lighting and Reflectors. It is unlawful for any person to operate, or cause to be operated, a pedicab that is not:

- A. Using a lamp on the front that emits a white light visible from a distance of at least one hundred feet to the front during daytime.
- B. Using a lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front during nighttime.
- C. Using a red reflector on the rear of a type approved by the Arizona Department of Transportation that is visible from all distances from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle during nighttime.
- D. Using one lamp that emits a red light visible from a distance of five hundred feet to the rear during nighttime.
- E. Have a reflective strip affixed to the rear of the pedicab. (Ord. 13-186 § 1)

Section 13-4-3 Driver License and Insurance Requirements

A. Driver License Requirement—Possession—Display—Exception.

- 1. It is unlawful for any person to knowingly operate a pedicab without having in that person's possession, and displaying to any law enforcement officer upon demand, a valid driver license issued by the state of Arizona or any other state, except as provided in this

section. A driver license that has been cancelled, revoked or suspended is not a valid driver license for purposes of this subsection.

2. If a person is unable to obtain a driver license from the state of Arizona due to a qualifying disability under Title II of the Americans with Disabilities Act, it is unlawful for that person to knowingly operate a pedicab without having in that person's possession and being able to display to any law enforcement officer of this state upon demand:

- a. Proof of having successfully completed the written examination required by the Arizona Department of Transportation Motor Vehicle Division to obtain any class of driver license.
- b. A legible and current government-issued photo identification document in that person's immediate possession at all times when operating a pedicab.

B. Pedicab Insurance.

1. The operator of a pedicab shall maintain at all times an owner's or operator's policy of liability insurance in the amount of at least one million dollars per occurrence and two million dollars aggregate.
2. The city shall be named as an additional insured.
3. The insurance company issuing the policy shall be authorized to issue commercial liability policies in this state by the Arizona State Department of Insurance.
4. The policy shall designate by explicit description or by appropriate reference all pedicabs for which coverage is granted.
5. The policy shall insure the person named in the policy as the insured and any other person, as insured, using the pedicab with the express or implied permission of the named insured against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of the pedicab within the city or the state of Arizona.
6. On demand of any law enforcement officer of this state, an operator shall display proof of insurance coverage as provided in this section. (Ord. 13-186 § 1)

Section 13-4-4 Business License

Pedicab drivers shall obtain a business license in accordance with Article 8-2 of this code. Proof of insurance required by Section [13-4-3](#) shall be submitted at the time of application. (Ord. 13-186 § 1)

Section 13-4-5 Violations

Any person found in violation of any provision of this article shall be responsible for a civil violation, punishable by a fine as set forth in Article 1-8 of the city code. Each day that a violation continues

shall be a separate offense punishable as herein described. (Ord. 13-186 § 1)

Chapter 14 SUBDIVISION REGULATIONS

Articles:

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Article 14-1 General Provisions

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Section 14-1-1 Purpose and Intent

A. The purpose of this chapter is to provide for the orderly growth and harmonious development of the city of Litchfield Park; to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; to insure consideration for adequate sites for schools, recreation areas and other public facilities; to promote the conveyance of land by accurate legal description; and, to provide logical procedures for the achievement of this purpose.

B. In its interpretation and application, the provisions of this chapter are intended to provide common ground of understanding and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

Section 14-1-2 Definitions

In this chapter, unless the context otherwise requires:

A. "Alley" means a public or private way not more than twenty-five feet wide, which affords only secondary vehicular access to adjacent properties otherwise abutting upon a street.

B. "Approved lending institution" means any title insurance company, title insurance agent, bank, savings and loan association or mortgage lending company currently approved by Federal Housing Administration to act as a mortgagee, qualified to transact business in the state of Arizona and having a business office within the valley area, and any other lending institution approved by the city attorney.

C. "Block" means a piece or parcel of land or a group of lots entirely surrounded by public streets, streams, railroads or parks or a combination thereof.

D. "Board" means the planning and zoning commission of the city of Litchfield Park.

E. "Classification plan, street" means a plan which provides for the development of a system of major streets and highways, including the location, width and alignment of existing and proposed thoroughfares.

F. "Conditional approval" means an affirmative action by the board or the council indicating that

approval will be forthcoming upon satisfaction of certain specified stipulations.

G. "Condominium" means the improvement of land with one or more separate buildings with one or more floors in accordance with city standards, in which an undivided interest in common, in all or a portion of the land, is coupled with the right of exclusive occupancy of any unit of airspace thereon. A condominium may include an undivided interest in common in a portion of the building or buildings; a separate interest in a building or buildings; a separate interest in a building or portion of a building, with a separate interest in a portion of the land together, with an undivided interest in common in portion of the land.

H. "Department" means the city manager and appointed department supervisors.

I. "Development" means the utilization of land for public or private purposes.

J. "Development master plan (DMP)" means a preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages. A development master plan may be designed by the subdivider or by the department and shall be subject to board and council approval.

K. "Easement" means a grant by the owner of the use of land by the public, a corporation or persons for specific uses and purposes and so designated.

L. "Engineering plans" means plans, profiles, cross sections and other required detail for the construction of public improvements, prepared by a registered civil engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the council.

M. "Exception" means any parcel of land which is within the boundaries of the subdivision which is not owned by the subdivider, to be designated on the final plat as "not a part of this subdivision".

N. "Final approval" means unconditional approval of the final plat by the council as evidenced by certification on the plat by the city engineer and signed by the mayor and attested by the clerk which constitutes authorization to record a plat when engineering plans have been approved and an assurance bond has been posted to guarantee the installation of the improvements.

O. "General Plan" means a comprehensive plan, or parts thereof, providing for the future growth and improvement of the city and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other physical development. (Sometimes referred to as the "Master Plan".)

P. "Improvements" means required installations, pursuant to these regulations, including but not limited to: grading, sewer, and water utilities, streets, alleys, underground street light circuits and traffic control devices; as a condition to the approval and acceptance of the final plat, precedent to

recording of an approved final plat.

Q. "Improvement standards" means a set of regulations setting forth the details, specifications and instructions to be followed in the planning, design and construction of certain required improvements to property formulated by the city engineer, concerned state and county departments and other city departments.

R. "Irrigation facilities" means canals, laterals, ditches, conduits, gates pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water and the construction, operation and maintenance of such.

S. "Lot" means a parcel of land within a single block, which by reason of ownership, recording or use, is separate and distinct from other such parcels and which has frontage on a public street or an approved private access way.

1. "Corner lot" means a lot at the junction of two or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lines with street lines intersect at an interior angle of less than one hundred thirty-five degrees. A corner lot shall be considered to be in that block in which the lot fronts.

2. "Interior lot" means a lot having but one side abutting on a street.

3. "Key lot" means an interior lot, one side of which is contiguous to the rear line of a corner lot.

4. "Through lot" means a lot abutting two parallel or approximately parallel streets.

T. "Corner lot, reversed" means a corner lot, the sideline of which is substantially a continuation of the front property line of the first lot to its rear.

U. "Lot area" means the area, in square feet, lying within the lines of the lot, not including any part of any abutting public or private street or alley, and not including any part of certain easements on lots with less than twenty-four thousand square feet of area.

V. "Lot depth" means:

1. If the front and rear lines are parallel, the shortest distance between such lines.
2. If the front and rear lines are not parallel, the distance between the midpoint of the front lot line and the midpoint of the rear lot line.
3. If the lot is triangular, the shortest distance between the front lot line and a line parallel to

the front lot line, not less than ten feet long, lying wholly within the lot.

W. "Lot line":

1. "Front" means the front property line of a lot as follows:

- a. "Corner lot" means the front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. If such front is not evident, then either may be considered the front of the lot, but not both.
- b. "Interior lot" means the front property line of an interior lot shall be the line bounding the street frontage.
- c. "Through lot" means the front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the zoning administrator shall determine the front property line. Such a lot over two hundred feet deep shall be considered, for the purposes of this chapter, as two lots each with its own frontage.

2. "Rear" means the rear property line of a lot that is opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

3. "Side" means the side property lines of a lot which connect the front and rear property lines of a lot.

X. "Lot split" means the division of improved or unimproved land whose area is two and one-half acres or less into two or three tracts or parcels of land for the purpose of sale or lease.

Y. "Lot width" means the width of a lot measured as follows:

1. If the side property lines are parallel, the shortest distance between these side lines.
2. If the side property lines are not parallel, the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zoning district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

Z. "Minor land division" means any division of improved or unimproved land or lands for the

purpose of financing, sale or lease, whether immediate or future, for which a subdivision plat is not required. A lot split, lot line adjustment, and a map of dedication are all minor land divisions.

AA. "Neighborhood plan" means a plan designed to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land correlate street patterns, provide adequate drainage and achieve the best possible land use relationships.

BB. "Open space lands" or "open area" means any space of area characterized by great natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would maintain or enhance the conservation of natural or scenic resources, or the production of food and fiber.

CC. "Owner" means the person or persons holding title by deed to land, or holding title as vendees under land contract or holding any other title of record.

DD. "Pedestrian way" means a public walk dedicated entirely through a block from street to street or providing access to a school, park, recreation area or shopping center.

EE. "Plat" means a map which provides for changes in land use or ownership.

1. Subdivision:

a. "Pre-preliminary" or "conceptual" means a design submitted for review and comments at a presubmittal conference, not to be considered a preliminary plat submittal. Design to show: public streets or private access ways; methods of handling drainage; locations of buildings for condominium developments.

b. "Preliminary" means a tentative map, including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, a registered land surveyor, a landscape architect or architect in accordance with this chapter and the statutes of the State of Arizona. A preliminary site plan for a condominium development.

c. "Pre-final" means a map in final form, but not yet executed, submitted for review and comments prior to submitting an executed final plat.

d. "Final" means a map of all or part of a subdivision essentially conforming an approved preliminary plat, prepared by a registered civil engineer or a registered land surveyor in accordance with this chapter and the statutes of the State of Arizona and duly recorded in the Maricopa County recorder's office.

2. "Reversionary" means:

a. A map for the purpose of reverting to acreage of land previously subdivided.

- b. A map for the purpose of vacating right-of-way previously dedicated to the public and abandoned under the procedures prescribed by the city code.
- c. A map for the purpose of vacating or redescribing lot or parcel boundaries previously recorded.

FF. "Preliminary approval" means affirmative action on a preliminary plat, noted upon prints of the plat, indicating that approval of a final plat will be forthcoming upon satisfaction of specified stipulations, which constitutes authorization to proceed with final engineering plans and final plat preparation.

GG. "Private access way" means any private street or private way of access to one or more lots, or airspaces which is owned and maintained by an individual or group of individuals and has been improved in accordance with city standards and plans approved by the city engineer. A private access way is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access, and where special design concepts may be involved, such as within planned area developments, mobile home developments, sub-lot developments, hillside areas and condominiums.

HH. "Rights-of-way" means any public or private access way required for ingress or egress includes any area required for public use pursuant to any general or specific plan as provided for in this chapter; rights-of-way may consist of fee title dedications or easements.

II. "Secretary of the board" means the planning and zoning chairman or his designated representative.

JJ. "Street" means any existing or proposed street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access or other way which is an existing state, county or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or, a street or way in a plat duly filed and recorded in the county recorder's office. A street includes the land between the right-of-way lines whether improved or unimproved and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, bridges, viaducts and lawns.

1. "Freeway-expressway" means a street providing for the expeditious movement of large volumes of through traffic between areas or across, around or through the city or urban area, or a divided arterial highway with full control of access and not intended to provide direct access to abutting land. In urban areas both would normally be a portion of a system or network of freeways.

2. "Major street" or "arterial road" means a street providing for traffic movement between areas and across portions of the city, direct service to principal generators and connections to the freeway-expressway system, and secondarily for direct access to abutting land. They are

subject to necessary regulation and control of parking, directional controls, turning movements, entrances, exits and curb use, often divided arterial roadways and may have some control of access. The individual major streets combine to make a system for city-wide traffic movement.

3. "Collector" means a street providing direct service to residential areas from major streets and highways, for traffic movement within neighborhoods of the city and for direct access to abutting property. It collects local traffic from the neighborhoods and delivers the same to the nearest major street or highway.
4. "Frontage road" means a collector street located within a freeway or expressway right-of-way and parallel to the freeway or expressway traffic lanes.
5. "Local" means a street providing for direct access to residential, commercial, industrial or other abutting land, for local traffic movements and connecting to collector or major streets.
6. "Marginal access road" means a local street, located within the major street or highway right-of-way, parallel and adjacent to major traffic lanes, providing direct access to abutting property, intercepting local streets and controlling access to major streets.
7. "Cul-de-sac" means a short local street having one end permanently terminated in a vehicular turnaround, or an equally convenient form of turning and backing areas, as may be recommended by the city engineer.
8. "Parkway" means any of the street types which are intensively landscaped to provide attractive or scenic appearance, or are located in a park or park-like area. The use of the facility may be restricted to non-commercial traffic.

KK. "Subdivider" means the individual, firm, corporation, partnership, association, syndication, trust or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this chapter, and statutes of the State of Arizona, except that an individual serving as agent for such legal entity is not a subdivider, and the subdivider need not be the owner of the property as defined by this chapter. The council may itself prepare or have prepared a plat for the subdivision of land under municipal ownership.

LL. "Subdivision" means improved or unimproved land or lands divided for the purpose of financing, sale, or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the

buildings or airspace above the property shown on the plat are to be divided. "Subdivision" does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

MM. "Subdivision design" means street alignment, grades and widths, alignment and widths of easements and right-of-way for drainage, sanitary sewers and public utilities, the arrangement and orientation of lots and locations of buildings together with refuse collection and maintenance easements in condominium developments.

NN. "Usable lot area" means that portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

OO. "Utilities" means installations or facilities, underground or overhead, furnished for the use of the public, electricity, gas, steam, communications, water, television, cable, sewage disposal, owned or operated by any person, firm, corporation, municipal regulations. (Ord. 11-172 § 1)

Article 14-2 Platting Procedures and Requirements

Sections:

[14-2-1 Outline of procedures](#)

[14-2-2 Stage I—Pre-Application Conference](#)

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Section 14-2-1 Outline of procedures

The preparation, submittal, review and approval of all subdivision plats located inside the limits of the city shall proceed through the following progressive stages.

- A. Stage I—Pre-application conference.
- B. Stage II—Preliminary Plat.
- C. Stage III—Final Plat.

Section 14-2-2 Stage I—Pre-Application Conference

- A. Actions by the Subdivider:

The subdivider shall meet informally with the department to present a general outline of his proposal, including but not limited to:

- 1. Sketch plans and ideas regarding land use, street and lot arrangements, tentative lot sizes and their compliance with the general plan.
- 2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

- B. Actions by the Department:

The department shall discuss the proposal with the subdivider and advise him of procedural steps, design and improvement standards and general plat requirements. Then, depending upon the scope of the proposed development, the department shall proceed with the following investigations:

- 1. Check compliance of the proposal with the general plan.
- 2. Check existing zoning of the tract.

3. Determine the adequacy of existing or proposed schools, parks and other public spaces.
4. Inspect the site or otherwise determine its relationship to major streets, utility systems and adjacent land uses and to determine any unusual problems such as topography, utilities, flooding, etc.
5. Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer and by the department.

C. Development Master Plan: The department shall use the following guidelines in establishing the need for a development master plan: whether the tract is sufficiently large to comprise an entire neighborhood; and whether the tract initially proposed for platting is only a portion of a larger land area, the development of which is complicated by unusual topographic, utility, land use, land ownership or other conditions. The entire land area need not in this case be under the subdivider's control.

1. Preparation: The DMP shall be prepared to scale and accuracy, commensurate with its purpose, and shall include:
 - a. Reflection of land use principles set forth in the general plan regarding the locations, density and diversity of residential areas, their relation to schools and commercial facilities and the location of parks and pathways to serve them.
 - b. General street pattern with particular attention to collector streets and future circulation throughout the neighborhood.
 - c. General location and size of schools sites, parks or other public areas.
 - d. Location of shopping centers, multi-family residential or other proposed land uses.
 - e. Methods proposed for sewage disposal, water supply and storm drainage.
 - f. Location of buildings and circulation for condominium developments on all land owned by the subdivider.
2. Approval: Upon acceptance of general design approach by the department, the DMP may be submitted to the board and council for their consideration. If general approval is given, notice to that effect shall be recorded in the minutes of both bodies, and a copy of said minutes transmitted to the subdivider and his engineer. If development is to take place in several parts, the DMP shall be submitted as supporting data for each part, and shall be kept up-to-date by the subdivider and the department as modifications take place.

3. Expiration: In the event that development of the project is not initiated within three years from the approval, the development plan shall automatically expire.

Section 14-2-3 Stage II—Preliminary Plat

The preliminary plat stage of land and airspace subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. To avoid delay in processing his application, the subdivider should carefully provide the department with all information essential to determine the character and general acceptability of the proposed development.

- A. Designs: The subdivision design shall comply with the general plan.
- B. Zoning: The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. However, in the event that amendment of zoning is deemed necessary, the rezoning shall be initiated by the property owner or his authorized agent. The department shall not proceed with the processing of the preliminary plat until the necessary rezoning shall be initiated by the property owner or his authorized agent. The department shall not proceed with processing of the preliminary plat until the necessary amendment or adjustment has been obtained. Any furtherance of pre-development activity engaged in by or in behalf of the developer while an application for zoning amendment or variance is pending shall in no instance be construed as having been undertaken in reliance of a favorable determination of such application notwithstanding the nature or a department recommendation of the matter. In any event, any such zoning amendment or adjustment required in relation to the preliminary plat approval.
- C. Sanitary Sewage and Water Supply: As a prerequisite of preliminary plat review by the department, the subdivider shall have informed the Arizona Department of Health Services and the Litchfield Park Service Company of his tentative plans and learned the general requirements for sewage disposal and water supply and fire protection as applied to his location.
- D. Preliminary Plat Submission:
 1. Ten copies of the preliminary plat and an 8 1/2" x 11" transparency and other required supporting data prepared in accordance with requirements set forth in this article shall be filed with the department at least fourteen days prior to the board meeting at which the subdivider desires to be heard. Copies of the preliminary plat shall be reproduced in the format of blue line or black line prints on a white background. Scheduling of the case for board hearing shall be dependent upon the adequacy of data presented and completion of processing.
 2. The submittal shall be checked by the department for completeness and assigned a case number; if incomplete as to those requirements set forth in this article, the submittal shall be rejected and the subdivider notified within five days of the date the map was received.
 3. Filing Fee: To cover costs of examining and the processing of preliminary plats and field inspection related thereto, the subdivider shall, at the time of filing, pay to the department a

filing fee of \$350 plus \$4 per lot, tract or dwelling unit.

The filing fee shall also cover the filing of amended or revised preliminary plat handled as the same case. If preliminary plat approval expires prior to application for final approval, the plat shall be resubmitted for preliminary approval as a new case, and the subdivider required to pay a new fee.

E. Preliminary Plat Review:

1. On receipt of the preliminary plat, the department shall perform its review for compliance to public objectives, giving special attention to design principles and standards as set forth in this chapter; streets and thoroughfares as related to the city streets and highway plans and to neighborhood circulation: utility methods and systems: existing and proposed zoning and land use of the tract and its environs; and, land required for schools, parks and other public facilities.
2. The department shall distribute copies of the plat to the following reviewing offices:
 - a. City planner for compliance with the general plan and the requirements of the zoning code.
 - b. City engineer for review.
 - c. Director of public works for review of the proposed street system, street plans, and compliance with city street standards: tentative determination of street and drainage improvement and maintenance requirements; and, water and sewage disposal proposals.
 - d. Police chief, fire chief and building inspector for review of features of proposed development relating to their respective areas of operation.
 - e. County health department for review of water and sewage disposal proposals.
 - f. Superintendent of the appropriate school district for his information.
 - g. Where the lands abuts a state highway, to the Arizona Department of Transportation and the county highway department for recommendations regarding right-of-way and intersection design.
 - h. United States Postmaster at Litchfield Park, Arizona.
 - i. The developer shall distribute copies to interested utilities for information.
3. The reviewing offices shall transmit their recommendations to the department in writing. The department receives and summarizes the reviewing offices' recommendations, prepares a report and presents it to the board.

F. Preliminary Plat Approval: An applicant for preliminary plat approval shall comply in all respects with the provisions of this chapter.

1. If the department report indicates that the requirements of this chapter have been met, the board shall consider the preliminary plat at a regular meeting within thirty days of the date of filing.
2. Approval is valid for a period of twelve months from the date of board approval. A six-month extension of the preliminary plat approval may be granted by the board upon receipt of a letter from the subdivider prior to expiration date.
3. Preliminary approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing zoning requirements for tract or its environs, nor constitute authorization to record the plat.
4. Following approval by the board, the preliminary plat with appropriate revisions shall be forwarded to the council with a recommendation for action.

Section 14-2-4 Information Required for Preliminary Plat Submittal

A. Form of Presentation: The information hereinafter required as part of the preliminary plat submittal shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring 22"x36" and not exceeding 32"x42".

B. Identification and Descriptive Data:

1. Proposed name of subdivision and its location by section, township and range, reference by dimension and bearing to an acceptable government section or quarter-section corner.
2. Name, address and phone number of subdivider.
3. Name, address and phone number of engineer, surveyor, landscape architect or land planner preparing plat.
4. Scale, north point and date of preparation including dates of any subsequent revisions.
5. A location map which shall show the relationship of the proposed subdivision to main traffic arteries and any other facilities which might help to locate the subdivision. This map may be on the preliminary plat, but, if this is not practical, then a separate map showing title, scale, north point and date shall be provided.

C. Existing Conditions Data:

1. Topography by contours or “spot elevations” related to USC & GS survey datum, or other datum approved by the city engineer shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.
2. Location of fences, water wells, streams, canals, irrigation laterals, private ditches, washes, lakes or other water features; direction of flow; location and extent of areas subject to inundation, whether such inundation be frequent, periodic or occasional.
3. Location, widths and names of all platted streets, railroads, utility right-of-way of public record, public areas, permanent structures to remain, including water wells and municipal corporation lines within, adjacent to or extending from the tract.
4. Location of all existing improvements on public right-of-way and on private property, including utility lines and trees.
5. Name, book and page numbers of any recorded adjacent subdivisions having common boundary with the tract.
6. By note, the existing zoning classification of the subject tract and adjacent tracts.
7. By note, the acreage of the subject tract.
8. Boundaries of the tract to be subdivided shall be fully dimensions.
9. Engineers’ calculations and estimated values for each tributary storm runoff for ten-year and fifty-year frequency storms. The values to be indicated along the boundary of the plat for all points of drainage entering the property.

D. Proposed Condition Data:

1. Street layout including location, width curved radii and proposed names of public streets, alleys and crosswalks; connections to adjoining platted tract.
2. Typical lot dimension (sealed): dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots or dwelling units.
3. Designation of all land to be dedicated or reserved for public use with use indicated.
4. If plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classifications and status of zoning change, if any.
5. Proposed development units.

6. Proposed storm water disposal system, preliminary calculations and layout of proposed drainage system. The direction of proposed street drainage to be indicated by arrows on plat; and, if required by the city engineer, a proposal to provide for the retention of storm water generated on the property by a ten-year frequency storm.

7. Compliance with:

- a. Rules as may be established by a county flood control district relating to the construction or prevention of construction of streets in land established as being subject to periodic inundation.
- b. Rules as may be established by the Arizona Department of Transportation relating to provisions for safety of entrance upon and departure from abutting state primary highways.
- c. Rules as may be established by the state Department of Health Services or county health department relating to the provision of domestic water supply and sanitary sewerage disposal.

E. Proposed Utility Methods:

1. Sewage Disposal: A statement as to the type of facilities proposed shall appear on the preliminary plat.
2. Water Supply: A statement as to the water supply for the development shall appear on preliminary plat.

Section 14-2-5 Stage III—Final Plat

This stage includes the final design of the subdivision, engineering of public improvements and submittal of the plat and plans by the subdivider, for review and for action by the department, board and council.

A. Zoning: Zoning of the tract shall permit the proposed use, and any zoning amendment necessary shall have been adopted by the council prior to filing of the final plat.

B. Easements: It shall be the responsibility of the subdivider to provide on the final plat, prior to plat recordation, such easements in such location and width as required for utility and drainage purposes.

1. The following notation shall be placed upon all final plats which provide utility easements: no structure of any kind shall be constructed or placed within or over the utility easements except: utilities; wood, wire or removable section type fencing; asphalt paving, or grass. It shall be further understood Litchfield Park shall not be required to replace any obstruction, paving or planting must be removed during the course of maintenance, construction or

reconstruction.

2. The following notation shall be placed on all final plats which provide drainage easements; no structure of any kind shall be constructed or any vegetation be planted nor be allowed to grow within, on or over the drainage easement, which would obstruct or divert the flow of storm water. The city may, if it so desires, construct or maintain drainage facilities on or under the land of the easement.

C. Final Plat Preparation: The final plat shall be presented in accordance with requirements set forth in this article and shall substantially conform to the approved preliminary plat.

D. Final Plat Submission:

1. The subdivider shall file with the department one final plat linen, one mylar transparency and eight true copies thereof, together with a letter of transmittal and recordation fee, at least fifteen days prior to the council meeting at which consideration is desired.

2. A fee for final plat and construction plan review of \$150 is required.

E. Final Plat Review:

1. The department, upon receipt of the final plat submittal, shall immediately record receipt and date of filing and check it for completeness. If complete, the department shall review the plat for substantial conformity to the approved preliminary plat and refer copies of submittal to the following reviewing offices who shall make known their recommendations in writing addressed to the council.

a. Director of public works and city engineer for approval of flood control, proposed street system, examination of survey, computations of the plat and for approval of sewer and water proposals.

b. Building inspection and parks and recreation, when applicable.

c. State highway department or county highway department for approval where the plat abuts a state or county highway.

2. The department shall assemble the recommendations of the various reviewing of officers, prepare a concise summary of recommendations and submit said summary together with the reviewer's recommendations to the council. In the event that the department finds that the final plat does not conform to the preliminary plat, as approved by the board for review and recommendations prior to submittal to the council.

F. Final Plat Approval: An applicant for final plat approval shall comply in all respects with the provisions of this chapter.

1. Upon receipt of a request for council action from the city manager, the clerk shall place the plat on the agenda of a regular council meeting, whereupon the council shall approve or deny the plat.
2. If the council finds approval of the plat, the clerk shall transcribe a certificate of approval upon the plat, first making sure that the other certifications required by this article have been duly signed.
3. When the certificate of approval by the council has been transcribed on the plat, the department shall retain the record copy until the city engineer certifies that the subdivision has been staked and the engineering plans have been approved.
4. The department shall cause the final plat to be recorded in the office of the county recorder of Maricopa County.

Section 14-2-6 Information Required for Final Plat Submittal

A. Method and Medium of Presentation: Size prerequisites for recording maps and plats that exceed a size of eight and one-half by fourteen inches shall be subject to the following restrictions:

1. A map or plat of a subdivision.
 - a. Shall be drawn in India ink on a sheet or sheets of linen or mylar measuring 24" by 36", with a left margin of two inches.
 - b. The map or plat shall be drawn to an accurate scale not to exceed two hundred feet to the inch.
2. All other maps or plats.
 - a. Shall be drawn in India ink on a sheet or sheets of linen or mylar measuring 18" by 26" with a left margin of two inches.
 - b. The map or plat shall be drawn to a scale not to exceed three hundred feet to the inch.
3. Copies of the record plat shall be reproduced in the form of blueline or blackline prints on a white background.

B. Identification Data Required: The following identification data shall be required as a part of the final plat submittal.

