

ORDINANCE NUMBER 2018-14

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA; AMENDING CHAPTER 5 BUILDING AND CONSTRUCTION, SECTION 5-10-3, STORM DRAIN DESIGN, AND SECTION 5-10-5(B)(2a)(e), OF CHAPTER 5, BUILDING AND CONSTRUCTION, OF THE TOWN OF PARADISE VALLEY TOWN CODE

WHEREAS, A.R.S. §9-240(28)(a) establishes the authority to make, amend, or repeal all ordinances necessary or proper for the carrying into effect of 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 amend the Town Code by adopting a new and updated Storm Drainage Design Manual; and

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

Section 1. Chapter 5, Building and Construction, Section 5-10-3, is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

Section 5-10-3 Storm Drain **Drainage** Design Manual

That certain document, known as the Storm ~~Drain~~ **Drainage** Design Manual, ~~Subdivision drainage design~~, Town of Paradise Valley, three copies of which are on file in the office of the Town Clerk of Paradise Valley, Arizona, which document was made a public record by Resolution No. 537 **2018-16** of the Town of Paradise Valley, is adopted as a part of this chapter as if fully set forth in this section.

Section 2. The Town of Paradise Valley has declared that certain document known as “Storm Drainage Design Manual” as a public record by adopting Resolution Number 2018-16 as recorded pursuant to A.R.S. §9-801 et. seq.

Section 3. Chapter 5, Building and Construction, Section 5-10-5(B)(2a)(e) is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

- e) A drainage plan showing washes in an undisturbed state except for modifications approved by the Town Engineer that are required to accommodate storm water. Washes shall not be realigned except as approved by the Town Engineer and ~~Planning Director~~ **Community Development Director** when necessary to accommodate storm water or to restore a disturbed wash to a more natural state. **Realignments and modifications of washes shall be consistent with the Storm Drainage Design Manual.**

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 such fine and imprisonment. Each day that 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.

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

Michael Collins, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney