



## VILLAGE OF CORRALES

### ORDINANCE NO. 10-013

**AN ORDINANCE AMENDING SECTION 18-30(f) "HEIGHT RESTRICTIONS" OF THE CODE OF ORDINANCES OF THE VILLAGE OF CORRALES, BEING A PART OF ORDINANCE NO. 220, ADOPTED OCTOBER 9, 1989, AS AMENDED; PROVIDING THAT UTILITY POLES IN AREAS OF THE VILLAGE SERVED BY ESTABLISHED ABOVE GROUND UTILITIES SHALL NOT EXCEED FORTY (40) FEET IN HEIGHT ABOVE GRADE.**

**WHEREAS**, large parts of the Village of Corrales (the "Village"), including the central business area and many residential areas, are served by above-ground electrical and telephone utility services mounted on poles; and

**WHEREAS**, existing utility poles for electrical and telephone service generally exceed twenty-six (26) feet in height above grade, but do not generally exceed forty (40) feet in height above grade; and

**WHEREAS**, the Village Council, the governing body of the Village ("Governing Body") finds that it is from time to time necessary for utility providers to replace poles or provide new poles of equivalent height for the provision of electrical and telephone utility service in those parts of the Village served by established above-ground utility infrastructure; and

**WHEREAS**, the Planning and Zoning Commission has recommended to the Governing Body that Section 18-30(f) of the Code of Ordinances of the Village (the "Code"), relating to height restrictions, should be amended to clarify that utility poles not exceeding forth (40) feet in height above grade are permitted in those areas of the Village served by above-ground utilities.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Village of Corrales, New Mexico, that Section 18-30(f) of the Code, being a part of Section 2 of Ordinance No. 220, adopted October 9, 1989, as amended, is hereby amended to read:

(f) *Height restrictions.* No building, antenna, and/or structure of any type shall exceed twenty-six (26) feet in height, with the exception of municipal uses for public safety and/or municipal water storage facilities; and provided further that utility poles needed to provide service to facilities located in areas of the Village where the established utility structures are above ground in existing overhead public utility easements shall not exceed forty (40) feet in height (elevation) from grade.

**SEVERABILITY CLAUSE:** Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales

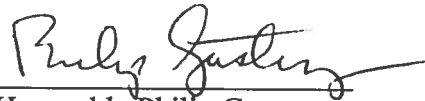
hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amended sections of the Village Code adopted pursuant to this Ordinance shall be compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

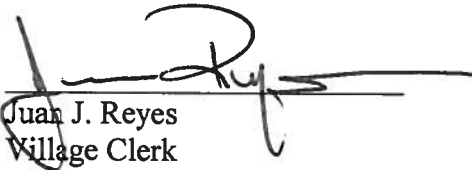
**PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of Corrales, New Mexico, this 21<sup>st</sup> day of December, 2010.

APPROVED:



The Honorable Philip Gasteyer  
Mayor

ATTEST:



Juan J. Reyes  
Village Clerk