1. A title which includes the name of the subdivision and its location by number of section, township, range and county.
2. Name, address and registration number of seal of the registered civil engineer or

registered land surveyor preparing the plat.

3. Scale, north arrow and date of plat preparation.

C. Survey Data Required: The following survey data shall be required as a part of the final plat submittal.

1. The corners of the plat shall be located on the monument lines of abutting street; boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

2. Any excepted parcels without or surrounded by the plat boundaries shall be noted "not a part of this subdivisions" and show all bearings and distances of the excepted parcel as determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

3. Location and description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced. Each of two separate corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter-section corners.

4. Location of all physical encroachments upon the boundaries of the tract.

D. Descriptive Data Required: The following descriptive data shall be required as a part of the final plat submittal.

1. Name, right-of-way lines, courses, length and width of all public streets, alleys and crosswalks; radii, points of tangency and central angles of all curvilinear streets and alleys; radii of all rounded street line intersections.

2. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways, as designated by the city engineer, shall be dedicated to the public.

3. All existing private easements within, on or over the plat shall be indicated, dimensioned and noted as to their use.

4. All residential lots shall be numbered by consecutive numbers throughout the plat. "Tracts" and "parcels" shall be so designated, lettered or named, and clearly dimensioned. Parcels which are not a part of the subdivision shall be so designated.

5. Locations, dimensions, bearings, radii, arcs and central angles of all sites to be dedicated to the public with the use clearly indicated.

6. Location of all adjoining subdivisions with the, name, book and page number of recordation noted, or if unrecorded or undivided, so marked.

7. Any proposed private deed restrictions to be imposed upon the plat or any part thereof pertaining to the intended use of the land, and to be recognized by the city shall be noted on the plat.

E. Dedication and Acknowledgment:

1. Dedication: There shall be required as part of the final plat submittal a statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways and other easements for public use by the person holding titles of record, by persons holding titles as vends under land contract and by wives of said parties. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written location by section, and range of the tract. If the plat contains private access ways, the public utilities shall be reserved the right to install and maintain utilities in the access ways, including refuse collection.

2. Acknowledgment of Dedication: Execution of dedication shall be acknowledged and certified by a notary public.

F. Required Certification: The following certifications shall be required as a final part of the final plat submittal.

1. Certification by the registered civil engineer or registered land surveyor making the plat that the plat is correct and accurate, and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.

2. Certificate of plat approval by the city engineer.

3. Certificate of plat approval by the city council.

4. Certificate of recordation by the county recorder.

Article 14-3 Subdivision Design Principles and Standards

Sections:

[14-3-1 In General](#)

[14-3-2 Street Location and Arrangement](#)

[14-3-3 Street Design](#)

[14-3-4 Block Design](#)

[14-3-5 Lot Planning](#)

[14-3-6 Condominium Developments-Airspace Planning](#)

[14-3-7 Easement Planning](#)

[14-3-8 Street Naming](#)

Section 14-3-1 In General

A. Every subdivision shall conform to the requirements and objectives of the general plan, or parts thereof, as adopted by the board and the council, to the zoning code and to other ordinances and regulations of the city and to the Arizona Revised Statutes. All public works infrastructure construction or repair shall be accomplished in accordance with the Uniform Standard specifications for Public Works Construction, and the Uniform Standard Details for Public Works Constructions as sponsored and distributed by the Maricopa Association of Governments. When any portions thereof disagree with requirements as described in the city code, the city code shall govern.

B. Land areas within a subdivision shall be reserved for parks, recreational facilities, school sites and other public facilities including fire stations, open space lands or open areas and flood control facilities, subject to the following conditions:

1. The requirements may only be made upon preliminary plats filed at least thirty days after the adoption of a general or specific plan affecting the land area to be reserved.
2. The required reservations are in accordance with definite principles and standards adopted by the city council.
3. The land area reserved shall be of such a size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.
4. The land area reserved shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed

period.

5. The public agency for whose benefit an area has been reserved shall have a period of one year after recording the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest cost incurred on any loan covering such reserved area.

6. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in this article within such one year period or extended period as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate.

C. Land which is subject to periodic flooding, land which cannot be properly drained or other land which, in the opinion of the board, is unsuitable for subdivision use, shall not be subdivided: except that the board may approve subdivision of such land upon receipt of evidence from the county health department or city engineer that the construction of specific improvements can be expected to render the land suitable; thereafter, construction upon such land shall be prohibited until the specified improvements have been planned, and construction guaranteed.

Section 14-3-2 Street Location and Arrangement

A. Whenever a tract to be subdivided embraces any part of a street designated in an adopted city streets and highways plan, such street shall be platted in conformance therewith.

B. Street layout shall provide for the continuation of such streets as the department may designate.

C. Whenever a tract to be subdivided is located within an area for which a neighborhood plan has been approved by the board, the street arrangement shall conform substantially to said plan.

D. Certain proposed streets, as designated by the department, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands.

E. Local streets shall be so arranged as to discourage their use by through traffic.

F. Where a proposed subdivision abuts or contains an existing or proposed major street, the department may require marginal access roads or reverse frontage with non-access easements along the major street, or such other treatment as may be justified for protection of residential properties from the nuisance and hazard of high volume traffic, and to preserve the traffic function of the major street in other types of developments.

G. Where a subdivision abuts or contains the right-of-way of a railroad, drainage way, a limited access highway or an irrigation canal, or abuts a commercial or industrial land use, the department may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.

H. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient, and to facilitate adequate drainage.

I. Half streets shall be discouraged except where necessary to provide right-of-way required by the city streets and highways plan, to complete a street pattern already begun or to insure reasonable development of a number of adjoining parcels. Where there exists a platted half street abutting the tract to be subdivided, the remaining half shall usually be platted within the tract.

Section 14-3-3 Street Design

A. Minimum Required Right-of-Way Widths:

1. Major streets and highways-as required by current approved city, county or state standards.
2. Collector streets as indicated by current approved city standards.
3. Local streets as indicated by current approved city standards.
 - a. Cul-de-sac streets shall terminate in a circular right-of-way forty-five feet in radius with at three-foot utility easement around the turnaround. The department may approve an equally convenient form of turning and backing areas where extreme conditions justify.
 - b. Dead end streets will not be approved except in locations designated by the department as necessary to future extension in development of adjacent lands. In any case, a dead end street extending 200 feet or more shall provide by easement a temporary turning circle with a forty-foot radius or other acceptable design to accomplish adequate access.
4. Marginal access or frontage streets as required by city standards.
5. Alleys shall be twenty feet wide. Alley intersection and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off fifteen feet on each side to permit safe vehicular movement. Dead end alleys shall be prohibited. All half alleys shall have a minimum width of twelve feet.
6. Private access ways as required by city standards.

B. Grades:

1. Maximum: Major streets as determined by the city engineer.
 - a. Collector streets-7%
 - b. Local residential streets-15%; all over 12% have a maximum length of six hundred feet.
2. Minimum: Concrete or asphalt streets with concrete gutters:

Desirable-0.40%

Minimum-0.15%

Concrete or asphalt streets without gutters:

Minimum-0.35%

3. Exceptions: Where rigid adherence to these standards causes unreasonable or unwarranted hardship in design or cost without commensurate public benefit, exceptions may be made by the board upon review and recommendation of the city engineer.

C. Vertical Curves:

1. Major streets as determined by the city engineer.
2. Collector and local streets: minimum length, one hundred feet, except in cases approved by the city engineer:

D. Horizontal Alignment:

1. Major streets as determined by the city engineer.
2. When tangent centerlines deflect from each other more than ten degrees and less than ninety degrees, they shall be connected by a curve with a minimum centerline radius of five hundred feet for collector streets, or one hundred feet for collector streets, or one hundred feet for local streets.
3. Between reverse curves there shall be a tangent section of centerline not less than one hundred feet long for a local street; as required by the city engineer for collector and major streets.
4. Streets intersecting a major street shall do so at a ninety-degree angle; intersections of local streets shall not vary from ninety degrees by more than fifteen degrees.
5. Street jogs with centerline offsets of less than one hundred twenty-five feet shall be

prohibited except when approved by the city engineer. Under special circumstances where local streets intersect major streets, the city engineer may require minimum centerline offsets of four hundred feet.

6. Local streets intersecting a collector street or major street shall have a tangent section of centerline at least one hundred fifty feet in length measured from the right-of-way line of the major street; except that no such tangent is required when the local street curve has a centerline radius greater than four hundred feet with the center located on the major street right-of-way line. Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be relaxed by the board upon the recommendation of the city engineer.

7. Street intersections with more than four legs and Y- type intersections where legs meet at acute angles shall be avoided; provision of T-type intersections for shall be encouraged.

8. At local street intersections, property line corners shall be rounded by circular arc, said arc having a minimum tangent length and/or radius of twelve feet. A sixteen foot by sixteen foot triangle shall be provided at each corner of the intersection of two major streets; a fourteen foot by eleven foot triangle at each corner of the intersection of two major streets; a fourteen foot by eleven foot triangle at each corner of the intersection of two collector streets, or as approved by the city engineer.

9. Collector streets shall intersect the major streets at the midsection corners or as otherwise approved.

10. Local streets which are primary access to a subdivision shall intersect major streets at the quarter mile corners or as otherwise approved.

11. Marginal access road openings to major streets, at a local street intersection, shall have a minimum thirty feet wide separation island between the major street traffic lanes and marginal access road; which shall be provided within the major street right-of-way.

12. Marginal access roads shall not intersect a major street or a collector street.

Section 14-3-4 Block Design

A. Maximum length of blocks, measured along the centerline of the street, and between intersecting street centerlines, fifteen hundred feet; except that in development with lot areas averaging one-half acre or more or where extreme topographic conditions warrant, this maximum may be exceeded by five hundred feet. Blocks shall be as long as possible under the circumstances within the above maximum in order to achieve depth and possible street economy, and to reduce the expense and safety hazard arising from excessive street intersections.

B. Maximum length of cul-de-sac streets, three hundred twenty five feet, measured from the

intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline. Exceptions may be made where topography justifies but shall not be made merely because the tract has restrictive boundary dimensions, wherein provision should be made for extension of street pattern to the adjoining unpolluted parcel and a temporary turn around installed.

C. Pedestrian, bicycle and equestrian ways: A minimum right-of-way width of ten feet may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Pedestrian ways may be used for utility purposes.

Section 14-3-5 Lot Planning

A. Lot width, depth and area shall comply with the minimum requirements of the zoning ordinance and shall be appropriate for the location and character of development proposed, and for the type and extent of street and utility improvements being installed. Where steep topography, unusual soil conditions or drainage problems exist or prevail, the board may require special lot width, depth and area requirements which exceed the minimum requirements of the particular zoning district.

B. Where steep topography, unusual soil conditions, drainage problems, abrupt changes in land use or heavy traffic on adjacent streets prevail, the board may make special lot width, depth and area requirements which exceed the minimum requirements of the particular zoning district.

C. The depth-to-width ratio of single-family residential lots shall not be greater than three to one.

D. Minimum front building lines shall conform to the minimum requirements of the zoning ordinance.

E. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified in the opinion of the department.

F. Every residential lot shall abut upon a public street or private access way furnishing satisfactory access thereto.

G. Residential lots extending through the block and having frontage on two parallel streets which are both local streets or one of which is a local street and the other is a collector street shall not be permitted; except when there are commercial or industrial zoning districts on the opposite side of the street and except as permitted in this chapter. Backing of lots to major streets and freeways shall be prohibited except where justified by the board.

Section 14-3-6 Condominium Developments-Airspace Planning

A. The processing of subdivision plats for condominium developments shall follow the procedures set forth in this chapter for the processing of land subdivision plats. All sections of this chapter shall be applicable to condominium subdivisions. A preliminary site plan shall be considered a preliminary plat and a final site plan, a final plat.

B. The final condominium subdivision plat shall be certified by a registered architect or engineer that the plat accurately depicts the development as constructed and shall be recorded prior to the sale of the first unit.

1. Conversions of conventional apartment developments. Preliminary plats shall show, in addition to all information required by the department check list for site plans, the following:

- a. Firewall construction, if required by the fire code.
- b. Additional parking, if required.
- c. Additional open space, if required.
- d. Locations of individual utility lines and meters, if needed.

2. Final plats shall show:

- a. All buildings.
- b. Private drives and parking areas.
- c. Additional open space, if required.
- d. Locations of individual utility lines and meters, if needed.
- e. Necessary dedication statement.
- f. Statement concerning the formation of a homeowners association for the maintenance of the commonly owned property.
- g. Necessary certifications and approvals.

3. New developments:

- a. Preliminary plats shall show all of the information required by the department site plan check list.
- b. Final plats shall show all of the information required in paragraph (2) of this subsection.
- c. Building permits shall be issued in accordance with final plats approved by the department, prior to recordation of the plat.
- d. Final plats to be approved by the city council and recorded after construction has been completed and final inspection made.

Section 14-3-7 Easement Planning

A. Easement for utilities shall be provided as follows:

1. Where alleys are provided: four feet for aerial overhang on each side of alley shall be provided by dedication but need not be delineated on the plat, if utility lines are overhead.
2. Along side lot lines: six feet on each side of lot lines for distribution facilities and one foot on each side of lot lines for street lighting as may be designated.
3. Guy and anchor easements; one foot wide on each side of lot line and approximately thirty-five feet in length measured from the rear lot line as designated if utility lines are overhead.

B. For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with points of deflection not less than one hundred twenty feet apart. Points of deflection should always occur at the junction of side and rear lot lines on the side of the exterior angle.

C. Where a stream or important surface drainage course abuts or crosses the tract, dedication of a public drainage easement of a width sufficient to permit widening, deepening, relocating, protecting or maintaining said watercourse shall be required.

D. Land within a public street or drain easement or width sufficient to permit widening, deepening, relocating, protecting or maintaining said watercourse shall be required.

E. Land within a public street or drain easement or land within a utility easement for major power transmission (tower) lines or pipelines shall not be considered a part of the minimum required lot area except where lots exceed one-half acre in area. This shall not be construed as applicable to land involved in utility easements for distribution or service purposes.

Section 14-3-8 Street Naming

The department shall propose the street names at the preliminary plat stage and the names shall be approved by the board and council.

Article 14-4 Street and Utility Improvement Requirements

Sections:

[14-4-1 Purpose](#)

[14-4-2 Engineering Plans](#)

[14-4-3 Construction and Inspection](#)

[14-4-4 Required Improvements-Subdivisions](#)

[14-4-5 Submittal, Review and Approval of Engineering Plans](#)

[14-4-6 Schedule of Improvement Requirements](#)

[14-4-7 Fees](#)

Section 14-4-1 Purpose

A. It is the purpose of this article to establish in outline the minimum acceptable standards for improvement of streets and utilities, to define the responsibility of the subdivider in the planning, constructing and financing of improvements. Such plans shall be based on the approved preliminary plat and be prepared in with the final plat.

B. Final construction plans for all improvements shall be approved and signed by the city engineer prior to recordation of the final plat.

Section 14-4-2 Engineering Plans

A. It shall be the responsibility of the subdivider to have prepared by a registered civil engineer, registered in the State of Arizona, a complete set of engineering plans for construction of water and sanitary sewer facilities and all other required improvements. Such plans shall be based on the approved preliminary plat and be prepared in conjunction with the final plat.

B. Final construction plans for all improvements shall be approved and signed by the city engineer prior to recordation of the final plat.

Section 14-4-3 Construction and Inspection

A. All relocation, tiling and reconstruction of irrigation facilities shall be done to standards of the owning utility and city engineer.

B. All improvements in the public right-of-way shall be constructed under the inspection and approval of the city department having jurisdiction. All construction in public right-of-way and private access ways shall require a city permit. Construction shall not be commenced until a permit has been issued for such construction, and if work has been discontinued for any reason, it shall not be recontinued until after notifying the department having jurisdiction.

C. The locations of all utilities to be installed in public right-of-way or in private access ways shall be approved by the city engineer.

D. All underground utilities to be installed in streets, private access ways and alleys shall be constructed under city permit prior to the surfacing of such street, private access way or alley. Service stubs to platted lots within the subdivision for under ground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made: underground utilities shall be extended to the boundaries of the plat to provide service connections to abutting unsubdivided land.

Section 14-4-4 Required Improvements-Subdivisions

A. Streets, Private Access Ways and Alleys: All streets, private access ways and alleys within the boundary lines of the subdivision shall be improved to cross sections, grades and standards approved by the city engineer. Alleys used for primary vehicle access shall be paved. Where there are existing streets adjacent to the subdivision, subdivision streets shall be improved to the intercepting paving line of such existing streets or to a matching line determined by the city engineer. Transition paving shall be installed as required by the city engineer. When a subdivision includes a major street which is not paved or where there is no paved street between the subdivision and a paved major or collector street, an interim two lane street at least twenty-four feet wide shall be constructed to a standard approved by the city engineer on the major street, collector or local street right-of-way to the nearest paved major or collector street; when a marginal access road is required strip paving shall be installed for the major street traffic lanes. Dead-end streets extending two hundred feet or more and dead-end marginal access roads shall be provided a graded and surfaced temporary forty foot radius turning circle; alleys shall be graded and surfaced to paved streets.

B. Curbs: Where streets are to be paved, a concrete curb, curb and gutter or valley gutter as designated by the city engineer, shall be installed in accordance with approved city standards. When density of development is low or where for other reasons, such as to provide or maintain a rural atmosphere, the installation of curb and gutter is not considered necessary, the council may waive this requirement for one or both sides of local streets. Vertical curbs shall be installed on the major street side of a marginal access road, along collector streets and along school or park property.

C. Sidewalks: Concrete sidewalks shall normally be required on both sides of streets and shall be constructed to a width, line and grade approved by the city engineer in accordance with approved city standards. When density of development is low, or where for other reasons the installation of sidewalks is not considered necessary, the council may waive the requirement for one or both sides of local streets.

D. Crosswalks: Concrete walks through blocks shall be constructed to a width, line and grade approved by the city engineer.

E. Street Name Signs: Signs shall be placed at all street intersections and be in place by the time the street pavement is ready for use. Specifications for design, construction, location and installation shall be by the department.

F. Storm Drainage: Proper and adequate provision shall be made for disposal of storm water. This shall apply equally to grading of private properties, private access ways and to public streets. Existing major watercourses shall be maintained and dedicated as drainage ways. The type, extent, location and capacity of drainage facilities for a subdivision shall be required by the city from the survey and storm runoff calculations made by the subdivider's engineer. All retention basins, channels and like facilities shall be constructed in accordance with the requirements of the city engineer. Water generated on the property by a ten year frequency storm shall be retained on the site, or disposed of as required by the city engineer.

G. Sanitary Sewage Disposal: Sewage disposal facilities shall be installed to serve each lot subject to the following standards and approvals:

1. Sanitary sewer lines shall be installed in all new subdivisions in accordance with plans, profiles and specifications approved by the county health department and the city departments having jurisdiction.
2. In areas where sanitary sewers are not reasonably accessible, the city or its designee, with the approval of the county health department, may agree to operate a temporary disposal unit or pumping station. The subdivider shall construct these temporary facilities along with the sewer lines in the subdivision. They shall be designed for connection with a future public or private sewer system.

H. Water supply: Each lot shall be supplied with safe, pure and potable water in sufficient volume and pressure for domestic use and fire protection, including fire hydrants, and other types of installations required by the fire code in water lines which are designed to the standards of the city.

I. Irrigation Facilities: All irrigation facilities, requiring seventy-two-inch diameter pipe or less which are to remain within the boundaries of the tract or in a abutting one-half street or alley right-of-way shall be tiled in accordance with standards of the city or its designee and relocated as may be directed by the city. Where street improvements require relocation of control gates or other structures, such relocation and reconstruction shall conform to the requirements of the city. In rural developments this requirement may be waived by the city.

J. Monuments: Permanent monuments shall be installed in accordance with current city standards at all corners, angle points and point of curves, at all street intersections and at all corners, angle points and pints of curve of all conservation easements. After all improvements have been installed, a registered land surveyor or civil engineer shall check the location of monuments and certify their accuracy.

K. Lot Corners: Iron pipes shall be set at all corners, angle points and points of curve for each lot within the subdivision prior to the recording of the plat.

L. Utilities:

1. New electric, communication and T.V. lines, including but not limited to, electric, communication and T.V. lines shall be installed underground. When overhead utility lines exist within the property being platted, said existing overhead utility lines and the new installations within the platted area shall be placed underground; when overhead utility lines exist on the periphery of the property being platted, said existing overhead utility lines and any additions or replacements needed to increase capacity or improve service reliability may remain overhead, provided however, that any service drops into the platted area from said peripheral overhead lines shall be underground. When overhead utility lines exist on the periphery of the property of five acres or less being platted, then the utility lines within the platted area may be overhead. When, as a result of the subdivision development, it is necessary to relocate, renew or expand existing facilities within the platted area, the subdivider shall make the necessary arrangements serving utility for these installations to be placed underground. The subdivider shall arrange with the serving utility for, and be responsible for, the cost of underground service lines to approved street locations.

2. The subdivider shall be responsible for the requirements of this subsection and shall make the necessary arrangements with each of the serving utility companies involved for the installation of the underground facilities. Letters from each of the serving utility companies indicating that said arrangements have been made shall be submitted to the city engineer at the time the final subdivision plat is submitted for approval. When, due to subsurface soil conditions or other special conditions, it is determined by the city engineer that it is impractical to construct facilities underground, installations shall be overhead. Those electric lines of greater than 3,000 KVA (Kilovolt Amperes) capacity as rated by the American Standard Association are excluded from the requirements of this subsection.

M. Street Lights: In subdivisions where all other utilities are installed underground, underground electrical service required for street lighting shall be installed to those street light locations approved by the city engineer.

N. Walls on Landscape and Vehicular Non-Access Easements: Continuous undulating or offset decorative masonry walls shall be installed on landscape and vehicular non-access easements along major streets when lots back up to a major street in accordance with the design requirements and approval of the city engineer.

O. Landscaping: All landscaping, along with appropriate watering systems, within public right-of-way or landscape easements, shall be in accordance with plans approved by the city engineer.

Section 14-4-5 Submittal, Review and Approval of Engineering Plans

Prior to the recording of the plat a certificate of approval of engineering plans signed by the department having jurisdiction, along with a certification that the agreement between the city and the subdivider has been executed and the letter of agreement with serving utilities has been submitted, and the necessary performance and completion bond, cash, or agreement has been posted with the city engineer, shall be filed with the clerk. If the engineering plans have not been approved within ninety day, the council may require that the final plat be resubmitted.

Section 14-4-6 Schedule of Improvement Requirements

Specific standards of improvements to be installed in a subdivision shall depend on the location of the subdivision and type of the development proposed therein, as outlined in the following schedule improvement requirements.

A. Urban Developments:

1. Description: Urban developments include single family residential developments with lot widths less than one hundred twenty feet, lot areas less than eighteen thousand square feet and a density of about four dwelling units per acre; two family and multi-family residential development regardless of site area or density; and commercial and industrial developments.

2. Requirements Include:

- a. Sewers in accordance with this chapter.
- b. Water supply systems in accordance with this chapter, including mains and fire hydrants to city standards.
- c. Storm drainage to an acceptable outlet in accordance with this chapter.
- d. All streets with approved pavement, concrete curbs and gutters; sidewalks required on both sides of major or collector streets.
- e. Alleys, if provided, completely paved with approved material to approved width.
- f. Utilities in accordance with this chapter.
- g. Underground street light circuits in accordance with this chapter.
- h. Private access ways shall have pavement with concrete curbs, gutters and sidewalks in accordance with city standards and specifications.

C. Estate Developments:

1. Description: Estate developments include single-family residential developments with minimum lot areas of thirty-five thousand square feet.

2. Requirements Include:

- a. Sewers in accordance with this chapter.
- b. Water supply systems in accordance with this chapter, including mains and fire hydrants to city standards.
- c. Storm drainage to an acceptable outlet in accordance with this chapter.
- d. All streets with approved pavement, concrete curbs and gutters; sidewalks required on both sides of major or collector streets.
- e. Utilities in accordance with this chapter.
- f. Underground street light circuits in accordance with this chapter.
- g. Private access ways shall have approved pavement with concrete curbs, gutters and sidewalks in accordance with city standards and specifications.

D. Rural Developments:

1. Description: Rural developments include single-family residential developments with minimum lot widths of one hundred fifty feet, minimum lot areas of thirty-five thousand square feet and being developed as a community of small farms.

2. Requirements Include:

- a. Sewers in accordance with this chapter.
- b. Water supply systems in accordance with this chapter, including mains and fire hydrants to city standards.
- c. Storm drainage handled in a manner acceptable to the city engineer to an acceptable outlet in accordance with this chapter.
- d. All streets with approved pavement; concrete curbs and gutters on both sides of major and collector streets; concrete, or another type of hard surface sidewalks, on one or both sides of major and collector streets.
- e. Utilities in accordance with this chapter.
- f. Underground street light circuits in accordance with this chapter.
- g. Private access ways in accordance with requirements for public streets.

E. Agreement By Subdivider: Upon the approval by the council of the final plat, the subdivider

shall execute an agreement covering the following:

1. The subdivision improvements in a recorded development unit may be constructed in practical increments of lots, as specified by the subdivider, subject to provisions for satisfactory drainage, traffic movements and other services as determined by the city engineer.
2. The improvements shall be constructed in accordance with plans approved by the city engineer.
3. The improvements, except those utility facilities defined in Section [14-4-4\(L\)\(1\)](#), shall be completed within an agreed specified time period for increment. An extension of time may be granted under conditions specified therein.
4. The subdivider shall give adequate assurance of the construction of each increment in accordance with this chapter.
5. Progress payments may be made to the subdivider on his order from any cash deposit made. Such progress payments shall be made in accordance with standards established by the city engineer.
6. Any work abandoned or not completed by the subdivider may be completed by the city which shall recover the construction costs from the subdivider.
7. Construction of all improvements within streets and easements, except those utility facilities defined in Section [14-4-4\(L\)\(1\)](#), shall be subject to inspection by city engineer.
8. No lots shall be released from the approved increment of lots until either the agreement or an assurance of construction has been posted and accepted by the city engineer.

F. Assurance of Construction:

1. To ensure construction of the required improvements as set forth in this article, except those utility facilities defined in Section [14-4-4 L\(1\)](#) and the water and sewer facilities, the subdivider shall deposit with the city engineer an amount in cash or a surety bond equal to the amount of the cost of the work of each recorded increment (as determined by the city engineer) guaranteeing that the work will be completed in accordance with city details and specifications.

When no marginal access road is being constructed and the improvement of a major or collector street by a governmental agency is imminent, the subdivider shall deposit shall deposit the current estimated cost of improving the abutting half street in an account to be disbursed to the city at the time the contract is awarded for the city project to improve the full width of the street.

2. The surety bond shall be executed by the subdivider, as principal, with a corporation duly authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the city, shall be continuous in form and shall require that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, regardless of the number of years the bond is in force. The bond or cash shall be released upon satisfactory performance of the work and its acceptance by the city engineer. The bond may be canceled or the cash withdrawn by the subdivider provided that other security satisfactory to the city has been deposited which will cover the obligations of the subdivider which remain to be performed.

G. Assurance of Construction Through Loan Commitment: In lieu of providing assurance of construction in the manner provided in subsection (F) of this section, the subdivider may provide assurance of construction of required improvements, except those utility facilities defined in Section [14-4-4\(L\)\(1\)](#) and the water and sewer facilities, by delivering to the city engineer, prior to the recording of said plat, an appropriate agreement between an approved lending institution and the subdivider, stating that funds sufficient to cover the entire cost of installing the required improvements, including engineering and inspection costs and the cost of replacement or repairs of any existing streets or improvements damaged by the subdivider in the course of development of the subdivision, in an amount approved by the city engineer, have been deposited with such approved lending institutions.

