

## ORDINANCE O-26-01

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING CHAPTER 7 - BUILDING, BY ESTABLISHING A NEW ARTICLE, ARTICLE 7.16 – UTILITY POLE INSTALLATION AND RELOCATION REGULATIONS, REQUIRING UTILITIES TO RELOCATE THEIR FACILITIES TO NEW UTILITY POLES UPON INSTALLATION OF NEW POLES IN THE CITY OF BISBEE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Mayor and City Council have the authority to adopt and to amend, by ordinance, the City Code of the City of Bisbee (the “City”); and,

**WHEREAS**, the City recognizes the importance of maintaining safe, reliable, and efficient utility infrastructure for the benefit of its residents and businesses; and,

**WHEREAS**, utility poles are essential to the delivery of utility services, including electricity, telecommunications, and other essential utilities; and,

**WHEREAS**, the timely relocation of utility facilities to new poles ensures continued safety, infrastructure modernization, and service reliability; and,

**WHEREAS**, the City finds that this Ordinance is intended to protect the public health, safety and welfare by enacting these regulations; and,

**WHEREAS**, it is in the best interests of the City of Bisbee and its citizens to establish utility pole installation and relocation regulations in Chapter 7 of the City Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:**

**Section 1. In General.**

The Code of the City of Bisbee, Chapter 7 - Building is hereby amended by establishing a new Article 7.1.16 – Utility Pole Installation and Relocation Regulations, as provided for as follows:

### CHAPTER 7 BUILDING

#### ARTICLE 7.16 UTILITY POLE INSTALLATION AND RELOCATION REGULATIONS

##### 7.16.1 Declaration of Policy

The purpose of this article is to establish requirements for the installation of utility facilities as well as the relocation and removal of utility facilities once new facilities have been installed, ensuring the continued maintenance and improvement of the City of Bisbee's utility infrastructure and public safety. The City may adopt additional requirements and standards through a public utility administrative manual or other adopted means.

### **7.16.2 Definitions**

Unless otherwise expressly stated or clearly indicated by the context, the following terms as used in this section shall have the meanings indicated in this section:

*Utility Pole* means a pole or post used to carry overhead utility lines, including but not limited to electrical lines, telecommunications wires, and other utility infrastructure.

*Utility Facility* means any apparatus, wire, cable, or other infrastructure related to utility service that is attached to a utility pole.

*New Pole* means a utility pole that has been newly installed to replace an existing pole or as part of an upgrade to the utility infrastructure.

### **7.16.3 Utility Pole Installation Requirements**

- A. Aerial electric, cable, or fiber optic lines shall be a minimum of 18-ft high when crossing signalized street intersections, pavement, or alleys. The height above ground, outside of paved areas and all other intersections shall be no less than 16-ft at lowest sag locations. Adding of additional poles shall not be considered if the height cannot be maintained at the sag between pole spacing.
- B. Overhead lines shall not obstruct or interfere with traffic signal visibility.
- C. Utility lines in violation with the requirements of this article shall be raised or moved to an underground location as approved by the City.
- D. Permits for overhead utility lines must comply with any license agreement with licensed and franchised companies.
- E. Guy wires must be out of the pedestrian path.

### **7.16.4 Utility Pole Relocation and Maintenance Requirements**

- A. When plans are submitted for utility pole relocation and/or removal, all utility owners that may be attached to the utility pole shall be notified by the owner of the utility pole. This notice shall be provided at least 10 days before installation of the new pole.
- B. Upon installation of a new utility pole in the City, all utility pole occupants, including those providing electricity, telecommunications, cable, or other services, shall relocate their facilities to the new pole within 30 days of its installation.
- C. Utilities shall complete the relocation of all facilities to the new utility pole within 30 days after the new utility pole has been installed. Failure to relocate within this timeframe shall subject the utility provider to penalties outlined in this Article.
- D. Remnants of infrastructure that is replaced or relocated, including any structure at or above grade (ground level), shall not be left in place unless first approved by the City and only under special circumstances.

