

Trustee Bill No. 04  
Series of 2016  
Town of Foxfield

Introduced by Trustee Goddard

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 16 OF THE  
FOXFIELD MUNICIPAL CODE CONCERNING HEIGHT LIMITS FOR  
COMMERCIAL MOBILE RADIO SERVICE FACILITIES**

WHEREAS, the Board of Trustees has exercised the Town's police powers by adopting Section 16-4-30 of the Foxfield Municipal Code governing the use of Commercial Mobile Radio Service ("CMRS") facilities; and

WHEREAS, the Board desires to clarify maximum height limits for CMRS facilities;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
FOXFIELD, COLORADO:

Section 1. Section 16-4-30(d)(4) of the Foxfield Municipal Code is hereby repealed and reenacted as follows:

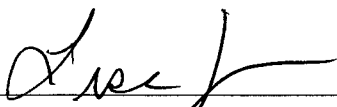
(4) Maximum height for freestanding CMRS facilities. A freestanding CMRS facility, including antennae, shall not exceed the maximum structure height limit in the underlying zone district unless the Town approves a height variance. In no case shall a freestanding CMRS facility exceed fifty (50) feet. Notwithstanding any other provision of this Chapter, no CMRS facility located on property owned by the Town or in any public right-of-way shall exceed forty (40) feet in height.

Section 2. The Town Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the general police powers of the Town of Foxfield, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

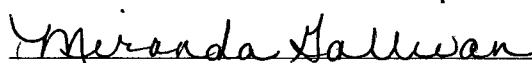
Section 3. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

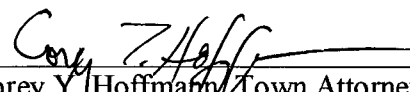
Section 4. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 04 Series of 2016, but the Board of Trustees of Foxfield, Colorado and signed and approved by its Mayor presiding officers this 4<sup>th</sup> day of August A.D. 2016.

  
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Lisa Jones, Mayor

ATTEST:

  
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Miranda Gallivan, Town Clerk

  
\_\_\_\_\_  
Corey Y. Hoffmann, Town Attorney  
(Approved as to Form)