Section 14-4-7 Fees

The council may by resolution establish a schedule of fees for the plan reviews and inspection permits required by this article. Such resolution shall also state the effective date of the fees adopted therein.

Article 14-5 Lot Splits and Minor Land Divisions

Sections:

[14-5-1 General](#)

[14-5-2 Process](#)

[14-5-3 Preapplication Meeting](#)

[14-5-4 Minor Land Division Design Standards and Requirements](#)

[14-5-5 Minimum Required Minor Land Division Improvements](#)

[14-5-6 Minor Land Division Applications](#)

[14-5-7 Minor Land Division Application and Review](#)

[14-5-8 Application Approval](#)

[14-5-9 Denial](#)

[14-5-10 Engineering Plans for Minor Land Divisions](#)

[14-5-11 Assurance of Construction of Minor Land Division Improvements](#)

Section 14-5-1 General

Minor land divisions shall comply with the provisions of this article. (Ord. 11-172 § 1)

Section 14-5-2 Process

The preparation, submittal, review, and approval of all minor land divisions located within the city shall proceed through the following progressive stages, except when otherwise provided herein:

- A. Preapplication conference with the planning department.
- B. Submittal of a minor land division application and map by the applicant and review by the planning department and city engineer.
- C. Approval, conditional approval or denial of the application by the city council.
- D. Recordation of the approved minor land division by the applicant. (Ord. 11-172 § 1)

Section 14-5-3 Preapplication Meeting

The preapplication meeting stage of minor land division review is an investigatory period preceding the preparation and submittal of the minor land division application by the applicant. Applications shall be submitted to the planning department. The planning department shall forward a copy to the city engineer. The planning department shall advise the applicant of specific public objectives,

standards, and regulations related to the property and the procedure for minor land division review. (Ord. 11-172 § 1)

Section 14-5-4 Minor Land Division Design Standards and Requirements

A. Except where expressly modified or permitted by the planning department or city engineer, all minor land divisions shall be in general conformity with the lot, street, block, alley, and easement design standards and requirements specified for subdivisions. All lots created by a minor land division shall conform to existing zoning district standards and the city's general plan.

B. All minor land divisions shall be designed to comply with the requirements of the specific zoning district within which the divided property is located.

C. Any newly created lots shall have adequate access to public roads or highways or private roads with public access easements.

D. Any newly created lots shall have adequate access to all utilities necessary and appropriate for the development proposed on the property to be divided. (Ord. 11-172 § 1)

Section 14-5-5 Minimum Required Minor Land Division Improvements

A. Except where otherwise provided in this section, it shall be the responsibility of the applicant to improve or agree to improve all streets, pedestrian ways, alleys, and easements in the minor land division and adjacent thereto that are required to serve the minor land division and to construct and install all such other improvements as specified for subdivisions. No permanent improvement work shall be commenced until improvement plans have been submitted by the applicant and approved by the city engineer. Improvements shall be satisfactorily installed in accordance with the city's adopted standards and all other applicable city ordinances and requirements.

B. Minor land division improvements may be waived by the city manager, in consultation with the city engineer, for minor land divisions in the following situations:

1. For lot line adjustments where no new lot is created and utility services are existing;
2. When the division is to allow construction of a single-family dwelling and the city manager determines that less than fifty percent of the half-street right-of-way for the side of the block on which the property is located would be improved as a result of such condition;
3. In any case when the city manager determines that the improvement of any or all of the abutting street or the installation of any or all of the other normally required improvements would be impractical because of considerations such as, but not limited to: the type and extent of existing street improvements; inability to establish a proper street grade or alignment; physical barriers such as excessive grade of terrain or washes, ditches, canals, buildings or other structures; or other special circumstances where, in the opinion of the city manager, the immediate installation of the improvements is not deemed necessary to protect the public

health, safety and general welfare, and that the waiver of the improvement requirements would not impair the purpose and intent of this chapter; or

C. The city manager may require, as a condition for the waiver of the required minor land division improvements, an in-lieu payment for the cost of improvements. An acceptable form of assurance may be considered at the discretion of the city manager. (Ord. 11-172 § 1)

Section 14-5-6 Minor Land Division Applications

The applicant shall submit an application in the form prescribed by the planning department together with the application fee established by council resolution and the application information and materials required by the planning department. The applicant shall also submit a title report showing the ownership history of the property demonstrating that a subdivision is not required. (Ord. 11-172 § 1)

Section 14-5-7 Minor Land Division Application and Review

A. Information Required. All information required as part of the minor land division submittal shall be shown graphically, or by note on plans, or by letter, or by combination thereof, and may comprise several sheets showing various elements of the required data.

B. Submittal Requirements. The applicant shall submit the following materials to the planning department for a minor land division application:

1. A completed minor land division application form.
2. A nonrefundable minor land division application filing fee to compensate the city for the costs of examining and processing the minor land division application and subsequent field inspections, if applicable. The required fee for minor land division applications shall be adopted by resolution of the city council.
3. An ALTA survey, preliminary title report and deed or other instrument showing proper title to the land to be divided.
4. Digital file of the minor land division map.
5. All minor land division maps shall contain the following information:
 - a. Notation of the map as, "A Minor Land Division Map of (Lot or Parcel of applicant/owner's name)."
 - b. Location by quarter-section, section, township and range.
 - c. Legal description of the property involved.
 - d. Name, address, and phone number of applicant.

- e. North point and dates of preparation and revisions.
- f. Existing street dedications, on- and off-site utility easements, and lot lines of all adjacent properties indicated by subdivision name and Maricopa County recorder's office book and page number; and unsubdivided land must be identified as such.
- g. Locations of all existing underground and overhead utilities on the property.
- h. Name, address, registration number, and seal of the registered engineer or land surveyor preparing the map.
- i. Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- j. Location and description of cardinal points of primary interest to which all dimensions, angles, bearings, and similar data on the map shall be referenced. One corner of the minor land division map shall be tied by course and distance to a section corner monument approved by the city engineer.
- k. All existing and proposed drainage easements and natural drainage features.
- l. All existing irrigation easements on the property to be divided.
- m. Location and dimensions of all lots within the minor land division map. All sides of the proposed lots shall be identified by bearings and distances.
- n. All lots shall be identified by number or letter.
- o. Building setbacks, if applicable.
- p. Any information required as part of the minor land division submittal shall be shown:
 - i. Geographically;
 - ii. By note on the plans;
 - iii. By letter; or
 - iv. By a combination of the foregoing, and may comprise several sheets, twenty-four inches by thirty-six inches in size, showing various elements of the required data.
- q. The following certifications must be included on the minor land division map:
 - i. Certification by a registered engineer or land surveyor preparing the map that the

map is correct and accurate, and that the monuments described in it have been located as described.

ii. Certification by the city engineer that all engineering conditions and requirements of the city have been complied with. (Ord. 11-172 § 1)

Section 14-5-8 Application Approval

A. The planning department and the city engineer shall forward their written recommendation to the council.

B. After approval of the minor land division, the planning department shall authorize recordation of the minor land division after confirmation that:

1. All stipulations of approval have been complied with, including engineering plans pursuant to Section [14-5-10](#); and
2. Any instruments for required street right-of-way and utility easement dedications have been prepared, executed, and duly recorded. (Ord. 11-172 § 1)

Section 14-5-9 Denial

If the minor land division application is denied, the applicant will be furnished a letter stating the reasons for the denial. The application may be re-filed if suitable revisions can be made to resolve the conflicts and the stated reasons for denial. (Ord. 11-172 § 1)

Section 14-5-10 Engineering Plans for Minor Land Divisions

If improvements are required for minor land divisions pursuant to Section [14-5-5](#), the applicant shall be responsible for the preparation of a complete set of engineering plans, prepared by an Arizona registered civil engineer, satisfactory to the city engineer for the construction of the required improvements. The plans shall be prepared in conjunction with the minor land division map. The minor land division map shall not be recorded until all engineering plans for the required improvements have been approved by the city engineer. (Ord. 11-172 § 1)

Section 14-5-11 Assurance of Construction of Minor Land Division Improvements

If improvements are required for the minor land division, no building permit for any lot created will be issued until such improvements are completed and the work accepted by the city engineer. Required improvements may be deferred or waived by the city engineer if the applicant provides a performance bond or other assurance of construction, in a form approved by the city attorney, or if all such improvements have been completed and paid for, as determined by the city engineer. (Ord. 11-172 § 1)

Article 14-6 Modifications

- A. Where, in the opinion of the council, there exists extraordinary conditions of topography, land ownership or adjacent development, or other circumstances not provided for in this chapter, the council may modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.
- B. In the case of a plan and program for a complete community or a complete neighborhood, the council may modify these regulations in such manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and may require stipulations to assure conformance with the achievement of the plan.
- C. In modifying the standards or requirements of these provisions as outlined in this section, the council may make such additional requirements as appear necessary, in its judgment, to secure substantially the objectives of the standards or requirements so modified. (Ord. 11-172 § 1. Formerly Article 14-5)

Article 14-7 Prohibition Against Circumvention of Chapter

It is unlawful for any person to offer to sell or lease, to contract to sell or lease or to sell or lease or to sell or lease any subdivision or part thereof until a final plat thereof, in full compliance with provisions of this chapter and of any subdivision regulations which have been duly recorded in the office of the county recorder, is recorded in the office of the recorder, except that this shall not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with any law or subdivision regulation regulating the subdivision plat design and improvement of subdivisions in effect at the time the subdivision was established. The county recorder shall not record a plat unless the plat has been approved by the council.

A. No person, firm or corporation shall divide any lot, piece or parcel of land for the purpose of financing, or sell or lease, or offer for sale or lease which:

1. Is within a subdivision as defined in Section [14-1-2](#) of this chapter without first having recorded a plat thereof in accordance with the provisions of this chapter; or
2. Is not within a subdivision as defined in Section [14-1-2](#) of this chapter without first having recorded a plat thereof in accordance with the provisions of this chapter.

B. No building permit shall be issued for construction on any lot, piece or parcel of land which is not a part of a recorded subdivision plat, or has not been approved by the planning director in accordance with the provisions of this chapter. (Ord. 11-172 § 1. Formerly Article 14-6)

Article 14-8 Violations and Penalties

Any person, firm, corporation or legal entity who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof, may be punished by a fine of not more than three hundred dollars or by imprisonment in the city jail for not more than ninety days, or by both such fine and imprisonment. Each day that a violation is permitted to exist may constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these regulations. (Ord. 11-172 § 1. Formerly Article 14-7)

Chapter 15 FLOOD DAMAGE PREVENTION

Articles:

[15-1 Floodplain Regulations](#)

[15-2 Storm Drainage Requirements](#)

Article 15-1 Floodplain Regulations

Sections:

[15-1-1 Designation of Authority](#)

[15-1-2 Adoption of Floodplain Regulations](#)

Section 15-1-1 Designation of Authority

The city engineer is designated as the floodplain manager for the city and will serve as the city's point of contact on national flood insurance program issues for county, state and federal officials. (Ord. 07-129 § 1; Ord. 05-103 § 1)

Section 15-1-2 Adoption of Floodplain Regulations

A. Those public records entitled "Flood Insurance Study for Maricopa County, Arizona, and Incorporated Areas dated September 30, 2005" and "Flood Insurance Rate Maps dated September 30, 2005" and all subsequent amendments and/or revisions, three copies of which shall be kept on file in the office of the city clerk, are hereby adopted by reference, as the basis for establishing the special flood hazard areas for floodplain management in the city of Litchfield Park. The special flood hazard areas documented in the flood insurance study and flood insurance rate maps are the minimum area of applicability of the floodplain management regulations and may be supplemented by studies for other areas as allowed in the regulations.

B. That public record in the Floodplain Management Regulations for Maricopa County (2006 Revision), three copies of which shall be kept on file in the office of the city clerk, is hereby adopted as the legal basis for implementing floodplain management in this community. (Ord. 07-129 § 1; Ord. 05-103 § 1)

Article 15-2 Storm Drainage Requirements

Sections:

[15-2-1 Purpose](#)

[15-2-2 Conceptual Drainage Map and Report](#)

[15-2-3 Storm Drainage](#)

Section 15-2-1 Purpose

A. The purpose of these requirements is to ensure that developments in the city are not subject to flooding nor will they contribute to the flooding potential of properties both upstream and downstream, during construction and after full development has occurred.

B. It is not the intent of these stipulations to abrogate sound engineering judgment, but to establish some guidelines and criteria. In general, unless modified herein, the criteria and calculations shall be as specified in the "Hydraulic Design Manual for Maricopa County, Arizona."

Section 15-2-2 Conceptual Drainage Map and Report

The purpose of the map and report is to define the runoff, both before and after development, and indicate provisions proposed to handle on-site and off-site flows. In general, the plan is to accept off-site flows, handle these flows and the water that falls on the site in such a way that flows leaving the site shall exist in the same manner and with less velocity and quantity than occurred prior to development. In lieu of this channel, detention/retention structures or other methods could be constructed downstream, providing the developer has control over the downstream property and makes provisions to conduct the waters to a proper disposal site, such as a natural stream or a government-controlled drainage structure, and obtains written permission of the governmental agency having jurisdiction.

Section 15-2-3 Storm Drainage

A. Design Frequency. All developments must provide retention of the storm runoff generated by the one-hundred-year, six-hour storm (three inches).

B. Drainage Area. The area to be considered as generating runoffs to be retained shall be the development itself and the contributing adjacent streets.

C. Street Capacity. Streets will be designed to carry runoff from a five-year peak storm between the curbs. Arterial and major collectors (roads with four lanes for traffic or greater) shall be designed to concentrate the five-year storm runoff such that one lane in each direction is free from runoff. The peak flows from the one-hundred-year storm shall be carried within the cross-section between right-of-way lines and must not exceed four inches above top of curb. Inverted crown streets are not permitted.

D. Storm Sewer. In cases where the street flow from the design storm exceeds the street

capacity, underground pipes or aesthetically pleasing channels, of sufficient size, shall be installed.

E. Retention. The right-of-way areas shall not be used for retention purposes. The retention areas shall be landscaped and shall have a maximum water depth of 3 feet and a maximum side slope of 4:1. Storm water shall not be retained in the basins longer than thirty-six hours. The basins must be drained by a gravity line.

F. Floor Elevations. Finished floor elevations for houses or other buildings shall be elevated above the runoff expected from a 100-year storm. Minimum floor elevations shall be 14 inches above the top of the low curb and a minimum of 6 inches above the top of the high curb. Basements may be approved if they are flood-proofed to a point above finish floor elevation. A registered professional engineer or architect shall certify the means of flood-proofing.

G. Culverts and Bridges. Culverts or bridges for street and alley crossings of drainageways shall be sized to carry the 100-year storm.

Retention Calculations.

$$V = \frac{AC}{4}$$

V = Volume to be retained (acre feet or cubic feet)

A = Drainage Area (acres or square feet)

C = Runoff Factor (see below)

Runoff Coefficient (for retention and rational formula use)

General

Pavement (asphalt, concrete, brick, etc.) 0.95

Roof 0.95

Grass Lawns (less than 7% slope) 0.20

Grass Lawns (more than 7% slope) 0.35

Desert Lawn or rock Lawn 0.70

Farm Land 0.10

Bare Ground (vacant lots) 0.25

Undeveloped Desert	0.40
Commercial, Industrial Area	0.80
Residential Area	
Ranch Area 18,000 SF or Larger	0.35
Single Family Areas Less than 18,000 SF	0.40
Multi-unit Area	
Townhouses, Mobile Home Park	0.50
Apartments	0.60

H. Compliance. It is the responsibility of the developer and his engineer to comply with these provisions and to design a project which will comply with high engineering standards. City review is not to be construed as endorsement or assurance that the plans comply with these standards. The responsibility for the proper drainage of the developer's property and the protection of adjacent property from flooding remains with the developer and his engineer.

Chapter 16 CABLE TELEVISION

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State law reference(s): Municipal regulation of cable television, A.R.S. § 9-501 et seq.

Article 16-1 Definitions

For the purposes of this chapter, the following words shall have the meanings given herein:

“Access channel” shall mean one or more channels designated for public, educational, or governmental (“PEG”) use without charge by the licensee for such use.

“Access facilities” shall mean the facilities and equipment for the use of access channels.

“Affiliate” shall mean any person who owns or controls, is owned by or controlled by, or is under common ownership or control with a licensee.

“Applicant” shall mean a person who applies for a license to provide cable service in the city.

“Application” shall refer to the offer by a qualified applicant to furnish and provide a cable system and cable services to residents, businesses, industries, and institutions within the city in accordance with the city’s specifications.

“Basic service” shall have the meaning given it by applicable federal and state law.

“Cable Act” shall mean Title VI of the Communications Act of 1934, as amended.

“Cable services” or “cable service” shall be defined as (A) the transmission to subscribers of (1) video programming or (2) other programming service; and (B) subscriber interaction, if any, which is required for the selection or use of such programming or other programming service.

“Cable system” shall mean facilities located in the city consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the city, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves subscribers without using any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers unless the extent of such use is solely to provide interactive on-demand services; (D) an open video system that complies with Section 653 of the Communications Act of 1934, as amended; or (E) any facility of an electric utility used solely for operating its electric utility systems. Any reference to licensee’s cable system refers to the cable system as a whole or any part thereof. As used above, “interactive on-demand services” means a service providing video programming to subscribers over switched networks on an on-demand, point-to-point basis, but does not include services providing video programming prescheduled by the programming provider.

“Change of service” shall mean all requests by subscribers for modifications to their cable service, including without limitation additions or deletions of premium services, additional outlets, remote controls and FM service. Such term shall not include initial installation of basic service, total disconnection of basic service or service calls.

“City” shall mean the city of Litchfield Park, a municipal corporation of the state of Arizona, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

“Completion of construction” or “complete system construction” shall mean “satisfactorily complete” and “fully activated.” In each instance, these terms shall mean that, for aerial construction, strand has been put up and all necessary cable has been lashed, for underground construction, that all cable has been laid and trenches refilled, all road surfaces restored to the city’s satisfaction and, except as prevented by weather conditions or delayed because of seasons, landscaping restored; that all amplifier housings and modules have been installed, that power supplies have been installed, that construction of the headends or hubs has been completed and all necessary processing equipment has been installed; and that any and all other construction necessary for the cable system to be ready to deliver cable service to subscribers has been completed with no unresolved violations of this chapter or the license. Final balancing shall have been conducted on each otherwise completed segment of the cable system before direct marketing of that segment begins. It is expected that segments of less than the entire cable system will be activated and final balanced when completed. Construction of any segment or of the entire cable system will not be considered complete until final balance has been conducted on such segment (or in the case of the entire cable system, until final balancing and proof of performance tests have been conducted on all segments). The term “completion of construction” does not include marketing and installation of subscriber service.

“Connection” shall mean, with regard to connections to public buildings, the installation of fiber optic or coaxial cable or other system-related facility to the point of demarcation allowing for the connection to other facilities, plant or cable within the building.

“Council” shall mean the city council of the city of Litchfield Park.

“Educational access channel” shall mean any channel or bandwidth on a cable system set aside by a licensee for educational use.

“FCC” means the Federal Communications Commission or any successor.

“Governmental access channel” shall mean any channel or bandwidth on a cable system set aside by a licensee for governmental use.

“Gross revenues” means all cash, credits, property of any kind or nature, or other consideration, less related bad debt not to exceed one and one-half percent annually, that is received directly or

indirectly by the licensee, its affiliates, subsidiaries or parent or any person, firm or corporation in which licensee has a financial interest or that has a financial interest in licensee and that is derived from licensee's operation of its cable system to provide cable service in the town. Gross revenues include all revenue from charges for cable service to subscribers and all charges for installation, removal, connection or reinstatement of equipment necessary for a subscriber to receive cable service, and any other receipts from subscribers derived from operating the cable system to provide cable service, including receipts from forfeited deposits, sale or rental of equipment to provide cable service, late charges, interest and sale of program guides. Gross revenues also include all income licensee receives from the lease of its facilities located in the street, unless services that the lessee provides over the leased facilities are subject to a transaction privilege tax of the licensor. Gross revenues do not include revenues from commercial advertising on the cable system, the use or lease of studio facilities of the cable system, the use or lease of leased access channels or bandwidth, the production of video programming by the licensee, the sale, exchange, use or cablecast of any programming by licensee in the town, sales to licensee's subscribers by programmers of home shopping services, reimbursements paid by programmers for launch fees or marketing expense, license fees, taxes or other fees or charges that licensee collects and pays to any governmental authority, any increase in the value of any stock, security or asset, or any dividends or other distributions made in respect of any stock or securities.

"Initial activation of cable service" shall mean all proposed cable services and cable system capabilities of the particular segment, group of segments, or entire cable system as provided for in the license are available, fully constructed, and activated for use.

"Interconnect" or "interconnection of facilities" shall mean connection of one or more channels of a licensee's system with other cable systems by direct cable, microwave link, satellite or other appropriate methods.

"License" shall mean any authorization granted under this chapter in terms of a privilege, permit, license or otherwise to construct, operate and maintain a cable system in the city. Any such authorization, in whatever term granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the city in accordance with Chapter 8A related to the city's transaction privilege tax.

"License area" shall mean the current incorporated boundaries of the city and any future annexed area, unless the terms of a license provide otherwise.

"Licensee" means the person granted a license for construction, operation, maintenance, or reconstruction of a cable system.

"Licensor" means the city as represented by the council or manager, or their designee.

"Manager" shall mean the city manager or the city manager's designee.

“Multiple dwelling units” or “MDU” means any multi-unit residential building(s) such as apartments or condominiums under common ownership containing more than four units.

“Normal business hours” means hours that subscribers may reasonably conduct business with a licensee, including regular daytime hours and some evening hours at least one night per week and/or some weekend hours.

“Normal operating conditions” means those service conditions within the control of the licensee. Those conditions not within the control of the licensee include, but are not limited to, natural disasters, civil disturbances, labor strikes, utility company power outages, telephone network outages, and severe or unusual weather conditions, and the failure of governments including but not limited to the city to issue permits in a timely fashion; provided, that permit applications have been submitted and pursued in a timely manner. Those conditions ordinarily within the control of the licensee include, but are not limited to, special promotions, pay-per-view events, rate increase, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

“Origination point(s)” means those locations designated in the license where access channel programming signals are delivered to a licensee for modulating and distribution to subscribers over the cable system, or where specified in the license, for encoding.

“Outage” shall exist whenever licensee receives three subscriber complaints within any sixty-minute period of a “service interruption” within the same quarter section.

“Person” shall mean an individual, partnership, association, joint stock company, organization, corporation or any lawful successor thereto or transferee thereof.

“Quarterly” shall mean the four quarters of the calendar year, consisting of January through March, April through June, July through September, and October through December.

“School” shall mean all public schools, public colleges and public universities; and all charter/private schools with a minimum of thirty students between the ages of one through eighteen years.

“Service call” shall result when service problems occur relating to: (A) any “no picture” complaint, (B) a degraded sound or picture on one or more channels, (C) property damage by licensee’s employees or authorized contractors, or (D) in-house cable equipment problems.

“Service complaint” shall mean any complaint regarding: (A) compliance with the existing license; or (B) the quality of the operator’s service, including but not limited to signal quality and billing practices; or (C) timeliness of service, and which complaint, if true, would or may constitute a violation of this chapter. A service complaint does not include any complaints made regarding access channel programming controlled by the city, programming offered, rates charged, build-out plans consistent with the existing license, or business decisions that lie within the sole discretion of

licensee.

“Service interruption” shall exist when a subscriber loses the signal on all channels.

“Standard drop” shall mean a cable connection which requires no more than a two-hundred-twenty-five-foot drop measured from the nearest reasonable point of connection to a subscriber’s home or place of business (point of demarcation) to the nearest existing technically feasible point of connection to the cable system; involves only one outlet and standard materials; and does not involve a wall fish. If justified by the technology of the licensee, licensee and city may agree to a different standard drop in the license. A “standard drop” shall exclude custom installation work, including specific subscriber-requested work that requires nonstandard inventory or cable routing requiring construction methods exceeding reasonable underground or aerial work.

The license may contain a different definition of “standard drop” or standard connection as may be necessary because of different technology or architecture.

“Street” shall mean a street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, right-of-way, or drive which is owned by a public entity in fee simple or as to which a public easement has been dedicated for street purposes, and with respect to which, and to the extent that, the city has a right to grant the use of the surface of, and space above and below, in connection with a license for a cable system, or other compatible uses.

“Subscriber” shall mean any person receiving for any purpose the cable services of a licensee’s cable system.

“Two-way communication” shall mean the transmission of cable television signals from subscriber locations or other points throughout the cable system back to the cable system’s control center as well as transmission of signals from the control center to such locations. A license may authorize switching at a level other than the control center.

“User” shall mean a person using a cable system channel for purposes of production or transmission of material to subscribers, as contrasted with receipt in a subscriber capacity.

The terms “will be available,” “will be equipped,” “will use,” “will be designed,” “will perform,” “will be utilized,” “will permit,” “will allow,” “will be activated,” “will be initially connected,” “will be capable,” “will provide,” “will include,” “will employ,” “will be established,” “will be able,” “will be implemented,” “will be delivered,” “will utilize,” and other similar uses of terms of a licensee’s proposal denoting the activation of cable service, shall be interpreted to mean delivery or accomplishment at a date no later than the initial activation of cable service (as defined in this article) unless otherwise expressly and clearly stated or qualified in the licensee’s proposal to mean a more specific or different time. (Ord. 13-192 § 1; Ord. 04-95 § 1)

**Article 16-2
Reserved**

**Article 16-3
Reserved**

**Article 16-4
Reserved**

Article 16-5 License Required

A nonexclusive license to construct, operate and maintain a cable system within all or any portion of the city is required of anyone desiring to provide cable service in the city. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-6
Failure to Have License, Violation

- A. It is unlawful for any person to establish, operate or to carry on the business of distributing any television signals or radio signals by means of a cable system in the city unless a license therefor has first been obtained pursuant to this chapter, and unless such license is in full force and effect.
- B. It is unlawful for any person to construct, install or maintain within any street in the city, or within any other public property of the city, or within any privately owned area within the city which has not yet become a street but is designated or delineated as a proposed street on any preliminary subdivision map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a cable system, unless a license authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this article, and unless such license is in full force and effect.
- C. It is unlawful for any person to make any unauthorized connections, whether physically, electrically, acoustically, inductively or otherwise, with any part of a licensed cable system within the city for the purpose of enabling himself or herself or others to receive any television signal, radio signal, picture, program, sound or any other signals transmitted on the cable system, without the permission of a licensee.
- D. It shall be unlawful for any person, without the consent of a licensee, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs, sounds or any other signals transmitted on the cable system.
- E. Any person violating any part of this article shall be guilty of a Class 1 misdemeanor.
- F. Any person violating any part of this article shall also be subject to any fees required in this chapter as though they were a licensee. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-7
Authorization to Engage in Business

Any license granted shall authorize the licensee to engage in the business of operating and providing a cable system in the city, and for that purpose to erect, install, solicit, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street, such poles, wires, cable, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to the cable system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms or corporations, including but not limited to any public utility or other licensee licensed or permitted to do business in the city. Notwithstanding the foregoing, all wires, cable, conductors, ducts, conduits and similar facilities shall be placed underground unless such facilities are attached to existing utility or telephone poles and the poles are used primarily for utility or telephone purpose. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-8 Limitations of License

- A. Any license granted under this chapter shall be nonexclusive.
- B. Any privilege claimed under any license by the licensee in any street shall be subordinate to any lawful occupancy or use thereof by the city and shall be subordinate to any prior easements, prior licenses to use the rights-of-way, and any other private property rights that may be superior to the license issued.
- C. Any right or power in, or duty imposed upon, any officer, employee, department, or board of the city shall be subject to transfer by the city to any other officer, employee, department, or board of the city.
- D. A licensee shall be subject to all existing requirements of the city's rules, regulations and specifications or hereafter enacted or established pursuant to the city's police powers and taxing authority, and shall comply with all applicable existing state and federal laws and regulations or hereafter enacted or established. There is hereby reserved to the city the power to amend any article of this chapter so as to require additional or greater standards of construction, operation, maintenance or otherwise pursuant to the city's lawful police powers or as provided in the license.
- E. Any license granted shall not relieve the licensee of any obligation involved in obtaining pole space from any department of the city, utility company, or from others lawfully maintaining poles in streets.
- F. Any license granted does not relieve licensee of compliance with city code provisions governing construction, work, or use of the streets and rights-of-way. There is hereby preserved to the city the power to amend any section of the Litchfield Park City Code related to construction in streets and public rights-of-way pursuant to its police powers. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-9
Acquisition by City; Termination

A. In accordance with Section 627 of the Cable Act, if a renewal of a license held by a licensee is denied and the city acquires ownership of the cable system, any such acquisition or transfer shall be at fair market value, determined on the basis of the cable system valued as a going concern but with no value allocated to the license itself. If a license held by a licensee is revoked for cause and the city acquires ownership of the cable system or effects a transfer of ownership of the cable system to another person, such matters as the harm to the community resulting from the licensee's breach of the license may be considered in determining the fair market value.

