

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

WHEREAS, Arizona Revised Statute §9-802 allows a municipality to enact the provisions of a code or public record by reference without having to publish the entire code or public record;

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

Section 1. That document known as “Ordinance Number 2018-09, An Ordinance of the Town of Paradise Valley, Arizona Amending the Paradise Valley Town Code, Chapter 5, Building and Construction” three copies of which are on file in the office of the Town Clerk of the Town of Paradise Valley, Arizona, which document was made a public record of the Town of Paradise Valley, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2. Chapter 5, Building and Construction, Article 5-10, are hereby amended (with deletions shown as ~~striketroughs~~ 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
 ^{571 601}
 other Requirements
- 5-10-8 Required Improvements ^{183 380 571}
- 5-10-9 Safety Measures and Reviews.**

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

- A. The Town Manager or designee may require Construction Staging Plans and Safety Improvement Plans 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 the 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 and any and all safety standards. 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:
 - a. Location of construction entrances and exits
 - b. Location of equipment and material staging and storage
 - c. Onsite circulation for construction vehicles plan (includes on-site and off-site deliveries, employee parking, turn-arounds, etc.)
 - d. Location and dimensions of temporary construction signage
 - e. Conveyance of neighborhood traffic
 - f. Trash storage and removal plan
 - g. Fencing plans
 - h. Location of toilet facilities
 - i. 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 Manuel and Town Code
 - b. Provide Grading and Drainage Plans.
- B. Safety Measures and Review Process. The Safety Measures and Review process consists of a Construction Staging Plan review and a Safety Improvement Plan review. When deemed necessary by the Town Manager or designee, Technical Advisors shall review the Safety Improvement Plans prior to Combined Hillside Building Committee Review, Formal Hillside Building Committee Review and/or Planning Commission Public Hearing Review. The Town Manager or Designee shall review the Construction Staging Plan prior to Combined Hillside Building Committee Review, Formal Hillside Building Committee Review and/or Planning Commission Public Hearing Review. The Safety Measures and Review Process may consist of the following stages, depending upon the nature and the scope of the proposed development:
 - i. The applicant shall submit Construction Staging Plans and Safety Improvement Plans in accordance with Section 5-10-9.A of the Town Code. The Safety Improvement Plans must be sealed by a registered engineer. At least two (2) hard copies and one (1) digital copy of the plan(s) must be submitted to the Town.
 - ii. The applicant shall notify the neighboring property owners of the Construction Staging Plan submittal and/or the Safety Improvement Plan submittal in accordance with Section 5-10-9.C. The applicant shall also provide an affidavit of mailing.
 - iii. Within 45 calendar days from the date of mailing notification, the neighbors may provide comments regarding the Construction Staging Plan and the Safety Improvement Plan. Comments regarding the Safety Improvement Plans must be sealed by a registered engineer.
 - iv. At or after the 45 day period, the Town will aggregate all review comments and direct the applicant to address the comments and provide updated plans.
 - v. A Technical Advisory Board will review the updated Safety Improvement Plans for code compliance and identified concerns.
 - vi. The Town Manager or Designee will review the updated Construction Staging Plan for code compliance and identified concerns.
- C. Hillside Neighborhood Notification. All property owners located within a 1,500-foot radius of the perimeter of a subject property shall be notified of any

application regarding hillside development (excluding Administrative Hillside Chair Review applications and right-of-way permits for utilities). Notice shall be given for: 1) new applications filed with the Town and 2) Construction Staging Plans and Safety Improvement Plans (when deemed applicable by the Town).

- i. New Hillside Applications Filed with the Town (excluding Administrative Hillside Chair Review applications). Five (5) business days after submittal of an application for hillside development, the applicant must notify the neighboring property owners that an application was submitted to the Town. The notice shall identify the type of application that was submitted to the Town and identify the proposed scope of work.
- ii. Construction Staging Plans and Safety Improvement Plans. The applicant must notify the neighboring property owners that a Construction Staging Plan and Safety Improvement Plan is available for review. The notice shall identify: 1) that a copy of the plans is available for review at Town Hall, 2) that comments regarding the proposed plans must be submitted to the Town within 45 calendar days from the notice mailing date, and 3) that any comments regarding the Safety Improvement Plan must be sealed by a registered engineer.

- D. When deemed necessary, the Town Manager or designee may hire an outside firm 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 Building Permit, all Hillside development, not eligible for Administrative Hillside Chair Reviews, shall require the applicant to provide minimum insurance of \$2 million per occurrence and \$5 million aggregate, with the Town of Paradise Valley listed as additionally insured, for the duration of construction (and for one year after final Town approval). The appropriate dollar values for the insurance shall be the responsibility of the developer and the property owner.

FOOTNOTE:

110 Ordinance # 220 – 7/12/84
112 Ordinance #221 – 9/24/84
181 Ordinance # 305 – 11/9/89
193 Ordinance # 320 – 2/28/91
194 Ordinance # 321 – 2/28/91
206 Ordinance # 338 – 3/26/92
382 Ordinance # 382 – 12/01/94
409 Ordinance #409 - 7/13/95
425 Ordinance # 425 – 9/12/96
533 Ordinance # 533 – 10/09/03
558 Ordinance # 558 – 06/09/05

580 Ordinance # 580 – 10/26/2006

654 Ordinance #654 – 03/13/2014

Section 3. 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 \$750. Each day that a violation continues shall be a separate offense punishable as described.

Section 4. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code or Standards hereby adopted are hereby repealed as of June 14, 2018.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of “Article XXII Hillside Development Regulations” adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portion(s) thereof.

Section 6. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall become effective on June 14, 2018.

Section 7 If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference 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 8. 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 ____ 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

DRAFT