- E. Once all attachments to the old utility pole have relocated their equipment to the new utility pole, the old utility pole shall be removed within 30 days by the utility provider that owned the old utility pole. The cost to the utility company shall not be a reason for not removing the abandoned infrastructure.
- F. If a utility pole is no longer in use for the primary permitted utility service for that utility pole, the utility pole shall be removed by the utility provider to improve safety, reduce visual clutter, and preserve the aesthetic value of the community.
- G. The City reserves the right to relocate or protect in place, any portion of utility equipment and facilities as may be required in any emergency as determined by the City without liability for interruption of service, unless otherwise provided for in a license agreement with a license or franchise utility provider. However, prior to taking any actions pursuant to this subsection, the City shall provide, if feasible, reasonable notice to the utility pole owner of the emergency to allow the owner the opportunity to protect or repair the utility facilities involved in the emergency.

#### **7.16.5 Small Wireless Facilities (SWF)**

- A. Small wireless facilities shall be designed and located to minimize the impact to homeowners and business owners and to maintain the character and appearance of the surrounding neighborhood. This will include lot line location, pole appearance/aesthetics, safety, pedestrian access, and compatibility with existing utility infrastructure.
- B. SWF support equipment shall be minimized and above ground electric meters shall be included within the pole makeup where possible and at approved locations.
- C. Companies installing SWF are encouraged to collocate and use existing power pole locations or replace existing streetlights with a dual-use (combination of small cell and street lighting) pole. Colocation requires permission from the pole owner. The pole must be able to withstand the extra weight of colocation equipment, fiber installations, and wind loading. A structural analysis will be required.
- D. Should colocation not be possible, freestanding poles, equipped with a mast arm and luminaire for potential street lighting shall be used. New SWF poles may not be closer than 150-feet radially from existing utility pole unless approved through a utility waiver request. The SWF design should attempt to replace existing utility poles to meet this intent.
- E. It is the intent to reduce the number of poles on a street and remove or position above ground equipment from view. Therefore, four different types of SWF installations may be permitted in the City's rights-of-way. These types include the following concepts:
  - 1. Attachments to existing wooden power poles - Type 1;
  - 2. Attachments to wooden streetlight poles - Type 2;
  - 3. Replacement of existing wood poles or metal streetlight poles - Type 3, 3A;
  - 4. New freestanding metal pole installations - Type 4.

#### **7.16.6 Penalties and Enforcement**

- A. Penalties for Non-Compliance: If a utility fails to relocate its facilities within the required timeframe, the utility shall be subject to the following penalties:
  - 1. A fine of \$50 per day for each day that the relocation remains incomplete

- after the 30-day deadline.
2. A fine of \$100 for failure to remove the old pole within the specified 30-day timeframe.
- B. Enforcement Authority: The City of Bisbee's Public Works Department, or any other designated city department, shall be responsible for enforcing this ordinance. The City may issue notices of violation and impose penalties for non-compliance.

**7.16.7 Exceptions**

The requirements of this article may be waived or modified by the City Council upon request of the utility provider, should there be a demonstration of undue hardship, safety concerns, or other justifiable reasons. Any such request must be submitted in writing to the City Clerk for City Council review and approval.

**Section 3. Providing for Repeal of Conflicting Ordinances.**

All ordinances and parts of ordinances in conflict with this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

**Section 4. Providing for Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**Section 5. Providing for Penalties.**

A violation of this Ordinance is subject to the following penalties:

If a utility fails to relocate its facilities within the required timeframe, the utility shall be subject to the following penalties:

- (1). A fine of \$50 per day for each day that the relocation remains incomplete after the 30-day deadline.
- (2). A fine of \$100 for failure to remove the old pole within the specified 30-day timeframe.

**Section 6. Effective Date.**

This Ordinance shall be effective from 30 days after the date written below.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 6<sup>th</sup> day of January, 2026.

**APPROVED:**

  
Ken Budge, Mayor

**ATTEST:**

  
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Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
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Joseph D. Estes, City Attorney  
Pierce Coleman, PLLC