B. Upon the termination of a license and the rights granted thereunder, whether by expiration or forfeiture, the council may direct and require the licensee as provided in Article [16-48](#) to remove its wires, cables, fixtures and accessories and appurtenances from the streets. If directed, the city shall make a claim on the letter of credit as prescribed in Article [16-77](#). Removal by licensee of its wires, cable, fixtures and accessories and appurtenances from the streets shall not be required where such wires, cables, fixtures and accessories and appurtenances are in use for the provision of services other than cable services as to which no license from the city is required, or as to which any license that is required has been obtained. (Ord. 13-192 § 1; Ord. 04-95 § 1)

State law reference(s): Fair market value to be paid, A.R.S. § 9-509.

Article 16-10
Rights Reserved to the City

- A. The city reserves its rights to acquire the property of the licensee, by purchase, at fair market value, which shall not include any amount for the license itself or for any of the rights or privileges granted. The city reserves the right to exercise its power of eminent domain under the Arizona Constitution and laws of the state.
- B. Neither the granting of any license nor the enactment of any provision in this chapter shall constitute a waiver or bar to the exercise of any governmental right or power of the city, now existing or hereafter granted.
- C. The city's right to acquire the property of the licensee shall not require the licensee to convey such property that is in use for the provision of services other than cable services as to which no license from the city is required, or as to which any license that is required had been obtained. If the cable system is operated by the owner for both telecommunications and cable services purposes, the city must have separate authority outside of this chapter to acquire those facilities used for telecommunications purposes. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-11

License Applications

Each application for a license or renewal license to construct, operate or maintain any cable system in the city shall be filed with the city clerk and in a form prescribed by the city. An application shall require, but shall not be limited to, the following information:

- A. The name, address, and telephone number of the applicant.
- B. A detailed statement of the corporation or business entity organization of the applicant, including, but not limited to, the following:
 - 1. The names and business addresses of all officers and directors of the applicant;
 - 2. The names and addresses of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling the applicant in whole or in part or owned in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to cable systems owned or controlled by the applicant, its parent and subsidiary and the areas served thereby.
- C. A detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year next preceding the date of the application hereunder, and a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed cable system in the city, or a statement from an independent certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed cable system in this city.
- D. A statement identifying, by place and date, any other cable system license(s) awarded to the applicant, its parent or subsidiary; the status of said license(s) with respect to completion thereof.
- E. A service area boundary map of the area that the applicant proposes to serve and a schedule for initiation of cable service, and a statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of said classifications, including installation charges and cable service charges.
- F. Proposal for providing access channels, facilities and related considerations. Applicants are strongly encouraged to investigate the needs and desires of potential users and to offer such facilities as are technologically and economically feasible.
- G. A description of facilities for local programming, and facilities to be offered to various community institutions.

H. Other information that will assist the city in determining whether the applicant has the financial, technical and legal qualifications to provide cable service in the city.

I. Any other details, statements, information or references, pertinent to the subject matter of such application, which shall be required or requested by the city council, or by any other provision of law. (Ord. 13-192 § 1; Ord. 04-95 § 1)

State law reference(s): License applications, A.R.S. § 9-507.

Article 16-12 Application Fees

A. New License. Each applicant for a new license must submit an application fee in the amount of ten thousand dollars. The fee shall be submitted as cash, certified or cashier's check, wire transfer, or in any other manner acceptable to the manager made payable to the city. The application fee is refundable if a license is issued and shall be offset from the first license fee payment(s) to the city. The application fee is nonrefundable if an application is denied.

B. Renewal License. Each applicant for a renewal license shall submit a renewal application fee of five thousand dollars. The fee shall be submitted as cash, certified or cashier's check, wire transfer, or in any other manner acceptable to the city manager made payable to the city. The renewal application fee is refundable if a license is issued, and shall be offset from the first license fee payment(s) to town. The renewal application fee is nonrefundable if an application is denied. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-13 Selection of Licensee

- A. Compliance with City Requirements. A person submitting a new license application to operate a cable system shall provide all information set forth in Article [16-11](#) or otherwise required by this chapter and all other information requested in the city's request for applications. Each new license application shall be responsive to the questions soliciting the information, and shall completely, accurately and materially supply all of the information so solicited. Any misrepresentation, failure, neglect or refusal to provide any of such information may, at the option of the city, render an application invalid. This requested information must be complete and verified as true by the applicant.
- B. Property of City. All new license applications received by the city from an applicant shall become the sole property of the city.
- C. Referral to Manager. Upon receipt of any application for license, the manager shall prepare or cause to be prepared a report, including recommendations respecting such application, to be presented to the city council at a public hearing on the application. The city will evaluate all applications submitted within one hundred eighty days of receipt of the application.
- D. Investigations. The city may make such investigations as it deems necessary to determine the ability of the new license applicant to perform under the license, and the applicant shall furnish to the city all such information as the city may request.
- E. Public Hearing. Within one hundred eighty days after receiving a new license application, a public hearing shall be held to consider the application and receive public comments.
- F. Consideration. In making any determination regarding the application for a license, the city may consider any and all factors relevant to interests of the community in cable television including, but not limited to, the quality of the cable services proposed, areas to be served, rates to subscriber, benefit to the city, experience, character, background, and financial responsibility of any applicant, and its management and owners, technical and performance quality of equipment, willingness and ability to meet construction and physical requirements, to meet all requirements set forth in this chapter, and to abide by all policy conditions, license limitations and requirements, and all other matters deemed pertinent by the city for satisfying the community needs and for safeguarding the interests of the city and the public. Within a maximum time, after ninety days for cable operators with existing authority to access streets and one hundred eighty days for persons that do not have authority to access streets, the times start on the date an applicant files an application or other writing including certain minimum information which is set forth in Article [16-11](#) and deemed complete by the city. The city and an applicant may agree, in writing, to extend the ninety-/one-hundred-eighty-day time period for negotiations. It may then be adopted at the date as permitted by this article. If the ninety-/one-hundred-eighty-day time elapses without action by the

city, the applicant is automatically granted an interim license based on the application submitted. Thereafter, the city and applicant may continue to negotiate the terms of a license in an attempt to reach a negotiated license. The ninety-/one-hundred-eighty-day time may be tolled by the city if it has requested and not received information from the applicant.

G. Determination. Following the public hearing, the council may direct staff to conduct further negotiations with an applicant, or set further public hearings. Within one hundred eighty days following the first public hearing on a new license application, the council shall make one of the following determinations:

1. That such application be denied, which determination shall be final and conclusive; or
2. That such license be granted with the terms and conditions approved by council.

H. Approval or Denial Based on Public Record. It is the intention of the city to approve or deny a new license solely on the basis of the public record.

I. City Council Decisions Shall Be Final. Any decision of the council approving or denying a new license shall be final. (Ord. 13-192 § 1; Ord. 04-95 § 1)

State law reference(s): Similar provisions, A.R.S. § 9-507.

Article 16-14

Term of License

The term of any license shall not exceed fifteen years or less if provided in the license. A license may be renewed by the city pursuant to the procedure established in Article [16-19](#) and in accordance with the then applicable law. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-15

Grant of Additional License and Competing Service

Since competing or overlapping licenses may encourage the introduction of better cable services and quality at lower prices, the town will at all times attempt to accommodate additional entrants. At the same time it is recognized that the introduction of overlapping cable systems could have a potential adverse impact on the streets, and on the quality and availability of existing cable services to the public. Accordingly, the town shall issue a license in an area where another grantee is operating only following a public hearing to consider the potential impact which the grant of an additional license may have on the community and the streets. In considering whether to grant one or more additional licenses, the town shall specifically consider, and address in a written report, the following issues:

- A. Whether or not applicant has provided, at a minimum, information with its application as required by Article [16-11](#), and application fee described in Article [16-12](#).
- B. The legal, technical, and financial qualifications of applicant and agreement by a licensee to comply with such requirements of the town as may be determined by it to be applicable to a licensee in conformance with applicable law.
- C. Acceptance of a license and the terms therein.
- D. The capacity of the streets to accommodate one or more additional cable systems and the potential disruption of streets and private property that may occur if one or more additional licenses are granted.
- E. Such other information as the town may deem appropriate to be considered prior to granting any competing or overlapping license. (Ord. 13-192 § 1)

**Article 16-16
Reserved**

**Article 16-17
Reserved**

**Article 16-18
Reserved**

Article 16-19 Renewal

Renewals will be according to valid applicable law, as amended. The city and a licensee, by mutual consent, may enter into renewal negotiations at any time during the license term of a license agreement. According to applicable law, the city will review and evaluate the past performance of a licensee, including compliance with an existing license. Also, review and determination by the city of current and future community needs and the technical, financial, and legal capabilities of a licensee to meet the current and future cable service-related needs in a new license considering the reasonable cost to do so. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-20

Transfers and Assignments

A. A license shall not be sold, assigned or transferred, either in whole or in part, or leased, sublet, or mortgaged in any manner, nor shall title thereto, either legal or equitable, or any right, interest or property therein, pass to or vest in any person, without prior written consent of the city, which consent shall not be unreasonably withheld. The transfer of the existing license to an affiliate of licensee does not require prior approval of the town so long as (1) licensee provided written notice to city at least thirty days prior to the transfer and has provided information sufficient for city to determine that the transfer is as described in subsection (A)(2) or (3) of this article and the proposed transfer will not cause any increased risks of nonperformance of the license or any loss to the city of its bargained for consideration in the license, (2) the transfer is to an entity controlling, controlled by, or under common control with licensee or (3) a transfer is in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of licensee in the license or cable system in order to secure indebtedness. If city objects to the transfer, it shall notify licensee in writing within twenty days of receipt of the written notice, in which case the transfer of control shall be stayed until city confirms in its discretion that it is as described in subsection (A)(2) or (3) of this article; otherwise, a transfer of control shall be deemed to occur when the legal or practical ability to exert actual working control over the affairs of the licensee transfers to a person other than the licensee, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lesser ownership interest or in any other manner. Consent of the city shall not be required for a transfer in trust, mortgage, or other hypothecation in whole or in part to secure an indebtedness. The transferee must assume all obligations of the license and provide new insurance and performance bonds.

B. Except for a transfer to an affiliate of licensee, no change, transfer, or acquisition of control of the licensee shall occur without prior written consent of the city, which consent shall not be unreasonably withheld. The licensee shall promptly notify the city of any actual or proposed change in, or transfer to, or acquisition by any other party of, control of the licensee. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised.

C. A rebuttable presumption that transfer of control has occurred shall arise upon the acquisition or accumulation by any person or affiliated group (other than an affiliate of licensee) of more than twenty-five percent of the voting interest of the licensee or of the person exercising management authority over the licensee.

D. Except in the case of an assignment of the license to an affiliate of licensee, upon written notification by the licensee to the city of a proposed assignment of the license, or transfer of control or ownership of the licensee company, the manager shall issue his written notice fixing and setting forth the day, hour and place certain when and where any persons having any interest therein may appear and be heard. The clerk shall cause such notice to be published in a newspaper of general

circulation within the city. The clerk also shall cause a copy of such notice to be mailed to the licensee at least ten days prior to the date specified for the hearing. At the time set for such hearing, or at any adjournment thereof, the manager shall proceed to hear the matter. Following the close of such hearing, the manager shall prepare and file with the council his report of the hearing, his findings, and an opinion containing his recommendations and the reasons therefor. If, after the expiration of ten days following receipt of the manager's report and opinion, the council shall find that the assignment of the license or transfer of control or ownership of the licensee company will not be detrimental or injurious to the best interests and welfare of the subscribers and users, and of the city, then the council by resolution shall consent to the assignment of the license or transfer of control or ownership of the licensee company. Such resolution shall thereupon become and shall be a part of any license granted under this chapter and affected thereby.

E. The consent or approval of the council to any transfer of a license shall not constitute a waiver or release of the rights of the city in and to the streets, and any transfer shall, by its terms, be expressly subordinate to the terms and conditions of the license.

F. Fees. Except in the case of an assignment of the license to an affiliate of licensee, each applicant for a transfer or assignment must furnish with its request a nonrefundable filing fee in the amount of two thousand five hundred dollars payable in cash, certified or cashier's check, wire transfer, or in any other manner acceptable to the manager made payable to the city. No application for a transfer or assignment of license shall be considered without receipt of said fee. The licensee shall be responsible for reimbursing the city's full reasonable costs in excess of the application fee in investigating the qualifications of the transferee under the Cable Act as part of acting on the licensee's request for a transfer or assignment of a license.

G. The city shall act on any request for approval of a sale or transfer within one hundred twenty days of the request if the request contains or is accompanied by the information required by the FCC and this chapter.

H. In no event shall a transfer of ownership be approved without the successor-in-interest becoming a signatory to the license.

I. As long as a grant, rent or lease does not amount to a transfer as defined in this article and is made in the ordinary course of business with prior notice to the city, a licensee in the normal course of providing cable services may grant, rent, or lease use of its cable system to other persons. Any such use shall be restricted to and consistent with (1) such uses as the licensee is authorized in this chapter and the license, (2) other telecommunications services which have received a license from city, or (3) other telecommunications services for which no license is required by the city. Any such use shall be in compliance with applicable federal and state law. Any such grants, lease or rent by the licensee shall not, however, thereby relieve its use of the streets and public ways, and any such grant, rent or lease shall require that such other person comply with the appropriate provisions of this chapter and the license as such use warrants. The grant, lease or

rent shall expressly provide for the authority of the city under applicable law to regulate the use provided by the grant, lease or rent (including but not limited to the authority to protect the public welfare, safety and health) and to enforce compliance with any applicable standards established by this chapter or the license. (Ord. 13-192 § 1; Ord. 04-95 § 1)

**Article 16-21
Reserved**

**Article 16-22
Reserved**

**Article 16-23
Reserved**

Article 16-24
Effect of Award of License

A. Ordinance Binding. Upon award of license pursuant to this chapter, a licensee shall be bound by all the terms and conditions contained in this chapter.

B. Incorporation by Reference of Application for a License. A licensee shall provide all of the cable service specifically set forth in its application to provide cable services within the license area, and by its acceptance of the license, the licensee specifically agrees that its application is hereby incorporated by reference and made a part of the license. In the event of a conflict between the license and the application, the provisions of the license shall apply. Failure to provide services as promised in licensee's application or agreed to in its license may be deemed a breach of this chapter, to which the provisions of Article [16-79](#) shall apply. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-25

Payment of License Fee

A. In consideration that the streets used by the licensee in the operation of its cable system within the city are valuable public properties acquired and maintained by the city at great expense to its taxpayers, and that the grant to the licensee for the use of said streets is a valuable property right without which the licensee would be required to invest substantial capital in right-of-way costs and acquisitions, and because the city will incur costs in regulating and administering the license, the licensee shall pay to the city an amount no more than five percent of licensee's annual gross revenues (the "license fee").

B. If licensee provides its subscriber a price discount if the subscriber purchases a bundle of cable service and noncable services, then the price of cable service included in the bundle shall be allocated based on the licensee's standard, nondiscounted rate. For example: if a subscriber's charges for a given month for cable service alone would be forty dollars, for local telephone service alone thirty dollars, and for Internet services alone thirty dollars, for a total of one hundred dollars. If the three services are offered at a combined price of eighty dollars (overall twenty percent discount), then the gross revenue from the cable service will be deemed to be thirty-two dollars (forty dollars, less twenty percent of forty dollars).

C. Should federal or state laws or regulations be amended in the future to allow the city to receive a greater fee than the fee set forth in subsection (A) of this article, then the city shall have the right to increase the fee to the extent specified in the license, or meet with licensee to modify the license. Licensee shall not use bundled package offerings as a means of evading the payment of financial obligations that are based on cable service revenue.

D. The payment of the license fee by the licensee to the city shall be made quarterly by delivery of the same to the manager on or before the twentieth day of the month following the quarter end, and becomes delinquent on the last business day of that month. Payment shall be accompanied by a license fee payment worksheet provided by the city. If such payment is not made by the next to the last business day of the following month, the city will impose interest at a rate of one and one-half percent per month commencing from the date payment should have been made, unless the payment is subject to a bona fide dispute, and continuing until the payment is made. Fractions of a month shall be considered to constitute a full month for the purpose of computing interest. In addition to interest which may be assessed under this subsection, if licensee fails to pay any license fee, licensee shall be subject to the following civil penalties:

1. A licensee who fails to pay the license fee or any portion thereof within the time prescribed shall pay a penalty of ten percent of the unpaid fee each month, unless the licensee shows that the failure is due to reasonable cause and not due to willful neglect.
2. A licensee who fails or refuses to pay a license fee or any portion thereof after notice and

demand by the city shall pay a penalty of twenty-five percent of the unpaid fee, unless licensee shows that the failure is due to reasonable cause and not due to willful neglect.

3. If the cause of failure to pay the licensee fee or any portion thereof is determined by the city to be due to civil fraud or evasion of the license fee, the licensee shall pay a penalty of fifty percent of the amount of deficiency.

E. The city shall have the right to inspect the licensee's cable service income records and the right to audit and to recompute any amounts determined to be payable under this chapter; provided, however, that such audit shall take place within thirty-six months following the close of each of the licensee's fiscal years. Any additional amount due to the city as a result of the audit shall be paid within thirty days following written notice to the licensee by the city, said notice shall include a copy of the audit report; provided, however, that licensee shall not be required to pay such deficiency until thirty days after completion of the administrative review process if licensee commences such process pursuant to Article [16-80](#)(A)(3). If there is a deficiency in the payment of license fees to the city of ten percent or more, the city may assess the cost of the audit to the licensee. If city owes a refund to licensee or if licensee owes additional amounts to city, city and licensee shall agree upon a reasonable payment schedule with interest from the date of request until paid at the rate provided for hereunder.

F. In compliance with applicable law, licensee shall not be required to pay any city right-of-way construction permit and development review fees which the city imposes under city code requirements on licensee's construction permit activities in or on the city streets for cable services and such fees shall be included in the license fee. If facilities constructed by licensee serve not only cable services but also Internet service or telecommunications services, then licensee shall pay a proportionate cost of the permit fees attributable to those services for which an annual license fee is not being paid. (Ord. 13-192 § 1; Ord. 04-96 § 1; Ord. 04-95 § 1)

Article 16-26
Use of Telephone Facilities

If a licensee uses a telephone company's cable system distribution channels furnished to the licensee pursuant to tariff or contract on file with a regulatory body having jurisdiction and licensee makes no use of the streets independent of such telephone company furnished facilities, licensee remains fully bound by the terms of its license and this chapter. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-27
Required Services and Facilities

- A. A licensee shall maintain the broad categories of video programming or other services set forth in its license. Where there has been a substantial failure to maintain the broad categories of video programming or other services as set forth in the license, the city may, following due notice and public hearing as provided in Articles [16-80](#) and [16-81](#), direct the licensee to comply with its obligations in this regard. Written notice of such hearing shall be provided to the licensee and to the public at least thirty days prior to such hearing.
- B. A license may require a licensee to provide channel capacity to the city for educational and governmental programming on terms and conditions specified in the license.
- C. Licensee shall provide high definition television to its subscribers as such broadcasting becomes available from the broadcasting stations on the channels, consistent with and as required by the regulations of the FCC. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-28
Subscriber Services; Rates

- A. Initial Rates. A licensee shall establish and notify the city of initial rates for its cable services prior to commencement of services.
- B. Authority to Regulate Rates. To the extent permitted, the city may regulate the rates for cable service in accordance with federal and state law.
- C. Notice of Rates. Notice of rates shall be given in accordance with Article [16-58](#). (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-29
Government Access Channel

Unless otherwise provided in the license, licensee shall provide channel capacity for a minimum of one government access channel dedicated for city use. The management and operation of the government access channel shall be the responsibility of the city. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-30
Educational Access Channels

Unless otherwise provided in the license, licensee shall provide channel capacity for a minimum of one educational access channel dedicated for use by all schools in the city (as defined in this chapter), Arizona State University, and the Maricopa County Community Colleges. The management and operation of the educational access channels shall be the responsibility of the city. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-31
General Provisions Concerning Access

- A. The provisions of this article shall apply to all access channels.
- B. Technical Design of Access Channels and Responsibilities.
1. In general, the city or its designees (other than licensee) is responsible for:
 - a. Delivering channel signals to the licensee at origination points and processing the signals so that they can be carried on the cable system; and receiving signals from licensees at all connection points to public buildings and origination points;
 - b. Controlling the routing of signals from the origination points to the appropriate channels; and
 - c. Providing and maintaining the studios and equipment used to produce programming.
 2. In general, licensee is responsible for:
 - a. Transmitting access channel signals from the origination point and/or other cities/origination points for access programming to all connection points to public buildings and origination points identified in the license, and to subscribers without material degradation, and maintaining all the facilities required to do so.
- C. The licensee shall not take any actions that would discourage or prevent maximum utilization of all access channels provided, and shall cooperate with the city and managers of access channels to ensure that subscribers are aware of the channels, can access them easily, and, to the extent that a licensee (or some entity acting on a licensee's behalf) is involved in publishing licensee's channel schedules, that the access channels are similarly published.
- D. Public Building Connections. Upon request of the city and consistent with the joint trench requirements of subsection (E) of this article, the licensee shall provide, without charge, at a minimum, one activated standard drop to all of the following present and future public buildings, as designated by the city from time to time:
1. City fire stations and police stations;
 2. All public libraries, including branches;
 3. City Hall, community center, recreation facilities, public works building and such other facilities used for municipal purposes as may be designated in the license;
 4. Other locations as set forth in a license agreement.

If provided in the license, the licensee shall provide basic service free of charge to those facilities

specified above. A license may further specify the particular conditions under which the connections will be provided.

E. Joint Trench Requirements. The city shall notify licensee in writing at least thirty days prior to opening trenches for use by utilities to serve public buildings. If such notice is given and subject to the construction or rebuild schedule and line extension policy, licensee shall install cable facilities in order to provide the connection to the public building without charge for trenching. If no notice is given, the city shall pay the reasonable cost of such trenching.

F. Access Channel Assignments. To the extent that it is legally, economically and technically feasible, licensee will employ reasonable efforts to use the same channel numbers for the educational and governmental access channels as are used by another cable licensee, if any, with the greatest number of subscribers in the city.

G. Access Interconnections.

1. Subject to the limitations of applicable federal and state law, licensee shall interconnect access channels with any or all other cable systems in the city or in other Phoenix metropolitan municipalities, owned by licensee or an affiliate or other cable operator as provided in the license, at no cost to the city or the other municipality.

2. The city or its designated access provider shall have the right to control and schedule the operation of all interconnected access channels. In addition, the city shall have the right to use, at its sole discretion and at no cost to the city, any access channels to be provided under a license agreement for access interconnection.

3. Licensee shall take all necessary technical steps to ensure that technically adequate signal quality and routing/switching systems are initially and continuously provided for all access interconnections between local jurisdictions. The cost for any equipment, operation or maintenance dedicated to such access interconnections shall be shared on pro rata basis or as mutually agreed upon among all participating jurisdictions, and paid to licensee.

4. A licensee may be granted reasonable extensions of time to interconnect or the city may rescind its order to interconnect upon petition by the licensee to the city. The city shall grant said request, if it finds that a licensee negotiated in good faith and failed to obtain an approval from another cable system(s), governmental entity or educational institution for the proposed interconnection.

H. Access Channel Capital Costs. The licensee voluntarily provides grants, funding, training, services, or any other kind of support reasonably necessary to meet the community needs of the city for the access channels, the value of which shall be offset against the license fee in the manner provided for by state law. If state law is amended to allow the city to require contribution of costs, the parties shall negotiate in good faith for amendment of this license, and licensee shall, to

the extent consistent with federal law, make capital expenditures in support of access channels and related facilities and equipment as provided in the license. If there is more than one licensee providing cable service in the city, the city will use its best efforts to assure that the licensee's capital expenditures for access channels, facilities and equipment are reasonably equivalent as provided in the license. To the extent licensee's rates for cable services are subject to regulation, and to the extent consistent with applicable law, licensee shall have the right to treat such capital expenditures as external costs in support of access channels in setting regulated rates for cable services.

I. Access Channels on Basic Service Tier. All access channels provided to subscribers shall be included, without limitation, on all basic tiers, including digital basic.

J. Change in Technology. In the event a licensee makes any change in the cable system and related equipment and facilities or in licensee's signal delivery technology, licensee shall ensure that city analog signals are converted by licensee and the signal quality or transmission of access services or programming remains substantially the same.

K. Technical Quality. Licensee shall maintain all access channels and interconnections at the same level of technical quality and reliability required by this chapter and any license agreement and all other applicable laws, rules and regulations for residential subscriber channels subject to the technical quality or reliability of the signal received from the source. Licensee shall provide routine maintenance and shall repair and replace all transmission equipment including channel modulators, associated cable and equipment, required to carry signal quality to and from licensee's facilities for the access channels; provided, however, licensee shall have no duty to provide, maintain, repair or replace equipment for which the city is responsible under subsection (B)(1) of this article.

L. Access Cooperation. The city and licensee may agree to designate any other jurisdiction which has entered into an agreement with the licensee or an affiliate of the licensee to receive any access benefit due the city hereunder, or to share in the use of access services, facilities, equipment or channel operations hereunder. The purpose of this subsection shall be to allow cooperation in the use of access channels, facilities and equipment.

M. Indemnification by Access Programming Producers and Users. All local producers and users of any of the access facilities or channels shall agree in writing to hold harmless the licensee, the city, and any responsible educational institution, from any and all liability or other injury (including the reasonable cost of defending claims or litigations) arising from or in connection with claims for failure to comply with applicable federal laws, rules, regulations or other requirements of local, state or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of any trademark, trade name or service mark; for breach of contractual or other obligations owing to third parties by the licensee, city, or responsible educational institution; and for any other injury or damage in law or equity, which claims

result from the use of an access facility or channel. (Ord. 13-192 § 1; Ord. 04-95 § 1)

**Article 16-32
Reserved**

Article 16-33
Time Is of the Essence

For any license or contract entered into pursuant to this chapter, time shall be deemed of the essence and any failure of the licensee to perform within the time allotted, or within a reasonable time if a period is not specified, shall be sufficient grounds for the city to invoke liquidated damages or revocation of a license in accordance with Articles [16-79](#) and [16-82](#). (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-34
Acceptance and Effective Date of License

A. No license granted pursuant to the provisions of this chapter shall become effective unless and until all insurance, letter of credit and bond requirements are met, all of such provisions being hereby declared to be conditions precedent to the effectiveness of any such license granted hereunder. If any of such provisions are not done and completed in the time and manner required, the license shall be null and void.

