

ORDINANCE NUMBER 2018-09

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY,
ARIZONA AMENDING THE PARADISE VALLEY TOWN
CODE, SECTION 2-5-6 OF CHAPTER 2, MAYOR AND
COUNCIL, AND ADDING SECTION 5-10-9 TO CHAPTER 5,
BUILDING AND CONSTRUCTION**

WHEREAS, A.R.S. § 9-240(28)(a) establishes the authority to make, amend, or repeal all ordinances necessary or proper for carrying into effect the powers vested in the corporation, or any department or officer thereof, and Article 2-6 of the Town Code establishes procedures for amending the Town Code; and

WHEREAS, the Town Council desires to add a pre-application requirement to the development of lands within Hillside Development Areas; and

WHEREAS, the Town Council desires to add a Hillside Safety Improvement Measures and Process Manual related to construction plans and construction activities for lands within Hillside Development Areas, a copy of which is attached as Exhibit A and incorporated herein by reference;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AS FOLLOWS:

Section 1. Chapter 2, Article 2-5-6, Hillside Building Committee, is hereby amended (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

Section 2-5-6 Hillside Building Committee

- A. The Hillside Building Committee (Committee) is hereby established. The Committee shall review applications for building permits in a Hillside Development Area, as defined under the Town's Zoning Ordinance.
- B. The Committee shall consist of three (3) rotating members of the Planning Commission and two citizen members. The citizen members shall be appointed by the Mayor and confirmed by the Town Council. The citizen members must be Town residents but may not be members of the Planning Commission or Town staff.
- C. The term of citizen members shall be two (2) years. The first appointees shall serve individual terms of one year and two years. The rotating terms of the members of the Planning Commission shall coincide with their terms of office; however, such members shall serve on the Committee for staggered intervals as established by the Chair of the Planning Commission.
- D. At the start of each rotation cycle, the Committee members shall select the Hillside Committee Chair, who shall serve until the start of a new rotation cycle.

If a Planning Commission member in active service on the Committee is absent from any meeting of the Committee, a substitute from the Commission may serve. This substitute member shall be considered a member of the Committee for voting and quorum purposes. Three Committee members shall constitute a quorum.

In addition to the review of applications for development within lands designated as “Hillside Development Areas” pursuant to the provisions of Article 22 of the Zoning Ordinance of the Town of Paradise Valley, otherwise referred to as the “Hillside Development Regulations,” the Hillside Building Committee shall, in conjunction with the Town Engineer, coordinate the Hillside Safety Improvement Measures and Process to the extent required by Section 5-10-9 of the Town Code and the Hillside Safety Improvement Measures and Process Manual. As part of the Hillside Safety Improvements and Process, all applications for development or building and construction within Hillside Development Areas are required to submit a pre-application to the Town Engineer with the forms and submittals required by the Town Engineer as needed to determine the need for all such applications to comply with certain requirements pursuant to the Hillside Development Regulations and the Hillside Safety Improvement Measures and Process Manual.

Section 2. Chapter 5, Building and Construction, Article 5-10, listing of the chapters under Article 5-10 is hereby amended (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

Article 5-10

DEVELOPMENT

- 5-10-1 Right-of-way Permits and Encroachments
- 5-10-2 Uniform Standard Specifications and Details ^{32 33}
- 5-10-3 Storm Drain Design ^{143 146}
- 5-10-4 Blasting Operations ^{354 483}
- 5-10-5 Grading And Dust Control Regulations ^{360 454 552 577 594}
- 5-10-6 Drilling Permits, Restrictions And Penalties
- 5-10-7 Dedication of Public Right-of-Way; Drainage Easements, and
Other Requirements ^{571 601}
- 5-10-8 Required Improvements ^{183 380 571}
- 5-10-9 Hillside Safety Improvement Measures and Process**

Section 3. Chapter 5, Building and Construction, Article 5-10, is hereby amended by the addition of new subsection 5-10-9 (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

Section 5-10-9. Hillside Safety Improvement Measures and Process

That a certain document, known as the Hillside Safety Improvement Measures and Process Manual, Town of Paradise Valley (three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona and also available to the public online at the Town of Paradise Valley website) is adopted as a part of this chapter as if fully set forth in this section.

Section 4. Any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or imprisonment not to exceed six months, or by both said fine and imprisonment. Each day a violation continues shall be a separate offense punishable as described. A violation of the provisions of this Code or amendments thereto may constitute a civil offense, and any person who is served with a citation charging such violation and who admits, or is found responsible for such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed seven hundred fifty dollars. Each day that a violation continues shall be a separate offense punishable as described.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 6. This Ordinance shall become effective in the manner provided by law.

Section 7. This Ordinance shall be reviewed by the Town Council one year after implementation.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 14th day of June 2018.

Michael Collins, Mayor

SIGNED AND ATTESTED TO THIS _____ DAY OF _____ 2018

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney