

**ORDINANCE NUMBER 2018-09**

**AN ORDINANCE OF THE TOWN OF PARADISE VALLEY,  
ARIZONA AMENDING THE PARADISE VALLEY TOWN  
CODE, CHAPTER 5, BUILDING AND CONSTRUCTION**

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

**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

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

**Section 1.** Chapter 5, Building and Construction, Article 5-10, are 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 <sup>32 33</sup>
- 5-10-3      Storm Drain Design <sup>143 146</sup>
- 5-10-4      Blasting Operations <sup>354 483</sup>
- 5-10-5      Grading And Dust Control Regulations <sup>360 454 552 577 594</sup>
- 5-10-6      Drilling Permits, Restrictions And Penalties
- 5-10-7      Dedication of Public Right-of-Way; Drainage Easements, and  
   <sup>571 601</sup>  
   other Requirements
- 5-10-8      Required Improvements <sup>183 380 571</sup>
- 5-10-9      Hillside Safety Measures and Reviews**

Section 5-10-9.      Hillside Safety Measures and Reviews

A.      Definitions

Boulders - A rock fragment that has been detached from a bedrock mass whose size in the least dimension is twenty-four (24) inches.

Narrow Streets – Any street where if parking occurs on both sides, a twelve (12) foot lane or clearance cannot be preserved or maintained.

- B. The Town Manager or designee may require Construction Staging Plans (as defined in subsection i below) and Safety Improvement Plans (as defined in subsection ii below) to address unique topography, unstable rock formations, steep slopes, loose fill, significant drainageways and washes, narrow adjoining streets or limited access to building sites, high potential for erosion, and other conditions that create hazards to person or property in the vicinity of a building site. Construction Staging Plans and Safety Improvement Plans are intended to reduce the negative impacts of construction activities on the surrounding neighborhood by mitigating potential civil engineering infrastructure failure, subsurface or hillside seismic refraction damage that may result in future landslides, falling boulders, subsurface or surface erosion, subsurface water erosion created by seismic cracks or fissures, noise, dust . Construction Staging Plans and Safety Improvement Plans may be required by the Town and may include, and are not limited to, the following:

i. Construction Staging Plans:

1. Location of construction entrances and exits
2. Location of equipment and material staging and storage
3. Onsite circulation for construction vehicles plan (includes on-site and off-site deliveries, employee parking, turn-arounds, etc.)
4. Location and dimensions of temporary construction signage
5. Conveyance of neighborhood traffic
6. Trash storage and removal plan
7. Fencing plans
8. Location of toilet facilities
9. Construction means and methods narrative

ii. Safety Improvement Plans:

1. Conditions Present on or Adjacent to the Subject Property
  - a. Boulders
  - b. Significant Rock Outcroppings
  - c. Steep Slopes
  - d. Loose Fill or Raw Spill Slope
  - e. Drainageways, Watercourse, or Hillside Washes
  - f. Narrow Adjoining Streets or limited access to building sites
  - g. Known Subsurface or Seismic Damage that may result in future landslides/rockslides
  - h. Unique Topography
  - i. Anticipated use of construction equipment that causes vibrations
  - j. Anticipated trenching and/or restoration, including septic, greater than 100 linear feet, regardless of presence of easements, across steep slopes or loose fill
  - k. Any blasting associated with construction
  - l. Other conditions that create hazards to person or property in the vicinity of the building site

- m. No downhill residents or developable property
  - 2. Geological Reports & Seismic Refraction Surveys
    - a. Indicate and evaluate the location of fractures
    - b. Indicate and evaluate unstable rock and/or fill
    - c. Identify the potential hazards of the fractured or unstable rock/fill to surrounding properties
    - d. Identify the proposed engineering design to stabilize the site and mitigate rock fall or debris
    - e. Subsurface water flows and pooling
    - f. Provide recent geologic events in area such as rock slides, mudslides, earthquakes etc. and impacts/results
  - 3. Blasting
    - a. If blasting is proposed, all blasting requirements noted in Article 5-10-4 of the Town Code must be fulfilled
  - 4. Drainage
    - a. Provide hydrologic study for the area assuming a 100-year storm event in accordance with the Town's Storm Drainage Design Manual and Town Code
    - b. Provide Grading and Drainage Plans.
- C. Safety Measures and Review Process. The Safety Measures and Review Process (as defined herein) consists of a Construction Staging Plan review and a Safety Improvement Plan review. When deemed necessary by the Town Manager or designee, the Safety Improvement Plans shall be reviewed prior to Combined Hillside Building Committee Review or Formal Hillside Building Committee Review (as such are defined in Article XXII of the Zoning Ordinance), The Construction Staging Plan shall be reviewed as part of the building permit application process. The Town may hire outside firms or technical advisers to assist with the Safety Improvement Plan review .
- i. Safety Improvement Plan. The review process for the Safety Improvement Plan consists of the following :
    - 1. The applicant shall submit Safety Improvement Plans in accordance with Section 5-10-9.B.ii of the Town Code. The Safety Improvement Plans must be sealed by a technical registrant. At least two (2) hard copies and one (1) digital copy of the plan(s) must be submitted to the Town.
    - 2. The applicant must notify the neighboring property owners that a Safety Improvement Plan is available for review. Notice shall be given to all property owner located within a one thousand five hundred (1,500) foot radius of the perimeter of a subject property when a Safety Improvement Plan is submitted to the Town. The notice shall identify: 1) that a copy of the plan is available for review at the Town, 2) that comments regarding the proposed plans must be submitted to the Town within forty-five (45) calendar days from the notice mailing date, and 3) that any comments regarding the Safety Improvement Plan must be sealed by a technical registrant. The applicant shall also provide the Town Manager or designee with an affidavit of mailing.

3. Within forty-five (45) calendar days from the date of mailing notification, the neighbors may provide comments regarding the Safety Improvement Plan. Comments regarding the Safety Improvement Plans must be sealed by a technical registrant.
  4. At or after the forty-five (45) day period, the Town will aggregate all review comments and direct the applicant to address the comments and provide updated plans.
  5. The Town Manager or designee and/or the technical advisers will review the updated Safety Improvement Plans for code compliance and identified concerns.
- ii. Construction Staging Plan. The Construction Staging Plan shall be submitted with the building permit application. The review process for the Construction Staging Plan consists of the following:
1. The applicant shall submit a Construction Staging Plan in accordance with §5-10-9.B.i of the Town Code.
  2. The Construction Staging Plan is an administrative review that is included in the Town's building permit process.

- D. When deemed necessary, the Town Manager or designee may hire outside firms or technical advisers to assist with or provide review of an application including the Construction Staging Plan and Safety Improvement Plan. Any fees associated with the outside review are an additional application fee and must be paid by the applicant. The applicant will also be required to provide assurance in a form acceptable to the Town. Prior to issuance of a building permit, all Hillside development that is not eligible for Administrative Hillside Chair Review (as such is provided for in Article XXII of the Zoning Ordinance) shall require the applicant to provide minimum insurance of two million dollars (\$2,000,000) per occurrence and five million dollars (\$5,000,000) aggregate, with the Town of Paradise Valley listed as additionally insured, for the duration of construction. The appropriate dollar values for the insurance shall be the responsibility of the developer and/or the property owner.

**Section 2.** 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 4.** 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 5.** This Ordinance shall become effective in the manner provided by law.

**Section 6.** In accordance with Article II, Sections 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 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