B. Within twenty days after the date of awarding any license, or within such extended period of time as the council in its discretion may authorize, the licensee shall file with the clerk its written acceptance of the license, in a form satisfactory to the city attorney, together with the construction bond and insurance policies required by this chapter, and its agreement to be bound by and to comply with and to do everything which is required of the licensee by the provisions of this chapter and the applicable license. Such acceptance shall be acknowledged by the licensee before a notary public, and shall, in form and content, be satisfactory to and approved by the city attorney. (Ord. 13-192 § 1; Ord. 04-96 § 1; Ord. 04-95 § 1)

**Article 16-35
Reserved**

Article 16-36
Permits, Installations and Service

Within one hundred eighty days after acceptance of any license, the licensee shall proceed with due diligence to apply for necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable systems, or their associated microwave transmission facilities. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-37
Cable System Construction Map and Schedule

- A. Within one hundred eighty days after acceptance of any license, licensee shall submit a specific construction plan or reconstruction plan, as applicable, which shall be incorporated as an exhibit in the license. The plan shall include an overall plant mileage schedule of any construction or reconstruction effort and a time schedule of said work and system design criteria. The plan shall be updated on each five-year anniversary of issuance of the license.
- B. Within ninety days after obtaining necessary permits, licenses, and authorizations, licensee shall commence construction and installation of the cable system or any reconstruction of the cable system.
1. Licensee shall comply with the time schedule for construction required in subsection (A) of this article; provided, however, the city issues permits in a timely manner.
 2. Installation and operation of the new or any rebuilt cable system by licensee shall proceed on a nondiscriminatory basis, without regard for subscriber affluence or other discriminatory factors.
 3. Immediately following commencement of construction and installation of the cable system under a license, licensee shall diligently proceed to deliver cable services, as described in the license.
- C. Failure on the part of the licensee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein shall be grounds for liquidated damages and/or termination of such license pursuant to Articles [16-79](#) and [16-82](#); provided, however, that the council in its discretion may extend the time for the commencement and completion of construction and installation for additional periods if any of the conditions set forth in Article [16-92](#) exist. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-38 Line Extension

A. Residential Service. After completion of construction in an area pursuant to a construction schedule, a licensee shall make cable services available to dwelling units within the city and shall extend its cable system as follows:

1. Each unit in a multiple dwelling unit (MDU) shall be counted as a dwelling unit in determining residential density where a mutually acceptable agreement granting licensee reasonable access to the MDU has been executed by the owner of the property and delivered to the licensee. Licensee shall not be required to make service available to residents of a MDU where the owner of the property has not granted licensee such reasonable access to the property.
2. When requested by a resident in the city, licensee shall, at licensee's sole expense, extend the cable system to any single-family residence or dwelling within the city; provided, that the residence or dwelling is located within two hundred twenty-five feet of the nearest technically feasible point of connection on the cable system. Such extension(s) shall include cutting in one or more taps and extending cable as necessary.
3. A license may provide for different line extension requirements from that required in subsection (A)(2) of this article so long as such requirements are not less restrictive and provide similar benefits.
4. To prevent unnecessary disruption and damage to streets, rights-of-way, and other property, the installation of underground cable shall be accomplished in new subdivisions that meet the requirements of subsection (A)(2) of this article at the same time, and in the same trench, as other communications, electric and other permanent services to structures, unless to do so would be economically infeasible. Except as federal law may grant them other rights, developers of new residential buildings or mobile homes within a new or undeveloped subdivision, new residential units within new multiple-occupancy residential developments, and new commercial and industrial buildings and structures shall treat cable television facilities as they treat other communication facilities, utilities and other underground facilities, in regards to availability and cost of trenching for undergroundings.
5. A license may provide for different line extension requirements from that required in subsections (A)(2), (3) and (4) of this article.
6. Absent a showing by licensee to the manager of circumstances beyond licensee's reasonable control, an extension of service pursuant to subsections (A)(2) of this article or this subsection shall be accomplished within one hundred twenty days of the developer's or resident's request.

7. Licensee shall not be required to install the cable system or conduit in the joint trench of a new subdivision or to provide cable service to residents of the subdivision when the developer or homeowner's association of the subdivision has entered into an agreement in which another party has agreed to provide cable television or other comparable video services to all residents of the subdivision and in which the subscribers' fees for such services are paid to the provider from collection of homeowner's association fees. However, upon termination of such agreement, the line extension required by this article shall apply.

B. Commercial Service. After completion of construction in an area pursuant to a construction schedule, a licensee shall make cable services available to commercial establishments as follows, except licensee shall not be required to make service available to commercial establishments where the owner of the property has not granted licensee reasonable access to the property:

1. When requested by the owner of a commercial establishment; provided, that no plant extension and nothing more than a standard drop is required to make cable services available; or provided, that the building is located within two hundred twenty-five feet of the nearest technically feasible point of connection on the cable system.
2. Absent a showing by licensee to the manager of unusual circumstances, including without limitation street crossings, an extension of service shall be accomplished within one hundred twenty days of owner's execution of any necessary easement documents and capital contribution agreements.
3. A license may provide for different line extension requirements from that required in subsections (B)(1) and (2) of this article.

C. Service Drops.

1. Licensee shall make service available to any single-family residence or any commercial establishment within the city at applicable standard connection charge if the connection requires a standard drop.
2. If making service available requires more than a standard drop, licensee shall not be required to make such service available unless the person requesting service pays to licensee (a) the standard connection charge and (b) an amount equal to the reasonable actual labor and material costs incurred by licensee for the additional facilities and work.
3. Licensee may offer bulk billing service, but shall not require a bulk billing agreement as a condition of providing service.
4. Absent a showing by licensee to the manager of unusual circumstances, including without limitation street crossings, (a) any standard drop to a single-family residence or dwelling shall be accomplished within seven business days after an order has been placed, and (b) any drop

that is not a standard drop shall be accomplished within a reasonable time under the circumstances. Line extensions shall be done as provided in subsection (A) of this article.

5. Absent a showing by licensee to the manager of unusual circumstances, including without limitation street crossings, (a) any standard drop to a commercial establishment shall be accomplished within ten days after the owner of such commercial establishment executes any necessary easement documents and capital contribution agreements, and (b) any commercial drop that is not a standard drop shall be accomplished within a reasonable time under the circumstances.

D. If a licensee elects to extend cable service to a customer in a licensed area which does not meet the standard drop requirements of this article, the licensee shall not refuse to extend service to any other customer in the same area solely on the grounds that service to the first customer did not meet the standard drop requirements.

E. The line extension requirements set forth in this article shall not apply to any area covered by a construction phase described in the construction schedule until the construction phase for that area has been completed.

F. Discrimination Prohibited. No person, firm or corporation in the existing cable service area of the licensee shall be arbitrarily refused cable services; provided, however, that the licensee shall not be required to provide cable services to any subscriber who does not pay the applicable line extension connection fee and/or cable service charge(s).

G. Annexed Territory. Newly annexed territory shall be subject to the terms of this chapter and this article. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-39
Placement of Transmission Facilities

Except as provided in the license, facilities shall be placed in accordance with Chapter 7 of the Litchfield Park City Code. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-40

Construction and Technical Standards

A. Compliance with Construction and Technical Standards.

1. As provided in the license, licensee shall construct, install, operate and maintain its system in a manner and at all times consistent with (a) all laws, this chapter, construction standards of the city, the Federal Communications Commission (FCC) Rules and Regulations, Part 76 Subpart K (Technical Standards), as amended from time to time, and (b) detailed standards submitted by licensee as part of its application, which standards are to be incorporated by reference in a license.

2. When there have been multiple, similar complaints by subscribers, or when there exists other evidence which suggests that licensee is not in substantial compliance with the technical standards, or the cable system is not operating in accordance with this chapter or the license, the manager shall have the right and authority to compel licensee to test, analyze and report on the performance of the cable system under the supervision of the manager. Such report shall be delivered to the manager no later than thirty days after the manager requests such test(s) in writing and shall include the following information: the nature of the complaints that precipitated the test(s), which cable system component(s) was/were tested, the equipment used and procedure(s) employed in such testing, the result(s) of such test(s) and the manner in which such complaints were resolved. If such report indicates licensee is in partial compliance with the technical standards, but there exists evidence suggesting that licensee is nonetheless not in substantial compliance, the manager may require that the test(s) be repeated within thirty days of the delivery of such report, under the supervision of a professional engineer not on the permanent staff of licensee. Such engineer shall sign all records of such repeated test(s) and shall forward to the manager (a) such records, (b) a report interpreting the results, and (c) recommended corrective actions, if any. The fees of such engineer shall be paid by (a) licensee, if the repeated test(s) show(s) licensee is not in substantial compliance with the technical standards of this chapter, or (b) the city, if the repeated test(s) show(s) licensee is in substantial compliance with said standards.

B. Additional Specifications. Construction, installation and maintenance of a cable system shall be performed in an orderly and professional manner. All cables and wires shall be installed, where possible, parallel with and in a manner similar to the installation of electric and telephone lines. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations. Underground installations shall be in conformance with all applicable codes. Each cable system shall include equipment capable of providing standby power as specified in the license. The equipment shall be so constructed as to automatically revert to the standby mode when the electrical utility power returns. The system shall incorporate safeguards necessary to prevent injury to technicians resulting from licensee's standby power sources. Licensee shall at all times comply with applicable sections of:

1. National Electrical Safety Code (ANSI)C2;
2. National Electrical Code (National Bureau of Fire Underwriters);
3. The Uniform Building Code as may be adopted and amended by the city, together with applicable portions of all other uniform codes, as may be adopted and amended by the city, promulgated by the International Conference of Building Officials;
4. City zoning code and subdivision regulations, all as from time to time amended and revised, and all other applicable rules and regulations now in effect or hereinafter adopted by the city;
5. The Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction including the latest city supplement thereto.

C. Emergency Service. The licensee shall design and construct the system to provide for a restricted audio override of the audio portion of all channels during emergencies consistent with FCC regulations. Emergency or standby power sources will be installed at the main electronic control center and appropriate locations so as to minimize loss of signal. Key cable routings shall also be equipped with a standby power source as set forth in the license. In case of any declared emergency or disaster, consistent with FCC regulations, the cable system shall, upon request of the mayor or manager, make available immediately its facilities to the city for emergency use during the emergency or disaster period. A "declared emergency or disaster" as used in this article means such event that has been proclaimed by the mayor, the governor, or other competent authority. In any event, the cable system shall not endanger or interfere with the safety of persons or property in the license area or other areas where the licensee may have equipment located. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-41 Utility Locating System

A licensee shall be required to be a participant in the regional one call utility locating system (Blue Stake). Licensee shall accurately identify its facilities in accordance with the requirements of the one call utility locating system (Blue Stake), and the city shall not be liable for any damages to a licensee's facilities that have not been accurately identified. Licensee shall use paint that dissolves within three weeks. In the event licensee's utility markings paint remains visible after three weeks, licensee shall remove such markings. If the licensee fails to remove such markings after notice and a reasonable time for cure, the city may cause the markings to be removed and invoice the licensee for the removal costs, which costs shall be promptly paid. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-42
Resident Notification of Construction Activity Required

The licensee shall provide reasonable advance notice to all affected residents prior to system construction or upgrade crews entering the right-of-way or easement in front of or on their property; provided, that the licensee shall not be required to provide such notice in emergencies. (Ord. 13-192 § 1; Ord. 04-95 § 1)

**Article 16-43
Reserved**

**Article 16-44
Reserved**

**Article 16-45
Reserved**

Article 16-46
Location of Property of Licensee

- A. Any poles, wires, cable lines, conduits or other properties of a licensee to be constructed or installed in streets shall be so constructed or installed only at such locations and in such manner as shall be approved by the public works director acting in the exercise of his reasonable discretion consistent with the city's regulations. The director's decision shall accommodate reasonable technical requirements of the facilities.
- B. Except as permitted by the city, a licensee shall not install or erect any facility or apparatus in or on any privately owned area within the city which is intended to become a public street, whether or not designated or delineated as a proposed public street on any preliminary subdivision approved by the city.
- C. Notwithstanding any other provision in this chapter or any license granted pursuant thereto, all cable system lines of a licensee in any public street shall be located underground in accordance with Section 7-12-2 and at such depths and locations as shall be approved by the public works director. This requirement shall not apply to existing above-ground facilities.
- D. Except as provided in the license, upon the undergrounding of other utility lines or shared overhead facilities, licensee shall concurrently (or earlier) place its facilities underground, at its own expense, at depths and locations approved by the public works director.
- E. All new underground wires or cable of licensee placed after the effective date of the ordinance codified in this chapter shall be placed in conduits except for service drop lines.
- F. The licensee or its authorized contractors will obtain permits, prior to any physical work being performed in the city's rights-of-way or on city-owned property. All work will be done in accordance with the city's technical and permitting specifications and in accordance with Article 7-16 of the Litchfield Park City Code, as it exists now or may be amended in the future. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-47 Emergency Work

The city reserves the right to move any portion of the licensee's equipment and facilities as may be required in any emergency as determined by the city without liability for interruption of cable service. However, prior to taking any actions pursuant to this article, the city shall provide, if feasible, reasonable notice to licensee of the emergency to allow licensee the opportunity to protect or repair licensee's facilities involved in the emergency. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-48
Removal and Abandonment of Property of Licensee

The following provisions shall not apply to facilities used in the provision of services other than cable services as to which no cable license is required:

- A. If the use of substantial part of the cable system is discontinued for any reason for a continuous period of twelve months, or if such cable system or property has been installed in any street or public place without complying with the requirements of the licensee's license or this chapter, or the license has been terminated, canceled or has expired without renewal, the licensee shall promptly, upon being given ten days' written notice from the public works director, remove from the streets or public places all such property and poles of such cable system other than any underground cable or any other underground property which the manager may permit to be abandoned in place. Upon such removal, the licensee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the manager.
- B. Any property of the licensee remaining in place one hundred eighty days after the termination or expiration of the license shall be at the option of the city considered permanently abandoned. The city may extend such time.
- C. Any property of the licensee permitted to be abandoned in place shall be abandoned in such a manner as the public works director shall prescribe. Upon permanent abandonment of the property of the licensee in place, the property shall become that of the city, and the licensee shall submit to the city an instrument in writing, to be approved by the city attorney, transferring to the city the ownership of such property.
- D. At the city's discretion, any property of the licensee not permitted by the city to be abandoned in place may be removed by the city at licensee's expense. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-49
Temporary Removal of Wire for Building Improvements

The licensee, on the request of any person, firm or corporation holding a building moving permit issued by the city, shall temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid to the licensee by the person, firm or corporation requesting the same, and the licensee shall have the authority to require such payment in advance. The licensee shall be given not less than ten days' advance notice to arrange for such temporary wire changes. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-50
Changes Required by Public Improvements

The licensee shall from time to time, at its own expense, protect, support, temporarily dislocate, temporarily or permanently, as may be required, remove or relocate, without expense to the city any facilities installed, used or maintained under the license, if and when made necessary by any lawful change of grade, alignment, or width of any street by the city, or made necessary by any other public improvement or alteration in, under, on, upon or about any street, when such public improvement or alteration is at the instance of the city, when such improvement or alteration is for a governmental or proprietary function, or made necessary by traffic conditions, public safety, street vacation or any other public project or purpose of the city, and when the licensee has substantially the same obligations with respect to the cost thereof as all other users of the public rights-of-way. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-51
Methods and Materials of Street Construction

The city shall have the right to specify the methods and materials of street construction or reconstruction, together with the horizontal and vertical location of any underground facility proposed by licensee within any public property or right-of-way. The city shall also have the right to limit the work of the licensee to assure a minimum of inconvenience to the traveling public and to impose traffic control requirements, as specified in the city's subdivision regulations and Article 7-16. Licensee will be required to obtain permits from the city, allowing licensee to work in the public rights-of-way pursuant to Article 7-16. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-52
Failure to Perform Street Work

If a licensee causes damage to pavement, sidewalks, driveways, landscaping or other property, the licensee or the authorized agent shall, at its own expense and in a manner approved by the city, replace and restore such places in accordance with the requirements of Article 7-16. (Ord. 13-192 § 1; Ord. 04-95 § 1)

**Article 16-53
Reserved**

**Article 16-54
Reserved**

**Article 16-55
Reserved**

Article 16-56

Telephone Communications Service

A licensee shall provide efficient customer service to subscribers over the telephone and, at a minimum, meet the standards set forth below:

- A. Licensee shall have a publicly listed, local or toll-free telephone number, for the purpose of receiving inquiries regarding new service or terminating service, disconnection or reconnection of service during or after vacation, handling converters, paying bills, receiving complaints, scheduling service calls or repairs, making changes in type of programming, and providing information to subscribers on a twenty-four hours a day, seven days a week basis.
- B. Trained licensee representatives will be available to respond to subscriber telephone inquiries twenty-four hours a day, seven days a week.
- C. Under normal operating conditions, the time taken for a live licensee representative to answer the telephone and speak directly with a subscriber, including wait time, shall not exceed thirty seconds after the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty seconds. These standards shall be met no less than ninety percent of the time under normal operating conditions, measured on a quarterly basis. No caller should be left on hold more than sixty seconds without being informed of the status of the call.
- D. Under normal operating conditions, the subscribers will receive a busy signal less than three percent of the time.
- E. Licensee shall provide reasonable methodology to measure compliance with the telephone answering standards. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-57

Subscriber Service Standards

- A. Each licensee shall at all times meet or exceed Federal Customer Service Standards and the subscriber service standards for subscribers set forth in this chapter and in its license. If there is a conflict among standards, the stricter standard shall prevail, unless preempted by federal law.
- B. Upon termination of cable services to any subscriber, a licensee shall promptly remove its converter equipment from the premises of such subscriber upon the subscriber's request.
- C. Licensee shall render efficient cable services, make repairs promptly, and interrupt cable services only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall occur during periods of minimum cable system use.
- D. Licensee shall not knowingly allow its cable or other operations to interfere with television reception of persons not serviced by licensee, nor shall the cable system interfere with, obstruct or hinder in any manner the operation of the various utilities serving the residents of the city.
- E. A licensee shall continue, through the term of the license, to maintain the technical, operational, and maintenance standards and quality of cable service set forth in this chapter and as specified in the license.
- F. Under normal operating conditions, each of the following four standards for subscribers will be met no less than ninety-five percent of the time measured on a quarterly basis:
 - 1. Standard drops will be installed within ten business days after an order has been placed.
 - 2. Except for conditions beyond the control of the licensee, the licensee must take actions to correct its service problems the next business day after notification of the service problem and will begin working on service interruptions promptly and in no event later than twenty-four hours after the interruption becomes known.
 - 3. The "appointment window" for installations, service calls, and other installation activities will be either a specific time or, at a maximum, a four-hour time block during normal business hours. (The licensee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the subscriber.)
 - 4. If a licensee representative is running late for an appointment with a subscriber and will not be able to keep the appointment as scheduled, the licensee will attempt to contact the subscriber. The appointment will be rescheduled, as necessary, at a time convenient for the subscriber.
- G. Licensee shall respond immediately to any outage. It shall be deemed a violation if licensee exceeds a four-hour average response time to outages during any consecutive three-month period.

H. Licensee shall respond and resolve all complaints within a reasonable time. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-58
Subscriber and City Notification

A. The licensee shall provide written information in easy-to-understand language on each of the following areas prior to or at the time of installation of service, at least annually to all subscribers and the city, and at any time upon request:

1. Products and services offered;
2. Prices and options for programming services and conditions of subscription to programming and other services;
3. Installation and service maintenance policies;
4. Instructions on how to use the cable service;
5. Information on a parental control feature that will permit a subscriber to lock out any objectionable programming from the cable services entering his or her home;
6. Channel positions of programming carried on the system; and
7. Billing and complaint procedures, including the address and telephone number of the local business office and of the city's designated office for handling cable television matters.

B. Subscribers and the city will be notified of any changes in rates, programming, services or channel positions as soon as possible in writing. Notice must be given to the city and subscribers a minimum of thirty days in advance of such changes if the change is within the control of the licensee, unless the city concurs that notice is not necessary. In addition, the licensee shall notify the city and subscribers thirty days in advance of any significant changes in the other information required by subsection (A) of this article. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-59
Billing Practices; Information and Procedures

- A. Bills to subscribers will be clear, concise and understandable. Bills to subscribers must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills to subscribers will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.
- B. Licensee shall bill all subscribers to its cable system in a uniform manner, regardless of subscriber's level of service. A licensee may offer bulk billing service, but shall not require bulk billing service as a condition of providing service. In no case shall any subscriber be billed for services in excess of thirty days prior to receipt of such service. Payment shall be due no sooner than the fifteenth day of each billing period, and the due date shall be listed on each bill. Bills shall be mailed no later than the first day of the billing period. No late fee shall be charged until seven days after service for which the bill has been issued has been rendered.
- C. In case of a billing dispute, the licensee must respond to a written complaint from a subscriber within thirty days. The licensee shall follow a written internal appeal or dispute resolution procedure for resolution of billing disputes. A current copy of the procedures shall be provided to the city clerk and shall be kept on file in the city clerk's office.
- D. Any subscriber shall be entitled, upon request, oral or written, to licensee, to a refund equal to one day's service for each subscriber's service interruption: (1) for each continuous twenty-four-hour period or (2) a period of two or more hours of any four days within a monthly billing period.
- E. Refunds and credits shall be issued promptly, as follows:
1. Payment deposits shall be refunded after twelve months of satisfactory customer payments.
 2. Billing refunds and credits shall be issued no later than the next billing cycle following correction of the error or thirty days following the determination that a refund or credit is warranted, whichever is earlier.
 3. Equipment deposits shall be refunded within seven days after the equipment supplied by licensee is returned to the licensee.
 4. Service credits will be issued no later than the subscriber's next billing cycle following the determination that a credit is warranted. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-60
Subscriber Solicitation Procedures

- A. All personnel, agents and representatives of the licensee, including subcontractors, shall wear a cable uniform or clearly display a photo-identification badge when acting on behalf of the licensee in the city.
- B. The licensee shall afford each subscriber of the cable system with a three-day right of rescission for ordering installation of cable service from the cable system; provided, that such right of rescission shall end upon initiation of physical installation of cable system equipment on such subscriber's premises. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-61
Disconnection and Termination of Cable Services

Licensee shall only disconnect or terminate a subscriber's cable service for good and just cause. In no event shall licensee disconnect said cable service for nonpayment without the prior written notification to the affected subscriber at least seven days prior to such disconnection or termination. In no event shall such disconnection or termination for nonpayment occur in less than thirty days after a subscriber's failure to pay a bill due. Where the licensee has improperly discontinued cable system service to any such subscriber, it shall provide free reconnection to the cable system to such subscriber. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-62
Protection of Subscriber Privacy

- A. Licensee shall at all times comply with the Cable Act provisions related to protection of subscriber privacy as set forth in 47 U.S.C. Section 551 as may be amended from time to time.
- B. A subscriber shall be provided, free of charge, access to all personally identifiable information regarding that subscriber which is collected and maintained by a licensee. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by licensee. A cable subscriber shall be provided reasonable opportunity to correct any error in such information.
- C. Nothing in this chapter shall be construed to prohibit the city from enacting or enforcing additional laws consistent with this article for the protection of subscriber privacy. (Ord. 13-192 § 1; Ord. 04-95 § 1)

**Article 16-63
Reserved**

**Article 16-64
Reserved**

**Article 16-65
Reserved**

**Article 16-66
Reserved**

**Article 16-67
Reserved**

**Article 16-68
Reserved**

**Article 16-69
Reserved**

**Article 16-70
Reserved**

**Article 16-71
Reserved**

**Article 16-72
Reserved**

**Article 16-73
Reserved**

Article 16-74 Reports

A. Annual Reports. Within ninety days after the close of the licensee's fiscal year, the licensee upon request of the city shall submit a written annual report, in a form approved by the city including, but not limited to, the following information:

1. A summary of the previous year's (or, in the case of the initial report year, the initial year's) activities in development of the cable system including, but not limited to, services begun or discontinued during the reporting year, and the number of subscribers for each class of service.
2. A summary of cable system revenues subject to the license fee provided for under [Article 16-25](#).
3. Full financial statements for the previous year, including income statement, balance sheet, cash flow statement, and appropriate explanatory footnotes, for the licensee or any parent company. Financial statements for the licensee or any parent company shall be audited by an independent CPA, and all other statements shall be certified by an officer of the licensee to be an accurate reflection of licensee's books and records. In the event any audited financial report has not been published by the date due under this article, then the audited financial report shall be deemed presented on time if presented within thirty days after publication. Upon request by the city, the licensee shall also provide an oral briefing to the city manager of its financial condition. This will include revenues, operating expenses and capital expenditures for the previous year.

B. Optional Reports. Upon request of the city, licensee shall provide within a reasonable time, any of the following reports:

1. A current statement of costs of construction of the cable system, if needed in connection with rate regulation.
2. A projected income statement and statement of projected costs of construction of the cable system for the next two years, in connection with rate regulation. To protect the proprietary nature of such information, the city may review these reports at the local business office of the licensee.
3. A list of the licensee's officers, members of its board of directors, and other principals of the licensee.
4. A list of stockholders or other equity investors holding five percent or more of the voting interest in the licensee and its parent, subsidiary and affiliated corporations and other entities, if any.

5. Licensee's annual and other periodic public reports and those of its parent, subsidiary and affiliated corporations and other entities, as is reasonably appropriate.

6. Information or reports, as needed, to establish licensee's compliance with the various standards and other provisions of this chapter and the license.

C. Copies of Federal and State Reports. Upon request of the city, licensee shall submit to the city copies of all pleadings, applications, reports, communications and documents of any kind, submitted by the licensee to the Federal Communications Commission, as well as copies of all decisions, correspondence and actions by any federal, state and local courts, regulatory agencies and other government bodies relating to its cable television operations within the license area. The licensee shall submit such documents to the city simultaneously with its submission to such courts, agencies and bodies; and within five days after their receipt from such courts, agencies and bodies. The licensee hereby waives any right to claim confidential, privileged or proprietary rights to such documents unless such confidential rights are determined to be confidential by law or by the practices of federal or state agencies. Such confidential data exempt from public disclosure shall be retained in confidence by the city and its authorized agents and shall not be made available for public inspection.

D. Service Complaint Reports. Licensee shall make a monthly report to the city identifying the general nature and number of all service complaints, and summarizing the timeliness of licensee's response and the disposition of such complaints in a form approved by the city. Licensee is free to provide any supplemental information it wishes to the city.

E. Inspection of Facilities. The licensee shall allow the city to make inspections of any of the licensee's facilities and equipment at any time upon reasonable notice, or, in case of emergency, upon demand without prior notice, to allow the city to verify the accuracy of any submitted report.

F. Inspection of Business Office and Files. At the licensee's area office the licensee shall keep complete books and records. Subject to confidentiality restrictions required by federal or state law or Article [16-62](#), the city shall have the right to inspect at any time during normal business hours all books, records, construction maps and plans, income tax returns, financial statements, service complaint logs, performance test results and other like materials of the licensee which relate to the operation of the cable system. Upon request of the city, licensee shall in advance redact any confidential information prior to review by the city.

G. Public Inspection. All reports submitted by licensee to the city are subject to public disclosure, and shall be available for public inspection at a designated city office during normal business hours.

H. Failure to Report. The refusal, failure, or neglect of the licensee to file any of the reports required, or provide such other reports as the city reasonably may request, shall be deemed a breach of the license, and shall subject the licensee to all remedies, legal or equitable, available to

the city under the license or otherwise.

I. False Statements. Any materially false or misleading statement or representation made knowingly by the licensee in any report required under the license shall be deemed a material breach of the license and shall subject the licensee to all remedies, legal or equitable, available to the city under the license or otherwise.

J. Cost of Reports. All reports and records of licensee required to be provided by licensee under this or any other article shall be furnished at the sole expense of the licensee. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-75
Inspection of Property and Records

A. At all reasonable times, the licensee shall permit any duly authorized representative of the city to examine all property of the licensee, together with any appurtenant property of the licensee situated within or without the city, and to examine and transcribe any and all maps and other records kept or maintained by the licensee or under its control which relate to license compliance and deal with the operations, affairs, transactions or property of the licensee, subject to confidentiality restrictions required by federal or state law or Article [16-62](#).

B. The licensee shall at all times make and keep full and complete design maps showing the exact location of all cable system equipment installed or in use in public rights-of-way and other places in the city and make them available to the city for inspection and review upon request at the office where licensee maintains such records. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-76
Protection of City Against Liability

A. Indemnification.

1. Licensee shall fully indemnify, defend and hold harmless the city, its officers, boards, commissions, elected officials, agents, attorneys, representatives, servants and employees against any and all costs, damages, expenses, claims, suits, actions, liabilities and judgments for damages, including, but not limited to, expenses for legal fees, whether suit be brought or not, and disbursements and liabilities incurred or assumed by city in connection with:

- a. Damage to persons or property, in any way arising out of or through the acts or omissions of licensee, its servants, officials, agents, attorneys, representatives or employees;
- b. Requests for relief arising out of any licensee action or inaction which results in a claim for invasion of right of privacy for defamation of any person, firm or corporation; for the violation or infringement of any copyright, trademark, trade name, service mark or patent; or of any other right of any person, firm or corporation;
- c. Any and all claims arising out of licensee's failure to comply with the provisions of this chapter or a license or any federal, state or local law or regulation applicable to licensee or the cable system;
- d. Any and all disputes arising out of a claim by any party other than the city or licensee wherein damages or other relief is sought (i) as a result of the city's cable system licensing of licensee or (ii) as a result of the renewal or nonrenewal of licensee's cable system license.

2. If a lawsuit covered by the provisions of subsection (A)(1) of this article be brought against the city, either independently or jointly with a licensee, or with any other person or municipality, the licensee, upon notice given by the city, shall defend the city at the cost of the licensee. If final judgment is obtained against the city, either independently or jointly with licensee or any other defendants, the licensee shall indemnify the city and pay such judgment with all costs and attorneys fees and satisfy and discharge the same. The city shall cooperate with the licensee and reserves the right to participate in the defense of any litigation.

3. A licensee shall bring no claim or demand any right to a refund of license fees paid to the city as a percentage of gross revenues derived from services that are later determined to be telecommunications services rather than cable services.

4. The city is in no manner or means waiving any governmental immunity it may enjoy or any immunity for its agents, officials, servants, attorneys, representatives and/or employees.

5. A licensee shall make no settlement in any matter identified above without the city's written consent, which shall not be unreasonably withheld. Failure to inform the city of settlement shall constitute a breach of the license and the city may seek any redress available to it against the licensee whether set forth in this chapter or under any other municipal, state or federal laws.

6. All rights of the city, pursuant to indemnification, insurance, letter of credit or performance bond(s), as provided for by this chapter, are in addition to all other rights the city may have under this chapter or any other chapter, rule, regulation or law.

7. The city's exercise of or failure to exercise all rights pursuant to any article of this chapter shall not affect in any way the right of the city subsequently to exercise any such rights or any other right of the city under this chapter or any other chapter, rule, regulation or law.

8. It is the purpose of this article to provide maximum indemnification to the city under the terms and conditions expressed and, if there is a dispute, this article shall be construed (to the greatest extent permitted by law) to provide for the indemnification of the city by the licensee.

9. The provisions of this article shall not be dependent or conditioned upon the validity of this chapter or the validity of any of the procedures or agreements involved in the award or renewal of a license, but shall be and remain a binding right and obligation of the city and a licensee even if part or all of this chapter, or the grant or renewal of a license, is declared null and void in a legal or administrative proceeding. It shall be expressly stated in a license, that it is the intent of the licensee and city, upon the effective date of the license, that the provisions of this article survive any such declaration and shall be a binding obligation of and inure to the benefit of the licensee and city and their respective successors and assigns, if any.

B. Comprehensive Liability Insurance.

1. Upon acceptance of a license, the licensee shall file with the city clerk and shall thereafter during the entire term of such license maintain in full force and effect, at its own expense, a general comprehensive liability insurance policy or policies which shall insure licensee and provide primary coverage for the city, its officers, boards, commissions, agents and employees, against liability for loss or liability for personal injury, death, property damage (both automobile and nonautomobile caused), or other damages. Such policy or policies shall include, but are not limited to, insurance against damages from unfair competition, copyright infringement (common law or statutory) and a failure of licensee to secure consents, occasioned by any activity or operation of licensee under such license, and regardless of any claimed or actual activities of the city, its officers, boards, commissions, agents and employees other than gross negligence or willful misconduct. The manager, in any license

granted, may waive the requirement for insurance from one or more perils mentioned in the last preceding sentence upon a finding that such insurance cannot be procured or cannot be procured at a reasonable cost, and in connection therewith may reduce the otherwise required limits on coverage hereafter set forth. Such policy or policies shall be issued by a company approved by the manager and shall be in a form approved by the city attorney, with minimum combined single limits of liability coverage in the amount of three million dollars. The policy or policies shall name the city, its officers, boards, commissions, agents and employees as additional insured and contain a provision that a written notice of any cancellation, modification or reduction in coverage of said policy shall be delivered to the clerk thirty days in advance of the effective date thereof. No license granted under this chapter shall be effective unless and until certificates of insurance evidencing coverage required above are delivered to the clerk. Any substitute policy or policies shall be subject to the same approvals and shall comply with all of the provisions of this subsection.

2. The council may require increases in the amount or types of coverage no more frequently than every three years, based on increases in the CPI, so as to ensure full protection of the city and the public. The licensee shall have six months from the date of notification from the manager to comply with any increase.

3. A licensee may self-insure the above-described policy coverages if such licensee or its parent is of sufficient financial standing to reasonably provide such insurance. A licensee that elects to self-insure shall file with the city a certificate of insurance as specified by the city. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-77 Letter of Credit

A. Within thirty days after the award or renewal of a license, a licensee shall deposit with the city an irrevocable and replenishable letter of credit in an amount of twenty-five thousand dollars issued by a federally insured commercial lending institution. The form and substance of said letter of credit shall be used to assure the faithful performance by a licensee of all provisions of this and resulting license; and compliance with all orders, permits and directions of any agency, commission, board, department, division or office of the city having jurisdiction over its acts or defaults under a license and the payment by the licensee of any penalties, liquidated damages, claims, liens and taxes due to the city which arise by reason of the construction, operation or maintenance of the cable system, including cost of removal or abandonment of any property of the licensee.

B. The letter of credit may be drawn upon by the city by presentation of a draft at sight on the lending institution, accompanied by a written certificate signed by the public works director certifying that the licensee has been found, pursuant to Article [16-80](#)(C) or [16-81](#), to have failed to comply with its license or license agreement, stating the nature of noncompliance, and stating the amount being drawn. Examples of the nature of the noncompliance for drawing upon the letter of credit include, but are not limited to, the following:

1. Failure of the licensee to pay to the city any license fees or taxes after ten days' written notice of delinquency.
2. Failure of the licensee to pay to the city, after ten days' written notice, after all judicial remedies have been exhausted, any amounts due and owing the city by reason of the indemnity provisions of Article [16-76](#).
3. Failure of the licensee to pay to the city any liquidated damages due and owing to the city pursuant to Article [16-79](#) and/or the license.

C. The letter of credit shall be structured in such a manner so that if the city at any time draws upon the letter of credit, upon notice to the licensee by the issuing lending institution, licensee shall increase immediately the amount of available credit to the extent necessary to replenish that portion of the available credit exhausted by the honoring of the city's draft. The lending institution shall notify the city of the replenishment by licensee. The intent of this subsection is to make available to the city at all times a letter of credit in the amount of twenty-five thousand dollars.

D. The rights reserved to the city with respect to the letter of credit are in addition to all other rights of the city, whether reserved by a license or authorized by law, and no action proceeding against a letter of credit shall affect any other right the city may have. (Ord. 13-192 § 1)

Article 16-78 Construction Bonds

- A. Thirty days prior to the commencement of any construction in the city's rights-of-way, a licensee shall obtain and maintain throughout the period of system construction, at its cost and expense, and file with the clerk, a corporate surety bond issued by a company authorized to do business in the state of Arizona, and found acceptable by the city attorney, in an amount established in a license agreement solely for the purpose of guaranteeing the timely construction and/or reconstruction of the cable system and the safeguarding of private property during construction and/or reconstruction. The bond shall provide, but not be limited to, the following condition: There shall be recoverable by the city, jointly and severally from the principal and surety, any and all damages, losses or costs suffered by the city resulting from the failure of a licensee to satisfactorily complete construction and/or reconstruction of its cable system throughout the license area pursuant to the terms and conditions of this chapter and such licensee's license.
- B. Any extension of the prescribed construction or reconstruction time limit must be authorized by the city. The construction bond shall be available throughout any such extension period.
- C. The construction bond shall be terminated only after the council finds that a licensee has satisfactorily completed initial construction and activation or reconstruction of its cable system pursuant to the terms and conditions of this chapter and such licensee's license.
- D. The rights reserved to the city with respect to the construction bond are in addition to all other rights of the city, whether reserved by this chapter or authorized by law, and no action, proceeding or exercise of a right with respect to such construction bond shall affect any other rights the city may have.
- E. The construction bond shall contain the following endorsement:
- It is hereby understood and agreed that this bond may not be canceled by the surety nor the intention not to renew be stated by the surety until sixty (60) days after receipt by the city, by registered mail, of written notice of such intent to cancel or not to renew.

(Ord. 13-192 § 1; Ord. 04-95 § 1. Formerly 16-77)

Article 16-79 Liquidated Damages

A. Each license granted by the city shall state that a licensee understands and shall agree that failure to comply with any time and performance requirements as stipulated in this chapter and the license will result in damage to the city, and that it is and will be impracticable to determine the actual amount of such damage caused by delay or nonperformance; the license shall include provisions for liquidated damages to be paid by the licensee, in amounts to be negotiated and set forth in the license and chargeable to the letter of credit for the following defaults:

1. Failure to complete system construction or reconstruction in accordance with the schedule in the license unless the council specifically approves the delay by motion or resolution;
2. Failure to provide a cable connection within the time(s) set forth in Article [16-38](#);
3. Failure to properly restore the public right-of-way or to correct related violations of specifications, code, or standards after having been notified by the city to correct such defects;
4. Failure to test, analyze and report on the performance of the cable system following a written request pursuant to Article [16-40](#)(A)(2);
5. Failure to provide in a continuing manner the type of services proposed in the accepted application for license or in the final license unless the council specifically approves modification of a licensee's obligation;
6. Failure to cure any violation of Article [16-57](#), following notice and an opportunity to cure pursuant to the provisions of that article; and
7. Any other action or nonaction by the licensee, as agreed upon between the city and licensee, and set forth in the license.

B. If the manager concludes that a licensee is in fact liable for liquidated damages pursuant to the license, he shall issue to licensee by certified mail a notice of intention to assess liquidated damages. The notice shall set forth the nature of the violation and the amount of the proposed assessment or the licensee shall, within thirty days of receipt of such notice:

1. Respond to the city in writing, contesting the city's assertion of violation and providing such information or documentation as may be necessary to support licensee's position; or
2. Cure any such violation (and provide written evidence of the same), or, if, in the city's sole discretion, such violation cannot be cured within such thirty-day period, take reasonable steps to cure said violation as soon as practicable and diligently continue such efforts until

said violation is cured. Licensee shall report to the city, in writing, at thirty-day intervals as to licensee's efforts, indicating the steps taken by licensee to cure said violation and reporting licensee's progress until such violation is cured.

C. If licensee contests the city's assertion of violation or fails to respond to the city's notice of intent to assess liquidated damages, within fifteen days the city shall schedule a hearing in accordance with the procedures set forth in Article [16-80](#). (Ord. 13-192 § 1; Ord. 04-95 § 1. Formerly 16-78)

Article 16-80 Administrative Hearing

A. Within fifteen days of:

1. Receipt of licensee's notice of contest pursuant to Article [16-79](#)(B)(1);
2. Expiration of the response time referred to in Article [16-57](#)(G) or [16-79](#)(C); or
3. Notice from licensee that it contests an audit determination of license fees under Article [16-25](#)(E);

an administrative hearing shall be scheduled by the manager. This shall be a public hearing, and licensee shall be afforded an opportunity to be heard and to present relevant information. Within fifteen days after the conclusion of such hearing, the manager shall issue a determination. In that determination the manager may:

- a. Find that licensee is not in violation of the terms of the license;
 - b. Find that the licensee is in violation, but that such violation was with just cause and waive any liquidated damages that might otherwise be imposed;
 - c. Find that licensee is in violation of the terms of the license, take corrective action, make written demand of licensee for the amount owed by licensee as a result thereof, and if not paid by licensee within thirty days following the date of such notice, pursue all remedies available, subject to licensee's right to appeal the manager's decision;
 - d. Find that licensee is in violation of the terms of the license and impose liquidated damages; and
4. In the case of a material violation recommend that the council terminate the license; provided, that the council may take action on any such recommendation only after a public hearing as set forth in Article [16-81](#).

B. If the manager determines that licensee has committed a violation, the determination shall be accompanied by a detailed statement of reasons for the determination, including findings of fact.

C. The decision of the manager shall become final unless licensee requests a public hearing before the council within fifteen days of its receipt of the statement of reasons and findings of fact by the manager. (Ord. 13-192 § 1; Ord. 04-95 § 1. Formerly 16-79)

Article 16-81 Hearing by Council

A. If a public hearing before the council is requested by licensee or is held pursuant to Article [16-80](#), it shall be on the record as supplemented by the licensee and other relevant information. It shall convene within thirty days of the request therefor. The council may designate three of its members to act as a hearing subcommittee in the matter and to present written findings of fact and conclusions of law to the entire council. The council's decision, which shall include findings of fact, shall be made not later than forty-five calendar days after the conclusion of the hearing. In that decision, the council may:

1. Find that licensee is not in violation of the terms of the license;
2. Find that licensee is in violation but that such violation was with just cause and waive any liquidated damages or penalty that may otherwise be imposed;
3. Find that licensee is in violation of the terms of the license, take corrective action, make written demand of licensee for the amount owed by licensee as a result thereof, and if not paid within thirty days following the date of such notice, foreclose on all or any appropriate part of the letter of credit provided pursuant to Article [16-77](#) to pay the cost thereof;
4. Find that licensee is in violation of the terms of the license and impose liquidated damages; and
5. In the case of a substantial violation of the license within the meaning of Article [16-82](#), declare the licensee in violation and revoke the license. (Ord. 13-192 § 1; Ord. 04-95 § 1. Formerly 16-80)

Article 16-82 Revocation

A. In addition to all other rights and powers retained by the council under this chapter or otherwise, the council shall have the right to revoke the license and all rights and privileges of the licensee thereunder upon a recurring or protracted substantial breach of the license terms and conditions, or this chapter, which substantially affects the provision or quality of cable services, the ability of the city to effectively regulate the licensee, or the city's collection of all fees and charges. The power of revocation shall not be used if the breach is a result of force majeure. The breaches appearing on the list set forth below in this article shall be considered substantial breaches. The list is not exhaustive:

1. Failure to complete system construction or reconstruction in accordance with a license;
2. Failure to provide cable service within the time(s) specified for line extensions;
3. Each failure to properly restore streets or to correct related violations of specifications, code, ordinance or standards;
4. Each failure to comply with subscriber service standards;
5. Failure to comply with operational, maintenance or technical standards;
6. Failure to provide on a continuing basis the broad categories of programming specified in a license;
7. Failure to provide the access channel requirements specified in a license;
8. An unauthorized partial or total transfer of a license;
9. Failure to commence construction as required in a license;
10. Failure to cure any other violation of a license after notice and opportunity to cure;
11. Any other material action or nonaction of a licensee regarding a requirement of a license.

B. Before proceeding with a revocation hearing, the manager shall make a written demand that the licensee comply. If a violation by the licensee continues for a period beyond that set forth in the written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, the manager may hold an administrative hearing in accordance with Article [16-80](#) or may recommend that the council act directly. The council may revoke the license as provided in this article. (Ord. 13-192 § 1; Ord. 04-95 § 1. Formerly 16-81)

State law reference(s): Termination of license, A.R.S. § 9-508.

**Article 16-83
Reserved**

**Article 16-84
Reserved**

**Article 16-85
Reserved**

**Article 16-86
Reserved**

**Article 16-87
Reserved**

Article 16-88
Continuity of Service Mandatory

- A. It shall be the right of all subscribers to continue receiving cable service insofar as their financial and other obligations to a licensee are honored.
- B. If the license terminates, the licensee shall cooperate with the city to ensure continuity of cable service to all subscribers for a period not to exceed ninety days. Said period may be extended by mutual agreement between the city and licensee. During such period, licensee shall be entitled to the revenues for any period during which it operates the cable system.
- C. If licensee fails to operate the cable system for ninety-six consecutive hours without prior approval of the city or without just cause, the city may, at its option, operate the cable system or designate an operator until such time as licensee restores cable services under conditions acceptable to the city or a new permanent operator is selected. If the city is required to fulfill this obligation for a licensee, the licensee shall reimburse the city for all reasonable costs or damages that are the result of the licensee's failure to perform. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-89**Failure of City to Enforce a License; No Waiver of the Terms Thereof**

A licensee shall not be excused from complying with any of the terms and conditions of a license or this chapter by any failure of the city upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-90
License Subject to Other Laws

The license is subject to and shall be governed by all applicable provisions of federal, state and local law. Notwithstanding any other provisions of the license to the contrary, the licensee shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof; provided, however, if any such state or federal law or regulations shall require the licensee to perform any service, or shall permit the licensee to perform any service, or shall prohibit the licensee from performing any service, in conflict with the terms of the license or this chapter, then as soon as possible following knowledge thereof, the licensee shall notify the city attorney of the point of conflict believed to exist between such regulation or law and this chapter or the license.

In the event of deregulation by the FCC, conformance to current FCC Rules or Regulations, as specified in this chapter, may continue to be required by the city. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-91
Miscellaneous Provisions

- A. When not otherwise prescribed herein, all matters herein required to be filed with the city shall be filed with the office of the clerk.
- B. Neither licensee nor any of its officers or employees shall receive referral fees or gratuities from any television or radio sales or repair business.
- C. All notices which the city may give to a licensee or which a licensee may give to the city shall be given in writing and may be given by first class mail, postage prepaid, addressed to licensee's most recent address on file with the city, and addressed to the city. Such notices, when sent by mail, shall be deemed given one day after deposit in the U.S. mail. (Ord. 13-192 § 1; Ord. 04-95 § 1)

**Article 16-92
Force Majeure**

With respect to any provision of this chapter or any license granted pursuant thereto, the violation or noncompliance with which could result in the imposition of a financial penalty, liquidated damages, forfeiture or other sanction upon a licensee, such violation or noncompliance shall be excused where such violation or noncompliance is the result of Acts of God, war, civil disturbance, strike or other labor unrest, or similar events, the occurrence of which was not reasonably foreseeable by licensee and is beyond its reasonable control. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-93 Severability

If any article, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The council hereby declares that they would have passed this chapter and each article, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of this chapter shall not abate, reduce or otherwise affect any consideration or other obligation required of the licensee or any license granted hereunder. (Ord. 13-192 § 1; Ord. 04-95 § 1)

Article 16-94
Violation; Penalty

Any person found guilty of violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described. (Ord. 13-192 § 1; Ord. 04-96 § 4; Ord. 04-95 § 4)

Chapter 17 PARKS AND RECREATION

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[17-2 Park Operating Policy](#)

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Article 17-1 General Provisions

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Section 17-1-1 Definitions

In this chapter unless the context requires otherwise:

- A. "Director" means any person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.
- B. "Public park" means a park, parkway, trail, reservation, playground, recreation center, recreational area, open space or any other area in the city, owned, used, established, maintained or administered by the city and devoted to active or passive recreation.
- C. "Vehicle" means any wheeled conveyance, whether motor powered, animal-drawn or self propelled. The term shall include any trailer in tow of any size, kind or description. This definition does not include baby carriages and vehicles in the service of the city parks.

Section 17-1-2 Damaging or Tampering with Facilities

No person shall damage or improperly use any building, structure, equipment or signs, toilets, or water and sewer facilities in any municipal park, or cause the lighting facilities or electrical appliances to be turned on without the written permission of the director or such other person as the city council may designate.

Section 17-1-3 Trees, Shrubbery and Lawns

A. No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant without the express written permission of the director.

B. No person shall dig or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency without the express written permission of the director.

C. No person shall climb a tree in any public park without the express written permission of the director. (Ord. 13-185 § 1)

Section 17-1-4 Riding Vehicles on Grounds

A. No person shall drive or ride at any time any automobile, truck, motorcycle, motor scooter, horse or other motor vehicle or animal upon the grounds of any municipal park, playground or golf course, except in public streets running through such premises or within designated parking areas located upon the premises, without the express written permission of the director.

B. No person shall leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

C. No person shall leave a bicycle lying on the ground or pavement or set against a tree.

Section 17-1-4A Nonmotorized Vehicles

No person shall operate skateboards, roller blades, roller skates, bicycles, scooters or any rolling vehicles in a public park where such activity is specifically prohibited by signage; or on any brickwork, ornamental surface, picnic table, bench, playground equipment, fountain area, planter, or sculpture; or in an unsafe manner so as to infringe upon the safety of themselves or others. All bicycle operations are also subject to the provisions of Article [13-3](#) of this code. (Ord. 13-185 § 1)

Section 17-1-5 Bathing and Swimming

A. No person shall swim, bathe, wade or operate any model boat in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are herein set forth or may be hereafter adopted. No person shall frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

B. No person shall frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the director for such purposes for each individual area.

Section 17-1-6 Advertising Signs

No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire, nor shall any person paste, glue, tack or otherwise post any sign placard, advertisement or inscription, or erect or cause to be erected any sign on any public lands or highways or roads adjacent to a park.

Section 17-1-7 Glass Containers

A. It is unlawful for any person to have a glass beverage container in his possession in any public park, as defined in Section [17-1-1](#), under the jurisdiction of the city.

B. It is unlawful for any person to throw, toss or otherwise propel or either willfully, maliciously, carelessly or negligently break any glass object in a public park under the jurisdiction of the city.

Section 17-1-8 Litchfield Park Lake

A. General. The use of watercraft on the Litchfield Park Lake and fishing in Litchfield Park Lake is permitted in accordance with this section. The Parks and Recreation Department Director is authorized to adopt rules necessary to implement this section.

B. Swimming. Swimming in the Litchfield Park Lake is prohibited.

C. Trash. No trash refuse shall be thrown in the Litchfield Park Lake or left on the shore. All such materials shall be disposed of in a trash receptacle or removed.

D. Watercraft.

1. All watercraft must be registered with the Parks and Recreation Department.
2. Boating is restricted to residents of the City. A maximum of two watercraft per family is permitted.
3. Floats, inner tubes, sailboards, and catamarans are prohibited.
4. No watercraft with internal combustion engines are permitted except those operated by the city.
5. No watercraft longer than eighteen (18) feet shall be permitted. Sailboats shall not exceed fourteen (14) feet.
6. Coast Guard approved life preservers for each crew member and passenger shall be kept on board each boat ready at hand. Children under eight years of age and non-swimmers must

wear life preservers while boating.

7. Watercraft owners and operators must maintain personal and public liability insurance covering water and boating hazards.

8. Except for boats operated by the city or boats participating in city approved events, no boats may be operated after dark.

E. Fishing.

1. Persons required to be licensed by the State of Arizona to fish in Arizona must also obtain a city fishing permit from the parks and recreation department. any child under the age of six (6) must be accompanied by a person with a current license and permit. Annual and daily permits are available. All annual fishing permits expire one year from date of issue.

2. Fishing is permitted during daylight hours only.

3. Fees for fishing permits shall be set by resolution of the city council. The city council may set different fees for residents and non-residents of the city.

4. When fishing, permits must be presented for inspection when requested by authorized city personnel.

5. Persons required to be licensed by the State of Arizona to fish in Arizona must also obtain a city fishing permit from the parks and recreation department. Any child under the age of six (6) must be accompanied by a person with a current license and permit. Annual and daily permits are available. All annual fishing permits expire one year from date of issue.

6. Fishing is permitted during daylight hours only.

7. Fees for fishing permits shall be set by resolution of the city council. The city council may set different fees for residents and non-residents of the city.

8. When fishing, permits must be presented for inspection when requested by authorized city personnel.

9. Dead fish, trash and/or litter, including lures, hooks or fishing lines, must be disposed of in a trash receptacle or removed from the premises.

10. Harming waterfowl in any manner or by any means is strictly prohibited. (Ord. 99-47)

Section 17-1-9 Trespass

A. It is unlawful for a person to remain in or return to a public park after a reasonable request by the director or other authorized city employee to leave based on violation of any provision of this chapter. The director or other authorized city employee shall provide such person with notice of the

reason for the request and retain copies of such notice for city files.

B. The decision of the director may be appealed to the city manager, whose decision shall be final. (Ord. 13-185 § 1)

Section 17-1-10 Unreasonable Noise

It is unlawful for any person to make or continue, or cause or permit to be made or continued, any excessive noise which disturbs the peace or quiet of any public park or which causes discomfort or annoyance to any reasonable person of normal sensitivities in the area after a reasonable request by the director or other authorized city employee to stop making the excessive noise. (Ord. 13-185 § 1)

Section 17-1-11 Sale of Goods (Concessions)

It is unlawful to sell food, beverages or other items in public parks and on all adjacent sidewalks, except pursuant to a permit issued by the director pursuant to Section [17-2-4](#). (Ord. 13-185 § 1)

Section 17-1-12 Control of Animals; Abandonment

A. All animals shall be under the custody and control of a responsible adult and must be on a leash not to exceed six feet at all times when in a public park, except when participating in a program authorized by the city or in designated off leash areas. Animal owners are responsible for cleaning up and properly disposing of their animal's excrement.

B. No person shall release a bird, animal, fish or reptile in a public park, except with written permission of the director.

C. Except for service animals, dogs are not allowed in recreational facilities or where dogs are prohibited by signage. (Ord. 13-185 § 1)

Section 17-1-13 Prohibited Activities

Except where such use is conducted by the city or by others pursuant to a program organized by the city or a permit issued by the parks and recreation department, the following activities are prohibited in public parks:

A. Dangerous Act. No person shall commit any act so as to endanger the health and safety of themselves or others.

B. Weapons. No person shall use archery, firearms, sling shots, darts, rocks or other projectile producing devices.

C. Model Rocketry. No person shall launch model rockets using propellents and motors in public parks except during a city sponsored event or as authorized by a special event permit.

D. Conduct. No person shall engage in abusive, violent or seriously disruptive behavior or use abusive or offensive language or gestures to any person.

- E. Littering. No person shall dispose of trash, flyers or other unwanted items in any manner other than depositing them in a designated waste or recycling container.
- F. Car Washing/Maintenance. No person shall clean, wash, polish, change oil or make other than emergency repairs upon an automobile, motorcycle, or other self-driven vehicle.
- G. Smoking. No person shall smoke in any area of a public park except in designated areas of parking lots.
- H. Hot Air Balloons. No person shall launch or land a hot air balloon or other aircraft.
- I. Fireworks. No person shall use fireworks in parks except as authorized by Section 10-1-15.
- J. Fires. No person shall start or sustain a fire, except for the combustion of charcoal in fire pits, grills, or other areas as designated and approved for such use by the director. No person shall set fire to the contents of a trash container or place or burn garbage in park grills.
- K. Urban Camping. No person shall camp, set up living accommodations or store personal belongings except in areas specifically for such use or specifically authorized by permit.
- L. Climbing on Nonplayground Equipment. No person shall climb on nonplayground equipment, including but not limited to park buildings, structures, facilities, restrooms, benches, tables, shelters, baseball backstops, and soccer goals. Children may climb on playground equipment designed for climbing purposes. Children younger than eight years of age shall be supervised by a responsible adult while climbing playground equipment.
- M. Golfing. No person shall engage in golf.
- N. Firearms. No person under the age of eighteen may possess a firearm in a public park. No person shall discharge a firearm in a public park.
- O. Spirituous Liquor. No person shall possess or consume spirituous liquor in a public park except as authorized by Article [17-4](#). (Ord. 13-185 § 1)

Article 17-2 Park Operating Policy

Sections:

[17-2-1 Hours](#)

[17-2-2 Closed Areas](#)

[17-2-3 Emergency Park Closure; Restrictions](#)

[17-2-4 Reservation Permit; Issuing Authority](#)

[17-2-5 Interference with Reserved Use](#)

Section 17-2-1 Hours

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for the parks shall be from 6:00 a.m. until 10:00 p.m. and shall be posted therein for public information.

Section 17-2-2 Closed Areas

Any section or part of any park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise and either entirely or merely to certain uses.

Section 17-2-3 Emergency Park Closure; Restrictions

A. The clerk or the chief of police is authorized to direct that any public park, as defined in Section [17-1-1](#), or any portion thereof, be closed to all persons not properly authorized to be therein, when, in the opinion of either, an emergency situation exists therein that demands for the protection of the public health, safety or morals, that the premises be closed. Such closure shall be for a period not to exceed seven days.

B. It is unlawful for any person not properly authorized to enter into or fail to vacate a public park when adequate notice of emergency closure has been given.

Section 17-2-4 Reservation Permit; Issuing Authority

A. When Reservation Permit Required. A reservation permit issued by the director is required:

1. Whenever an organized team uses all or a portion of any public park for a team practice or game. An organized team must obtain a reservation permit from the director even if not all members attend the team practice or game. Each organized team shall obtain its own permit even if sharing use of the same facility. For purposes of this section, an "organized team" means a team that belongs to a league or other organization that schedules games.
2. Whenever any person or group wants to reserve or obtain exclusive use of all or any portion of a public park for a scheduled time period.

3. Whenever any person or group wants to move any large equipment, set up large inflatable structures, dunk tanks, tents, generators, climbing walls, amplified music equipment, portable restrooms, lights, or other equipment or structures in any public park.

4. Whenever any person or group wants to reserve or use all or any portion of a public park for commercial purposes including but not limited to the sale of food, beverages, merchandise, conducting classes or other activities for profit or personal gain. No such permit shall be granted unless such permit is for a use which does not interfere with the use of the park for park purposes or for uses which are consistent with and in furtherance of public use and enjoyment of the park.

B. Permit Rules. The parks and recreation director is authorized to issue reservation permits and promulgate rules for the regulation of such use. The signature of the permittee or an authorized representative of the permittee is a representation that the permittee has read the regulations applicable to the use of the public park and agrees to abide by those regulations and all applicable codes and ordinances.

C. Reservation Permit Time Limits. The director is authorized to include time limits on reservation permits and to establish rules for use of facilities on a first-come, first-served basis. Except as authorized by a reservation permit, it shall be unlawful for a person or group to continue to use a public park in excess of the posted time limit, whenever:

1. Someone else has asked to use and is waiting to use that same facility; or
2. The director or other authorized city employee notifies the person or group that someone else has asked to use and is waiting to use that same facility.

D. Permit Fees. The council shall establish fees for permits authorized by this chapter by resolution.

E. Insurance. When the activity authorized by the permit involves fifty or more people, insurance is required with policy limits established by the director. Prior to the commencement of the activity, a certificate of insurance shall be filed with the city naming the city as an additional insured.

F. Schools. Schools are required to obtain reservation permits for use of public parks. Fees may be waived if provided in an intergovernmental agreement with the school district.

G. Display of Permit. Any person or group who has obtained a permit pursuant to this section shall display the permit upon request. The permit may be revoked for failure to comply with the terms of the permit or any violation of rules, regulations, ordinances or state statutes. (Ord. 13-185 § 1)

Section 17-2-5 Interference with Reserved Use

- A. The reservation permit shall describe the reserved area and related amenities that are reserved for the exclusive use of the permittee.
- B. It shall be unlawful to interfere with a reserved use except with the consent of the permittee.
- C. For purposes of this section, the term “interfere” includes, but is not limited to, the following:
 - 1. Using the reserved area or amenities;
 - 2. Playing ball or frisbee within fifty feet from the reserved area boundary;
 - 3. Congregating a group of ten or more persons within fifty feet from the reserved area boundary for a cumulative period of fifteen minutes or longer. (Ord. 13-185 § 1)

**Article 17-3
Enforcement**

- A. The city shall have authority to eject from the park any person acting in violation of this chapter.
- B. The city shall have the authority to seize and confiscate any property, thing or device in the park, used in violation of this chapter.
- C. The penalties set forth in Article 1-8 of this code shall apply to violations of this chapter. (Ord. 13-185 § 1)

Article 17-4
Spirituos Liquor in Public Parks

- A. In this article, unless the context otherwise requires: “spirituous liquor” means alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits and beverages containing more than one-half of one percent of alcohol by volume.
- B. Without approval of council, it is unlawful for any person to consume or have in his possession any spirituous liquor in a public park under the jurisdiction of the city.
- C. The council may establish requirements for security and other requirements including, but not limited to, restrictions on the types of spirituous liquors to be consumed, the maximum number permitted in attendance, insurance and indemnification requirements, security deposits and other requirements the council deems appropriate. (Ord. 13-185 § 1)

Chapter 18

TELECOMMUNICATIONS SERVICE PROVIDERS

Articles:

[18-1 Definitions](#)

[18-2 License or Franchise Required](#)

[18-3 License Application](#)

[18-4 Conditions of License or Franchise](#)

[18-5 Compensation](#)

Article 18-1 Definitions

In this chapter, unless the context otherwise requires:

- A. "Cable services" and "cable system" shall have the same meaning as defined in Chapter 16 of this code.
- B. "Commercial mobile radio service" means two-way voice commercial mobile radio service as defined by the Federal Communications Commission in 47 United States Code Section 157.
- C. "Facilities" means the plant, equipment, and property used in the provision of telecommunications services and not owned by the city, including but not limited to poles, wires, pipe, conduits, pedestals, antenna, and other appurtenances placed in, on, or under highways and not owned by the city and used in the provision of telecommunication services.
- D. "Public highway" or "highway" means all roads, streets and alleys and all other dedicated public rights-of-way and public utility easements of the city.
- E. "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. The term does not include commercial mobile radio services, pay phone services, or cable services provided by a cable system. (Ord. 02-80)
- F. "Telecommunications corporation" means any public service corporation to the extent that it provides telecommunications services in this state.

Article 18-2 License or Franchise Required

Sections:

[18-2-1 License Required](#)

[18-2-2 Exception](#)

[18-2-3 Existing Franchises and Licenses](#)

[18-2-4 Limitations](#)

[18-2-5 License or Franchise Not Exclusive](#)

Section 18-2-1 License Required

No telecommunications corporation shall install, maintain, construct or operate telecommunications facilities in any public highway in the city unless a license to use the highways to provide telecommunications services has first been granted by the council under this chapter or a franchise awarded by the electorate under Article XIII of the Arizona Constitution and this chapter to such telecommunications corporation. (Ord. 99-52)

Section 18-2-2 Exception

Notwithstanding Section [18-2-1](#), any telecommunications corporation that was providing telecommunications service within the State of Arizona as of November 1, 1997, pursuant to a grant made to it or its lawful predecessors prior to the effective date of the Arizona constitution, may continue to provide telecommunications services pursuant to that state grant, until and unless the state grant is lawfully repealed, revoked or amended, and need not obtain any further grant from the city to provide telecommunications services; provided, however, that such entity must in all other respects comply with the requirements applicable to the telecommunications corporations as provided in Title 9, Chapter 5, Article 7 of the Arizona Revised Statutes. (Ord. 02-80)

Section 18-2-3 Existing Franchises and Licenses

Nothing in this ordinance shall be deemed to affect the terms or conditions of any franchise, license, or permit issued by the city prior to the effective date of the amendments of this ordinance or to release any party from its obligations thereunder. Those franchises, licenses or permits shall remain fully enforceable in accordance with their terms. The city manager, with the consent of the council, may enter into agreements with franchise holders, licensees or permittees to modify or terminate an existing franchise, license or agreement.

Section 18-2-4 Limitations

A franchise or license to any telecommunications corporation to use the highways to install, maintain, construct or operate telecommunications facilities shall not authorize the use of the highways to provide any other service; nor shall the issuance of the same invalidate any franchise, license or permit that authorizes the use of the highways for such other services; nor shall the fact

that a telecommunications corporation holds a franchise, license or permit to make any other use of the highway or to provide any other service, authorize installation, maintenance, construction or operation of telecommunications facilities in any highway in the city, without obtaining a license or franchise hereunder. (Ord. 99-52)

Section 18-2-5 License or Franchise Not Exclusive

Any license or franchise granted shall not be exclusive.

Article 18-3 License Application

A. Any telecommunications corporation desiring a license or franchise under this chapter to construct, install, operate and maintain telecommunications facilities in streets and other highways of the city shall file an application with the city clerk requesting at the applicant's election either a franchise or license, in the form prescribed by the city, and shall pay an application fee of Two Thousand Five Hundred Dollars (\$2,500.00) payable in cash, certified or cashier's check, wire transfer, or in any other manner acceptable to the manager, made payable to the city. No application shall be considered without receipt of said fee. The applicant shall be responsible for reimbursing the city's full reasonable costs in excess of the application fee in processing the application, including, in the case of an application for a franchise, costs of an election. The application fee is in addition to any permit fees established for persons doing work or locating in the public highway. (Ord. 99-52) (Ord. 02-80)

B. Each application shall, at a minimum, (1) show where the facilities the applicant will use will be located, or contain such other information as the city may deem necessary in order to ensure that the applicant will comply with requirements for use of the highways; (2) identify the applicant, its name, address and telephone number; (3) contain a description of the services to be provided; and (4) set out a description of any agreement with any other entity that would permit such entity to use the facilities.

C. Upon receiving an application for a license or franchise that satisfies the conditions of subsection (B), the city shall promptly proffer a telecommunications license or franchise to the applicant for its review, and may inquire into matters relevant to the issuance of the license or franchise. If the applicant agrees to the terms and conditions of the license or franchise, the request shall be submitted to the council with a recommendation for approval (in the case of a license) or a franchise election (in the case of an application for a franchise). Notwithstanding the foregoing, the city need not issue or renew a license or franchise, or schedule a franchise election, if the applicant has previously had a license or franchise revoked, or for any other reason permitted under Arizona law.

Article 18-4 Conditions of License or Franchise

Sections:

18-4-1 General Conditions

18-4-2 Administration and Enforcement

18-4-3 Renewal

18-4-4 No Warranty

18-4-5 Term

Section 18-4-1 General Conditions

As a condition of issuing or renewing a license or franchise to use the public highways to provide telecommunications services, the city may require:

- A. Proof that the applicant has received a certificate of public convenience and necessity from the Arizona Corporation Commission; except that this requirement shall not apply to a telecommunications corporation that provides solely interstate telecommunication services within the state. (Ord. 02-80))
- B. The applicant to agree to comply with highway use requirements that the city may establish from time to time;
- C. The applicant to agree to provide and maintain accurate maps showing the location of all its facilities and the facilities it will use in the highways within the city, and to comply with such other mapping requirements as the city may establish from time to time; applicant shall provide the city with electronic mapping information in a format compatible with the current city electronic mapping. (Ord. 02-80)
- D. The applicant to obtain the insurance, and provide proof of insurance as required by the city; to post the performance bonds and security fund required by the city; and to agree to fully indemnify the city, its officers, agents, boards and commissions, in a form satisfactory to the city; and agree that it shall have no recourse whatsoever against the city or its officials, boards, commissions, agents or employees for any loss, costs, expense or damages arising out of any provision or requirement of the city because of the enforcement of the license or franchise or because of defects in this chapter or the license or franchise issued;
- E. The applicant to agree to comply with and be bound by the administrative and enforcement provisions as may be prescribed from time to time by the city.

Section 18-4-2 Administration and Enforcement

Every franchise or license shall be subject to the following administrative and enforcement

provisions:

A. Franchises and licenses shall be personal to the franchisee or licensee. Except as provided in the license or franchise, no transfer of a franchise, franchisee, license or licensee, or change of control over the same (including, but not limited to, transfer by forced or voluntary sale, merger, consolidation, receivership, or any other means) shall occur unless prior application is made to the city and the city's prior written consent is obtained, which consent will not be unreasonably withheld or delayed. In making a determination as to whether to approve a transfer the city may consider the same information and qualifications required of an original application for a license or franchise; whether the licensee or franchisee is in compliance with its license or franchise and this chapter and, if not, the proposed transferee's commitment to cure such non-compliance; whether the transfer would result in an evasion of other applicable provisions of law, or impair lawful contracts; and the effect of the transfer on the city's interest. No application for a transfer of a license or franchise shall be granted unless the proposed transferee agrees in writing that it will abide by and accept all terms of the chapter and the license or franchise, and that it will assume all obligations, liabilities, and responsibility for all acts and omissions, known and unknown, of the previous licensee or franchisee under this chapter and the license or franchise for all purposes, including renewal. Approval by the city of a transfer of a license or franchise does not constitute a waiver or release of any of the rights of the city under this chapter or the franchise or license, whether arising before or after the date of the transfer.

B. Every franchisee or licensee shall be subject to the city's exercise of such police, regulatory and other powers as it now has or may later obtain, and a franchise or license may not waive the application of the same.

C. Every franchise or license shall be subject to revocation if the franchisee or licensee fails to comply with the material terms and conditions of the license or franchise, or applicable law. Provided, however, that a franchise or license shall not be revoked unless the franchisee or licensee is given written notice of the defect in performance, and fails to cure the performance within sixty (60) days of the notice, except where the city finds that the defect in performance is due to intentional misconduct, is a violation of criminal law, or is part of a pattern of violations where the franchisee or licensee has already had notice and opportunity to cure. A hearing shall be held before a license is revoked if the licensee requests a hearing.

D. Penalties for violation of franchise or license.

E. Damages for violation of the franchise or license terms. Any remedies available to the city are cumulative, and are not limited by the recovery of any amounts pursuant to the insurance provisions of the license or franchise, or pursuant to any indemnity clause.

F. A requirement that if the franchisee or licensee fails to pay amounts owed to the city by the time prescribed for payment, the franchisee or licensee shall pay interest on the amounts owed, at

the rate of one percent (1%) per month.

G. A requirement that franchisee or licensee shall produce books and records for the city's inspection and copying, prepare reports, respond to questions and permit the city to have access to its facilities as the city may request in order to determine whether licensee or franchisee has complied with its obligations under the franchise or license, or other applicable law.

Section 18-4-3 Renewal

A licensee that receives a telecommunications service license pursuant to this chapter may apply for a renewal of its license, which renewal shall be reviewed in accordance with the requirements of state law.

Section 18-4-4 No Warranty

The issuance of a license, permit or other authorization by the city is not a representation or warranty that such license, permit, or authorization is a legally sufficient substitute for a franchise, and it not a representation or warranty that a franchise is not required.

Section 18-4-5 Term

Any license granted by the city pursuant to this chapter shall commence upon adoption of the license and acceptance of the license by the provider within thirty (30) days of the grant. The license shall be effective for a period of five (5) years, and subject to the conditions and restrictions provided in the instrument and this chapter.

Article 18-5 Compensation

A. The city shall not levy a tax, rent, fee or charge to a telecommunications corporation for the use of a public highway to provide telecommunications services, or levy a tax, fee or charge upon the privilege of engaging in the business of providing telecommunications services, except that, in connection with its provisions of telecommunications services and its use of the highways to provide the same, each telecommunications corporation shall:

1. Pay a transaction privilege tax on the business of providing telecommunications services or applicable use tax, as may be specified from time to time in Chapter 8A of the Litchfield Park City Code.
2. Pay public highway construction permit fees and utility poles and wires construction permit fees established from time to time by the city pursuant to Chapter 7, Article 7-9 of this code.
3. Pay all reasonable costs associated with the construction, maintenance and operation of its facilities in the public highways used to provide telecommunications services, including reasonable costs associated with damage caused to the public highways.
4. A telecommunications corporation that has placed facilities in public highways that carry interstate traffic between and among the telecommunication corporation's points of presence exclusive of facilities used by the local network and the portion of the interstate network that carries intrastate calls, shall pay an annual fee based on the number of linear feet of trench in the public highways. The rate per linear foot shall be set by council resolution and shall not exceed the highest rate per linear foot a political subdivision charged a licensee or franchisee on or before December 31, 1999. The rate per linear foot shall not be increased in any year by more than the increase in the average Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics. (Ord. 02-80)
5. The licensee may provide in-kind benefits such as facilities or services to the city if agreed to by the city and licensee. The calculation of the in-kind benefits shall be set forth in the license. Any in-kind facilities provided to the city under the license shall remain in possession and ownership of the city after the term of the license expires. The value of in-kind benefits shall be less than or equal to, and may be offset against, payments of interstate linear foot charges or transaction privilege tax on the business of providing telecommunications service owed to the city, but shall not be offset for any combination of intrastate and interstate charges. (Ord. 02-80)

B. Nothing in this section is intended to limit the obligation of any person to pay amounts owed under any franchise or license. Provided that, for franchises or licenses issued after the effective date of this ordinance, payments required under such franchise or license for the provision of telecommunications services shall comply with the provisions of A.R.S. Section 9-581 (Ord. 99-48)

C. If the provider disputes the amount of city construction permit fees or other fees payable under this chapter, the matter shall be referred to a dispute resolution board. The board shall consist of three (3) members agreed upon by both parties. Expenses for the board shall be shared equally by the city and the provider. The board will hear the dispute promptly, and render a decision within twenty (20) days after the hearing. All decisions of the board are non-binding on the city and provider; however, the findings of the board shall be admissible in any legal action. The city and the provider shall accept or reject findings of the board within thirty (30) days after receipt of the findings. If damages are assessed by the board, the provider shall pay city within thirty (30) days of receipt of an invoice. Late charges of five percent (5%) and interest charges of one and one-half percent (1.5%) per month shall be added for late payment. (Ord. 02-80)

Chapter 19 SPECIAL EVENTS

Articles:

[19-1 General](#)

[19-2 Issuance of Permits](#)

[19-3 Contents of Applications](#)

[19-4 Special Event Regulations](#)

[19-5 Revocation of Permit](#)

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Article 19-1 General

Sections:

19-1-1 Purpose

19-1-2 Definitions

Section 19-1-1 Purpose

The purpose of this chapter is to set forth regulations for special events in the city and standards for the issuance of special events permits in order that public safety, health and general welfare are protected. (Ord. 13-184 § 1)

Section 19-1-2 Definitions

- A. "Exhibition" means an outdoor display of items, including but not limited to vehicles, agricultural products, homemade items, arts or crafts, whether for sale or not.
- B. "Fair" or "carnival" means a gathering of stalls, amusements, rides, sideshows, games of skill, and/or vendors for public entertainment.
- C. "Festival" means a recreational, social, educational or cultural activity that includes activities such as rides, animal events, art shows, cultural exhibitions and/or live music in an outdoor setting.
- D. "Musical concert" means a performance of music for an audience primarily attended by members of the public, whether or not there is an entrance fee.
- E. "Sporting event" means a competition or activity involving more or less vigorous bodily exertion including but not limited to football, baseball, basketball or golf.
- F. "Special event" means any of the following that occur no more than one time a month and to which the public is invited or allowed to participate:
 - 1. Outdoor musical concerts, festivals, fairs, carnivals or exhibitions.
 - 2. Sporting events which require the use of public streets or other public property. (Ord. 13-193 § 1; Ord. 13-184 § 1)

Article 19-2 Issuance of Permits

Sections:

[19-2-1 Permits Required](#)

[19-2-2 Application Fee; Permit Fee](#)

[19-2-3 Deposit Required](#)

[19-2-4 Authority to Waive Fees and Deposits](#)

[19-2-5 Appeal to City Council](#)

[19-2-6 Duration of Permit](#)

[19-2-7 Extensions of Permit](#)

Section 19-2-1 Permits Required

A. No person may conduct a special event without having first obtained a special event permit from the city. Exhibitions, fairs, carnivals, festivals, musical concerts and sporting events that will occur more than one time per month shall first obtain a temporary use permit pursuant to Section 20.01, 21.01, 22.01 or 23.01 of the Zoning Code.

B. A special event permit is not required for outdoor festivals and fairs conducted by a residential homeowners association when the activities occur entirely within the boundaries of the subdivision governed by the homeowners association, are organized primarily for the benefit of association members, generate minimal outside traffic, and do not benefit any outside organization. When such an activity is proposed, the association shall provide prior notice to the city manager and shall contact the fire and emergency services provider of the city to assure that life safety considerations have been adequately addressed. Any closure of a street requires approval by the council.

C. Applications for special events shall be submitted to the city manager at least thirty days prior to the scheduled start of the special event. The application shall be on a form provided by the city and shall include a site plan depicting existing facilities and proposed temporary facilities and activities, the plans required by Sections [19-3-1](#) through [19-3-7](#), and any other information required by Article [19-3](#).

D. The city manager shall review the application for completeness and notify the applicant of any incomplete items within five working days of the receipt of the application. The city manager shall approve, approve with modifications or conditions, or deny the application within ten working days of receipt of a complete application if the application does not comply with the requirements of this chapter.

- E. The city manager may deny an application for a special event permit if:
1. The application contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact.
 2. Another special event has been approved to occur on the same day in the same area or traffic circulation would be impeded or public safety would be compromised by having two or more special events in the same area.
 3. The application does not comply with this article and all other applicable codes, ordinances or other laws.
 4. The proposed special event is unlawful or constitutes a public nuisance.
- F. A decision of the city manager to deny an application under this subsection may be appealed to the city council in accordance with Section [19-2-5](#).
- G. The special event permit shall include the approved duration of the special event.
- H. The special event permit shall be displayed at the special event site in a conspicuous location for the duration of the special event. (Ord. 13-184 § 1)

Section 19-2-2 Application Fee; Permit Fee

- A. No application fee shall be charged for special event permits.
- B. Special event permit fees in the amount of fifteen dollars per vendor up to a maximum of one thousand dollars shall be paid by the special event applicant. (Ord. 13-193 § 1; Ord. 13-184 § 1)

Section 19-2-3 Deposit Required

Special event applicants for special events to be held on public property shall file with the city a deposit in the amount of five hundred dollars. The deposit shall be refundable to the applicant after the city determines that all conditions and requirements associated with the approved application and this article have been met. At a minimum, the list of vendors required by Section [19-3-10](#) shall be submitted and the special event site and all streets and other property used by or affected by the special event shall be restored to their original condition, including but not limited to removal of debris and waste. The city manager may require a greater deposit if he determines that the size or nature of the special event warrants a greater deposit. (Ord. 13-193 § 1; Ord. 13-184 § 1)

Section 19-2-4 Authority to Waive Fees and Deposits

The city council may waive the permit fee for a special event solely sponsored and operated by, or in which the entire proceeds accrue to, an entity which is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code of 1986. No such waiver shall be granted where a for-profit entity is involved in organizing or operating the special event. (Ord. 13-184 § 1)

Section 19-2-5 Appeal to City Council

A. If the city manager denies an application for a special event, the applicant may appeal the decision to city council by written request stating the reasons thereof filed with the city clerk within ten days after the notice of denial is received.

B. An appeal hearing shall be held by city council within thirty days after receipt of an appeal. The applicant shall be provided written notice of the appeal hearing at least five days prior to the hearing. At the hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The city council shall by majority vote of members present render a written decision based on findings of fact and the application of the standards herein which shall be mailed to the applicant. The decision of the council shall be final. (Ord. 13-184 § 1)

Section 19-2-6 Duration of Permit

A special event permit shall be valid for the approved duration of the special event. (Ord. 13-184 § 1)

Section 19-2-7 Extensions of Permit

The city manager may grant an extension of the permit provided the applicant submits, in writing, a request for such an extension prior to the end of the special event. (Ord. 13-184 § 1)

Article 19-3 Contents of Applications

Sections:

[19-3-1 Security and Safety](#)

[19-3-2 Traffic Circulation and Parking](#)

[19-3-3 Noise](#)

[19-3-4 Toilet Facilities](#)

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[19-3-8 Street Closures](#)

[19-3-9 Use of Alcohol](#)

[19-3-10 Vendors](#)

[19-3-11 Inspection Required; Re-inspection Fee](#)

Section 19-3-1 Security and Safety

The application for a special event with a duration of more than four hours shall include the following information and provide for the following:

A. Crowd Control Plan. The crowd control plan shall include a minimum of two off-duty sworn public safety officers or other security personnel, approved by the city manager in consultation with the city's police agency, to monitor crowd control. Such security shall be provided for special events anticipated to generate between two hundred and one thousand persons and one additional officer or other approved security personnel for every anticipated one thousand persons thereafter. The city manager has the authority to determine the anticipated number of persons in attendance. The above minimum requirements may be increased or reduced upon authorization of the city manager in consultation with the city's police agency.

B. City Codes. A plan to address all fire and life safety concerns and the provisions of the city's building and other life safety codes. The city manager and the fire and emergency services provider for the city shall determine the appropriate number of fire and medical personnel needed to provide fire prevention and medical coverage. (Ord. 13-193 § 1; Ord. 13-184 § 1)

Section 19-3-2 Traffic Circulation and Parking

The application for a special event with a duration of more than four hours shall include the

following information and provide for the following:

A. Traffic Circulation. A plan for traffic circulation and control, including provisions for emergency vehicle access before, during and after the event, for each day of the event. The adequacy of the plan shall be determined by the city manager and the fire and emergency services provider for the city. The city manager's office has the authority to determine the level of law enforcement personnel needed to regulate traffic associated with the event. The cost of such traffic control shall be paid by the applicant of the event. A copy of the contract with such law enforcement personnel shall be submitted to the city manager at least seven days prior to the special event. No special event shall be conducted without law enforcement personnel as required by the city manager.

B. Parking. A plan to address anticipated parking demands. Parking along the shoulder of any major arterial road is prohibited. Vehicles shall not be parked in any manner that would create a traffic hazard as determined by the city manager. (Ord. 13-193 § 1; Ord. 13-184 § 1)

Section 19-3-3 Noise

A. If amplified music is to be produced at the special event, a plan shall be prepared that assures that the sound levels shall not disturb the peace and quiet of residents of the city. The plan shall include sufficient information so that the city manager may determine whether the sound will be heard by residents in residential neighborhoods. Such information shall include: the decibel level of the sound measured one meter from the source of the amplified sound, the location and direction of the source of the amplified sound, and the distance from the source of the amplified sound to the nearest residential property line. Sound levels shall not exceed one hundred dB at the house mix position of the amplified sound, or fifty-eight dB measured at the nearest residential property line. The city manager is authorized to determine compliance with the sound level standards by taking the measurement with a digital sound level meter with one and one-half dB accuracy meeting the ANSI and IEC 6.51 T II standard.

B. The applicant may request in his application that the maximum sound level at the house mix position of the amplified sound as set forth in subsection (A) of this section be increased. Such application shall include proposed mitigating measures to contain the sound on the site of the special event. The city manager may, after consultation with a noise or sound professional, modify the maximum sound level at the house mix position of the amplified sound only if he determines that the sound level will not exceed fifty-eight dB measured at the nearest residential property line. The required measures and the adjusted maximum sound level at the house mix position of the amplified sound shall be set forth in the special event permit. (Ord. 13-193 § 1; Ord. 13-189 § 1; Ord. 13-184 § 1)

Section 19-3-4 Toilet Facilities

The application for a special event with a duration of more than four hours shall include a plan for adequate toilet facilities. The plan shall provide for a minimum of three toilet facilities per one thousand persons anticipated to attend the special event. The city manager may approve variations

from these standards based on the length of the event, the spatial characteristics of the event, or other factors or considerations. All toilet facilities shall comply with Americans with Disabilities Act accessibility guidelines. (Ord. 13-193 § 1; Ord. 13-184 § 1)

Section 19-3-5 Solid Waste Disposal

The application for a special event to be held on public property shall include a plan for collection and disposal of solid waste and litter and for disposal of grease barrels for cooking oil. Separate containers shall be provided for the collection of recyclable materials. All solid waste, litter and recyclable materials shall be removed from the site within twenty-four hours following the event. For multiple day events, the grounds shall be maintained during each day of the event with no on-site accumulations which would create a nuisance or pose a health hazard. All solid waste shall be deposited at the appropriate county landfill by an approved garbage operator. (Ord. 13-193 § 1; Ord. 13-184 § 1)

Section 19-3-6 Electrical Hookups

The application shall include a plan for any electrical work required, including the use of a generator for the provision of electric service. All wiring shall be installed in compliance with the provisions of the National Electric Code and the city's electrical code and be approved by the building inspector. (Ord. 13-184 § 1)

Section 19-3-7 Temporary Structures

The application shall set forth the plans for temporary structures, including but not limited to tents, stages, scaffolding and platforms. Such temporary structures shall be erected in compliance with the provisions of the city of Litchfield Park's building codes and be approved by the building inspector. No temporary structure shall be situated in such a manner that it could create a traffic hazard. (Ord. 13-184 § 1)

Section 19-3-8 Street Closures

If the special event requires closure of any public streets, approval by the city council shall be obtained prior to issuance of the special event permit. (Ord. 13-184 § 1)

Section 19-3-9 Use of Alcohol

If the special event will include sale, use or distribution of alcohol on public property, approval by the city council shall be obtained prior to the issuance of the special event permit. (Ord. 13-184 § 1)

Section 19-3-10 Vendors

If the special event will include vendors, the applicant shall provide a list of the vendors to the city manager at least seven days prior to the special event and shall submit an updated list to the city manager within seven days following the special event. (Ord. 13-184 § 1)

Section 19-3-11 Inspection Required; Re-inspection Fee

Prior to the opening of the special event, the applicant shall call for an inspection to assure

compliance with all permitting conditions. If the building inspector or the fire marshal finds that any permitting conditions have not been met, he shall notify the applicant of the required corrections. The building inspector shall re-inspect the special event site without further charge. If extra inspections are required for any of the following reasons, a charge of fifty dollars shall be made for each re-inspection:

- A. Wrong address;
- B. Repairs or corrections not made when inspections are requested;
- C. The site is not ready for inspection when called. (Ord. 13-184 § 1)

Article 19-4 Special Event Regulations

Sections:

[19-4-1 Compliance](#)

[19-4-2 Hours of Operation](#)

Section 19-4-1 Compliance

A. A condition of the permit shall be compliance with the plans approved with the application pursuant to Sections [19-3-1](#) through [19-3-7](#) for the duration of the special event.

B. A condition of the permit shall be compliance with all applicable city ordinances and all applicable county, state and federal laws and regulations. (Ord. 13-184 § 1)

Section 19-4-2 Hours of Operation

The hours of operation of the special event shall be as set forth on the special event permit.

Amplified sound shall not begin before 9:00 a.m. nor extend beyond 10:00 p.m. The city manager may approve adjustments to hours of operation and hours of amplified sound based upon individual circumstances. (Ord. 13-184 § 1)

Article 19-5 Revocation of Permit

Sections:

[19-5-1 Grounds for Revocation of Permit](#)

[19-5-2 Appeal of Revocation](#)

Section 19-5-1 Grounds for Revocation of Permit

- A. A special events permit may be revoked by the city manager for the following:
1. Failure to comply with the plans approved pursuant to Sections [19-3-1](#) through [19-3-7](#).
 2. Failure to comply with the requirements of this chapter.
 3. Failure to comply with applicable city ordinances and county, state and federal laws and regulations.
- B. A notice of revocation shall be delivered or mailed by first class mail to the permittee. All activities associated with the special event shall immediately cease as of the date of the notice. (Ord. 13-184 § 1)

Section 19-5-2 Appeal of Revocation

- A. If a special event permit is revoked, an appeal to the city council may be filed following the same procedures as set forth in Section [19-2-5](#). The filing of an appeal shall not stay the decision to revoke the special events permit.
- B. The city clerk shall set a time and place for a hearing before the council on such appeal, to be held within thirty days from the filing date of the appeal. Notice of such hearing shall be mailed by the city clerk to the appellant setting forth specifically the time and place of the hearing.
- C. The decision of the city council on appeal shall be final. (Ord. 13-184 § 1)

**Article 19-6
Penalties**

- A. Any person who violates any section of this chapter shall be subject to the penalties set forth in Article 1-8 of this code.
- B. Nothing provided herein shall be construed to limit the authority or ability of the city to seek civil injunctions to prohibit violations of this chapter or any other lawful remedy, in addition to the criminal penalties set forth in this article. (Ord. 13-193 § 1; Ord. 13-184 § 1)

Tables

- A. Resolution Table**
- B. Ordinance Table**

RESOLUTION LIST AND DISPOSITION TABLE

Resolution

Number

06-222 Business license fees; repeals Res. 03-189 (8-2)

07-243 Amends Res. 06-222, business license fees (8-2)

ORDINANCE LIST AND DISPOSITION TABLE

87-01	Warrants
87-02	City council meeting time and place
87-03	Privilege tax
87-04	City tax code adoption
87-05	Optional procedure for municipal elections
87-06	(Not adopted)
87-07	Planning and zoning commission
87-08	1988 tax code amendments
87-09	(Not adopted)
87-10	Cityscape commission
87-11	Adopts zoning code
87-12	Adopts city code
87-13	Uniform Building Code
88-01	Swimming pool construction
88-02	Amends Ord. 87-10, cityscape commission
88-03	Amends commission terms, animals and peddlers definitions
88-04	Recreation, arts and parks commission
88-05	Bicycles
88-06	(Not adopted)
88-07	(Not adopted)
89-01	Rezone (Special)
89-02	Corporate city limits
89-03	Offenses, trespassing
89-04	(Passed, not signed or published)
89-05	(Not adopted)
89-06	(Not adopted)
89-07	(Not adopted)
89-08	Annexation (Special)
89-09	Amendments to city tax code

89-10	(Not adopted)
90-01	Indemnification
90-02	Skateboards, roller skates
90-03	Amends zoning code
90-04	Corporate city limits
90-05	Rezone (Special)
90-06	City manager removal
91-01	Land use regulations, Greens
91-02	Planning and zoning commission meetings
91-03	Referendum and initiative elections
91-04	Council meeting procedures
91-05	Direct election of mayor
91-06	Storm drainage requirements
91-07	Land use regulations, Greens
92-08	Plumbing code amendment
92-09	Annexation/deannexation, Glendale (Special)
92-10	City commissions
92-11	Planning and zoning commission amendment
92-12	Traffic control
92-13	Amends zoning code
92-14	Board of adjustment amendment
92-15	Uniform Building Code
93-16	Tree board; tree preservation
93-17	Residential parking
93-18	Tree code amendment
93-19	Rezone (Special)
93-20	Rezone (Special)
93-21	Direct election of mayor
93-22	Zoning code amendment
93-23	Zoning code amendment
93-24	Zoning code amendment

94-25	Zoning code amendments, 1994
94-26	Curfew
94-27	Purchasing
94-28	1995 city tax code amendments
95-29	Zoning code amendments, 1995
95-30	Amends § 4.05(b), amendments (Zoning Code)
95-31	Curfew (10-1)
95-32	Zoning districts for planned development (Zoning Code)
96-32	Amends Ord. 91-07, land use regulations
96-33	Amends § 3.01(b), planning and zoning commission (Zoning Code)
96-34	Speed limits, traffic control
96-35	1996 tax code amendments
96-36	Boards and commissions (2-6)
96-37	Amends §§ 3.01(c)(1), (c)(2), (d)(1) and 3.04(c)(2)[(b)(2)], planning and zoning commission (Zoning Code)
97-38	Uniform Building Code
97-39	Rezone (Special)
97-40	Skateboards
97-41	Rezone (Special)
97-42	Adds § 31.17; amends §§ 2.04, 3.02(h), 9.05(h) and 28; repeals and replaces § 29.01(u), group homes for the handicapped (Zoning Code)
97-43	Boards and commissions (2-6)
97-44	Adds § 36; amends §§ 2, 28 and 31.02(d)(1), wireless communications facilities (Zoning Code)
98-45	1998 tax code amendments
98-46	Handbills (8-3)
99-47	Fishing and boating
99-48	Telecommunications (18-5)
99-49	Amends § 36.04(c), wireless communications facilities (Zoning Code)
99-50	Handbills (8-3)
99-51	Oath of office (2-1)

99-52	Telecommunications
99-53	Amends § 3.01(d)(3), planning and zoning commission (Zoning Code)
99-54	Rezone (Special)
99-55	Amends § 35.32, temporary signs (Repealed by 14-197)
99-56	Construction in rights-of-way
00-57	Noise
00-58	1999 tax code amendments
00-59	Water conservation (7-2)
00-60	Transit service agreement
00-61	Adds § 31.18; amends § 2.04, yard sales (Zoning Code)
00-62	Annexation (Special)
00-63	Deannexation rights-of-way (Special)
01-64	Annexation (Special)
01-65	Building codes (7-1, 7-3, 7-8)
01-66	Health and sanitation
01-67	Amends Ord. 91-07, Village at Litchfield Park planned development (Not codified)
01-68	Rights-of-way annexation
01-69	Annexation (Special)
01-70	Annexation (Special)
01-71	Adds § 20.05; amends §§ 20.01 and 28, resort district and zoning matrix (Zoning Code)
01-72	Amends zoning map (Special)
01-73	Amends zoning map (Special)
01-74	Adds § 27.07; amends § 27.01, public facilities district (Zoning Code)
01-75	2001 tax code amendments
02-76	Building code amendments
02-77	Amends zoning map (Special)
02-78	Amends zoning map (Special)
02-79	Repeals § 5.02, fees (Repealer)
02-80	Telecommunications (18-5)

03-81	Privilege license tax
03-82	Annexation (Special)
03-83	Boards and commissions (2-6)
03-84	Amends zoning map (Special)
03-85	Adds § 4.05; renumbers §§ 4.05 to 4.06, 4.06 to 4.07, 4.07 to 4.08 and 4.08 to 4.09, citizen review process (Zoning Code)
03-86	City code update
03-87	Amends Ord. 01-67, Village at Litchfield Park planned development (Not codified)
04-88	Amends Ord. 01-67, Village at Litchfield Park planned development (Not codified)
04-89	Adds penalty; amends §§ 6-2-1, 6-2-5 and 6-2-8, dogs (6-2)
04-90	Adds penalty and §§ 35.31 and 35.32; amends § 35.20; renumbers §§ 35.31 and 35.32 to be §§ 35.33 and 35.34, signs (Repealed by 14-197)
04-91	Adds §§ 3.05, 3.06, 4.09 [4.10], 25.04, 31.19, 31.20, 34.03, 37 and 38; amends §§ 1.02, 2.04, 3.01, 3.03, 3.04, 4.02, 4.05 [4.06], 4.06 [4.07], 4.08 [4.09], 9.01, 9.03, 10.03, 11.03, 12.03, 13.03, 14.03, 15.03, 16.03, 17.03, 18.03, 19.03, 20.03, 21.03, 21.06, 22.03, 22.06, 23.03, 23.06, 24.03, 26.01—26.03, 27.03, 29.01—29.02, 30.01—30.03, 32.02, 35.06 and 35.20, various corrections; renames chapter title of § 29; repeals § 29.03 (Zoning Code)
04-92	Repeals and replaces § 2-5-4, introduction and adoption of ordinances (2-5)
04-93	Adds penalty; repeals and replaces § 7-1-1, building code (7-1)
04-94	Adds penalty and § 7-5-2; repeals and replaces § 7-5-1, fire code (7-5)
04-95	Cable communications systems (16-1 , 16-5 , 16-6 , 16-7 , 16-8 , 16-9 , 16-10 , 16-11 , 16-12 , 16-13 , 16-14 , 16-19 , 16-20 , 16-24 , 16-25 , 16-26 , 16-27 , 16-28 , 16-29 , 16-30 , 16-31 , 16-33 , 16-34 , 16-36 , 16-37 , 16-38 , 16-39 , 16-40 , 16-41 , 16-42 , 16-46 , 16-47 , 16-48 , 16-49 , 16-50 , 16-51 , 16-52 , 16-56 , 16-57 , 16-58 , 16-59 , 16-60 , 16-61 , 16-62 , 16-74 , 16-75 , 16-76 , 16-77 , 16-78 , 16-79 , 16-80 , 16-81 , 16-88 , 16-89 , 16-90 , 16-91 , 16-92 , 16-93 , 16-94)
04-96	Adds penalty; amends § 16-4-4, acceptance date and effective date of license (16-4 , 16-25 , 16-34 , 16-94)
04-97	Adds Art. 5-3, magistrate court proceedings (5-3)
04-98	Amends § 3-2-1(D), city manager (3-2)
04-99	Amends Ord. 01-67, Village at Litchfield Park planned development (Not

	codified)
05-100	Amends §§ 3.01, 4.04 and 4.05, planning and zoning commission, amendments (Zoning Code)
05-101	Amends § 5-3-2(B), court enhancement fund (5-3)
05-102	Amends §§ 2-4-5, 2-4-7 and 2-4-9, council procedures (2-4)
05-103	Adds penalty; amends Art. 15-1, floodplain regulations (15-1)
05-104	Adds penalty; amends Art. 9-5, public nuisances (9-5)
05-105	Amends § 31.04(a), screening of non-principal uses (Zoning Code)
06-106	Adds penalty; amends Art. 5-1, magistrate court established, jurisdiction (5-1)
06-107	Adds § 10-1-10, graffiti prevention, prohibition and removal (10-1)
06-108	Adds penalty; adopts 2006 tax code amendments; amends Art. 8A-1, adoption of model tax code (Repealed by 08-141)
06-109	Void
06-110	Adds § 10-1-10 [10-1-11], sale of products containing pseudo-ephedrine (10-1)
06-111	Adds penalty and §§ 16.06, 17.06 and 18.06; amends §§ 2.04, 20.01 and 28; rennumbers §§ 16.06, 17.06 and 18.06 to be §§ 16.07, 17.07 and 18.07; repeals § 20.05, condominiums (Zoning Code)
06-112	Amends Ord. 91-07, Village at Litchfield Park planned development (Not codified)
06-113	Repeals and replaces § 8, violations, enforcement and penalties (Zoning Code)
06-114	Adds penalty and § 10-1-11 [10-1-12], smoking in city buildings and vehicles prohibited (10-1)
06-115	Amends 2002 tax code amendments (Repealed by 08-141)
06-116	Amends Ord. 91-07, Village at Litchfield Park planned development (Not codified)
06-117	Toll Brothers land exchange (Special)
06-118	Amends § 5-3-2(B), court enhancement fund (5-3)
07-119	Amends § 3-2-1(E), city manager (3-2)
07-120	Adds Art. 5-3 [5-4]; amends § 5-2-3, personnel policy manual (5-2, 5-4)
07-121	Adds penalty; adopts 2006 tax code amendments; amends Art. 8A-1, adoption of model tax code (Repealed by 08-141)
07-122	Adds penalty; adopts 2007 tax code amendments; amends Art. 8A-1, adoption of model tax code (Repealed by 08-141)

07-123	Amends §§ 9-5-2 and 9-5-5, public nuisances (9-5)
07-124	Adds penalty and § 12-4-9; amends §§ 12-4-4 and 12-6-4, vehicles (12-4, 12-6)
07-125	Adds penalty; amends § 6-2-15, dogs, liability (6-2)
07-126	Adds penalty; amends § 7-6-1, uniform building codes (7-8)
07-127	Amends § 2-2-4, powers and duties of the mayor (2-2)
07-128	Amends §§ 2.04 and 30.02, walls and fences (Zoning Code)
07-129	Amends §§ 15-1-1 and 15-1-2, floodplain regulations (15-1)
07-130	Amends § 3.04(c), design review board (Zoning Code)
07-131	Amends § 2-1-1, elected officers (2-1)
07-132	Amends §§ 2.04, 29.01 and 31.04, parking, storing and screening of vehicles (Zoning Code)
07-133	Amends §§ 3.03 and 3.04, minor design review applications (Zoning Code)
07-134	Adds definition to Section 2; adds § 3.07; amends §§ 4.03, 4.04, 9.03, 26.02, 33.03 and 34.01, land use law (Zoning Code)
08-135	Approves King Ranch planned area development; rezones property (Special)
08-136	Annexation (Special)
08-137	Adds Art. 9-6, fugitive dust control (9-6)
08-138	Amends § 5-3-2(B), magistrate court (5-3)
08-139	Amends Ord. 99-54, zoning map and parcel restrictions (Special)
08-140	Adds Arts. 7-6 and 7-7, renumbering existing Arts. 7-6 through 7-14 to conform; repeals and replaces §§ 7-1-1, 7-2-1, 7-3-1 and 7-4-1; repeals §§ 7-1-2 and 7-1-4; amends §§ 7-1-3 and 7-3-2, building (7-1, 7-2, 7-3, 7-4, 7-6, 7-7, 7-8, 7-9, 7-10, 7-11, 7-12, 7-13, 7-14, 7-15, 7-16)
08-141	Repeals and replaces § 8A-1-1, tax code (8A-1)
08-142	Amends privilege license tax (8A-1)
08-143	Amends construction sales tax (8A-1)
08-144	Amends Art. 1-8 and § 9-5-6; repeals § 5-1-2, code enforcement (1-8, 9-5)
08-145	Amends Ord. 01-67, Village at Litchfield Park planned development (Not codified)
09-146	Adds § 30.02(d) and (e), landscaping and fences (Zoning Code)
09-147	Repeals and replaces § 29, parking and loading regulations (Zoning Code)
09-148	Amends § 3-3-2, conditions of employment (3-3)

09-149	Amends §§ 2-6-2(C) and 2-6-3(B), boards and commissions (2-6)
09-150	Rezone (Special)
09-151	2009 amendments to tax code (8A-1)
09-152	Amends City of Litchfield Park 2008 Amendments to International Codes (7-1)
09-153	Amends § 5-3-2(B), court enhancement fund (5-3)
10-154	Amends §§ 8-2-10 and 8-2-11, business license code (8-2)
10-155	Amends § 12-4-1, parking (12-4)
10-156	Adds § 30.05, landscaping design standards and requirements (Zoning Code)
10-157	Adds Art. 8-1A, charitable, religious, educational, patriotic and philanthropic organizations; amends §§ 8-1-1, 8-1-2, 8-1-3, 8-1-4, 8-1-5 and 8-1-6, peddlers; repeals § 8-1-10 (8-1, 8-1A)
10-158	Repeals § 15-1-3, flood damage prevention (Repealer)
11-159	Adds § 10-1-15; amends § 10-1-2, fireworks and explosives (10-1)
11-160	Adds § 8.02; renumbers §§ 8.02 as 8.03, 8.03 as 8.04, 8.05 as 8.06, 8.07 as 8.08, 8.08 as 8.09 and 8.09 as 8.10, violations, enforcement and penalties (Zoning Code)
11-161	Adds § 7-8-2; renumbers § 7-8-2 to 7-8-3, buildings (7-8)
11-162	Adds § 32.04(g); renumbers § 32.04(g) as 32.04(h), nonconforming uses (Zoning Code)
11-163	Amends §§ 2.04 and 31.03, accessory structures (Zoning Code)
11-164	Amends §§ 13-1-1 and 13-1-3 and Art. 13-3, bicycles, mopeds and golf carts (13-1 , 13-3)
11-165	Adds § 31.21; amends §§ 2.04 and 28, medical marijuana dispensaries (Zoning Code)
11-166	Adds § 31.21; amends §§ 2.04 and 28, medical marijuana dispensaries (Zoning Code)
11-167	Adds § 31.21 [31.22]; amends §§ 2.04, 3.04(d)(8), solar energy collector panels (Zoning Code)
11-168	Amends §§ 2.04, 28, 33.01, 33.03 and 33.04; renumbers §§ 33.03 to 33.02, 33.04 to 33.03 and 33.05 to 33.04; repeals § 33.02, zoning (Zoning Code)
11-169	Amends § 8-2-1, business licenses (8-2)
11-170	Amends § 10-1-15(D), fireworks sales (10-1)
11-171	Repeals Arts. 2-8 and 2-10; repeals and replaces Art. 2-7, recreation and public

	grounds commission (2-7)
11-172	Adds definition to § 14-1-2 and new Art. 14-5; renumbers previous Arts. 14-5, 14-6 and 14-7 to be 14-6, 14-7 and 14-8 (14-1 , 14-5 , 14-6 , 14-7 , 14-8)
11-173	Amends § 7-16-4(E) and (M), location and relocation of facilities in public rights-of-way (7-16)
11-174	2010-2011 amendments to tax code (8A-1)
12-175	Amends § 2-1-4, vacancies in council (2-1)
12-176	Amends Ord. 08-135, King Ranch planned area development (Special)
12-177	Amends Ord. 91-07, Village at Litchfield Park planned development (Special)
12-178	Adds §§ 21.06(d), 22.06(d), 23.06(d) and 24.06(c), zoning approvals (Zoning Code)
12-179	Exchange of real property (Special)
12-180	Deannexation (Special)
12-181	Adopts "International Fire Code, 2006 Edition" and "2012 Amendments to the International Fire Code, 2006 Edition" by reference; amends §§ 7-5-1, 7-5-2 and 7-5-3, fire code (7-5)
13-182	Amends § 9-1-2, health and sanitation (9-1)
13-183	Amends §§ 21.01 and 28, zoning (Zoning Code)
13-184	Adds Ch. 19, special events (19-1 , 19-2 , 19-3 , 19-4 , 19-5 , 19-6)
13-185	Adds §§ 17-1-4A, 17-1-9, 17-1-10, 17-1-11, 17-1-12, 17-1-13, 17-2-4 and 17-2-5; amends § 17-1-3, Arts. 17-3 and 17-4, parks and recreation (17-1 , 17-2 , 17-3 , 17-4)
13-186	Adds Art. 13-4; amends §§ 13-1-1, 13-1-3 and 13-3-3; renames Ch. 13, bicycles, mopeds, golf carts and pedicabs (13-1 , 13-3 , 13-4)
13-187	Amends §§ 2-1-3, 2-2-2, 2-3-6 and 2-3-7, mayor, council, elections (2-1, 2-2, 2-3)
13-188	Adds § 31.03(d)(9); amends §§ 31.03(b)(2) and (f), accessory structures (Zoning Code)
13-189	Amends § 19-3-3, noise (19-3)
13-190	Adds Art. 8-4, utility facilities located in public rights-of-way (8-4)
13-191	Adds § 39; amends § 3.04, design review guidelines (Zoning Code)
13-192	Amends Ch. 16, cable television (16-1 , 16-5 , 16-6 , 16-7 , 16-8 , 16-9 , 16-10 , 16-11 , 16-12 , 16-13 , 16-14 , 16-15 , 16-19 , 16-20 , 16-24 , 16-25 , 16-26 , 16-27 , 16-28 , 16-29 , 16-30 , 16-31 , 16-33 , 16-34 , 16-36 , 16-37 , 16-38 , 16-39 , 16-40 , 16-41 , 16-

	42 , 16-46 , 16-47 , 16-48 , 16-49 , 16-50 , 16-51 , 16-52 , 16-56 , 16-57 , 16-58 , 16-59 , 16-60 , 16-61 , 16-62 , 16-74 , 16-75 , 16-76 , 16-77 , 16-78 , 16-79 , 16-80 , 16-81 , 16-82 , 16-88 , 16-89 , 16-90 , 16-91 , 16-92 , 16-93 , 16-94)
13-193	Amends §§ 8-2-1, 8-2-9, 19-1-2(F), 19-2-2, 19-2-3, 19-3-1, 19-3-2, 19-3-3, 19-3-4, 19-3-5 and Art. 19-6, special events (8-2, 19-1 , 19-2 , 19-3 , 19-6)
13-194	Adds §§ 5-3-4 and 5-3-5; amends § 5-3-2(B), magistrate court (5-3)
14-195	Annexation (Special)
14-196	Amends § 10-1-15, fireworks (10-1)
14-197	Amends § 2.04; repeals and replaces § 35, signs (Zoning Code)
14-198	Amends §§ 3.01(c)(1) and (2) and 3.02(b), zoning administration (Zoning Code)
14-199	Amends §§ 2-6-3(B) and 2-6-4(B), boards and commissions (2-6)
14-200	Amends § 3-4-1(E)(2), cooperative purchasing (3-4)
15-201	Amends Ord. 91-07, zoning map (Special)
15-202	Amends Ord. 02-78, zoning map (Special)
15-203	Adds § 27A; amends §§ 2.04 and 28, agritourism (Zoning Code)
15-204	Amends Ord. 99-54, zoning map and parcel restrictions (Special)
15-205	Amends § 7-16-3, plan review fees (7-16)
15-206	(Number not used)
16-207	Amends § 31.18, yard sales (Zoning Code)
16-208	(Number not used)
16-209	Amends Ord. 15-201, Village Litchfield Park planned development (Special)
16-210	Adds Art. 7-11; amends §§ 7-1-1, 7-1-3, 7-2-1, 7-4-1, 7-5-1, 7-5-3, 7-6-1, 7-7-1 and 7-8-1; amends and renumbers § 7-8-2 to 7-11-1; repeals §§ 7-1-6, 7-5-2 and 7-8-3, building codes (7-1, 7-2, 7-4, 7-5, 7-6, 7-7, 7-8, 7-11)
16-211	Amends §§ 2.04, 27.01 and 28, farmers markets (Zoning Code)
16-212	Amends § 2-3-1, primary election (2-3)
16-213	Adds § 10-1-13, driveway and sidewalk maintenance (10-1)
16-214	Adds § 27B; amends § 28, commercial-flex district (Zoning Code)
16-215	Amends Ord. 01-73, zoning map (Special)
16-216	Amends § 1-8, general penalty (1-8)
17-217	Amends “City of Litchfield Park Amendments to 2012 International Codes” document (Not codified)

17-218 Adds Art. 7-17, encroachment permits for sidewalks (7-17)