

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

Sec. 23-75. Parking Lots; Unpaved Roads; Vacant Lots; definitions; minimum standards; dust control, notice.

(a) For purposes of Sections 23-75 through 23-78 of this code the following terms shall have the following meanings:

- (1) *Disturbed Surfaces* shall mean any portion of the earth's surface, or materials placed thereon, which has been physically moved, uncovered, destabilized or otherwise modified from its undisturbed natural condition, thereby increasing the potential for emission of fugitive dust.
- (2) *Driveway* shall mean a facility for ingress and egress from a parcel or property to a public or private street.
- (3) *Chemical/Organic Stabilizer* shall mean any non-toxic chemical or organic dust suppressant other than water that meets any specifications, criteria, or tests required by any federal, state, or City agency and is not prohibited for use by any applicable law, rule or regulation.
- (4) *Dust Control* shall mean an environmentally safe dust palliative approved by the Engineering Director or designee for control of the release of particulate matter. Dust Control shall include a schedule for the application of the dust palliative approved by the Engineering Director or designee.
- (5) *Dust Suppressants* shall mean water, hygroscopic materials, solution of water and chemical surfactant, foam, or non-toxic chemical/organic stabilizers not prohibited for use by any applicable law, rule or regulation, as a treatment material to reduce fugitive dust emissions.
- (6) *Fugitive Dust* shall mean the powdery earth the particulate matter entrained in the ambient/surrounding air, which is caused from man-made and natural activities such as, but not limited to, movement of soil, vehicles, equipment, blasting, and wind.
- (7) *Gravel* shall mean the application of a rock product approved by the Engineering Director for designated low vehicular use Parking Lots as determined by the City.
- (8) *Lot* shall mean a parcel of land separated from every other piece or parcel by description and identified on a final parcel map recorded in the Maricopa County Recorder's office.
- (9) *Low Use Unpaved Parking Lot* shall mean a lot on which vehicles are parked no more than thirty-five (35) days a year, excluding days where the exemption in paragraph (e) of this section applies.

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

- (10) *Motor Vehicle* shall mean an automotive vehicle, self-propelled for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as, but not limited to trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
- (11) *Off-Road Motor Vehicle* shall mean any wheeled vehicle that is used off paved roadways including, but not limited to motor cycles or motor-driven cycles, sand or dune buggies, or all terrain vehicles.
- (12) *Owners/operators* shall mean any person who owns, leases, operates, controls, maintains or supervises a fugitive dust source subject to the requirements of this section.
- (13) *Non-Attainment Area* shall mean those portions of the City of Peoria that are within an area designated by the United States Environmental Protection Agency as being a Non-Attainment Area for air quality standards (as defined in 40 CFR 81.303).
- (14) *Parking Lots* shall mean an area provided by the owner, lessee or operator of a non-residential property, including churches, schools and public buildings and facilities to be used for the parking of motor vehicles used to bring invitees, licensees, patrons or users to the non-residential property.
- (15) *Paving* shall mean the application of concrete, asphaltic concrete, asphalt or some other petroleum or rock based application resulting in a permanent surface.
- (16) *Private Streets* shall mean those roadways providing access to the general public for one or more parcels of property and which are not accepted for maintenance by the City or other governmental entity.
- (17) *Public Streets shall* mean those roadways providing access to the general public for one or more parcels of property and which are designated public streets on approved city street classification maps or have been accepted by the city for maintenance for inclusion in the city street system
- (18) *Stabilized Surface/Surface Stabilizer* shall mean a surface, which has been treated with an environmentally safe chemical or gravel, periodically maintained to regulate/control the release of particulate matter in accordance with this code and approved by the Engineering Director or designee.

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

- (19) *Unpaved Parking Lot* shall mean an area provided by the owner or lessee or operator of a privately or publicly owned area utilized for parking of motor vehicles that is not paved and is not a low use unpaved parking lot.
- (20) *Unpaved Roads* shall mean any road/street, equipment path or driveway that is not paved that is open for public access and owned/operated by any federal, state, county, municipal or other governmental or quasi-governmental agencies.
- (21) *Vacant Lots* shall mean a tract, lot or parcel of improved or unimproved land, residential, industrial, institutional, governmental or commercial that contains no approved or permitted buildings or structures of a temporary or permanent nature.

(b) Within thirty days after the effective date of this Ordinance, the City Clerk shall post in all designated posting locations of the city and shall publish in the official newspaper of the city, Notice of the Passage of this Ordinance and where copies of the full text may be obtained.

(c) All owners/operators of an unpaved parking lot shall stabilize the surface area(s) of the lot on which vehicles enter and park by implementing one of the following measures after first obtaining approval of the Engineering Director or designee:

- (1) Pave; or
- (2) Apply chemical/organic stabilizers in sufficient concentration and frequency to maintain a stabilized surface; or
- (3) Apply and maintain surface gravel uniformly to stabilize the surface.

(d) The surface of parking lots used no more than thirty-five (35) days a year, shall be stabilized on any days when over one hundred (100) vehicles enter the lot, such that the surface area(s) on which vehicles enter and park is/are stabilized throughout the duration of time that vehicles are parked.

(e) Parking Lots that are less than five thousand (5,000) square feet or are low usage (ten (10) or fewer cars per day) are exempt from paragraph (c) of this section.

(f) From and after June 10, 2000, all owners/operators of existing unpaved roads with average daily trips of 250 vehicles or more (as determined by the Institute of Transportation Engineers Trip Generation Report (6th edition, 1997 as amended) or tube counts) which cross the surface during a twenty-four (24) hour time period, shall stabilize the entire surface area of the road or road segment which is located within the Phoenix Non-Attainment Area by implementing one of the following measures:

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

- (1) Pave; or
- (2) Apply chemical/organic stabilizers in sufficient concentration and frequency to maintain a stabilized surface; or
- (3) Apply and maintain surface gravel uniformly to stabilize the surface.

(g) No owner, occupant, tenant or person shall construct, open or create a Private Street/Road within any portion of the City that is within a Non-Attainment Area without posting at each junction with a public roadway sign in conformance with the Uniform Arizona Manual on Traffic Control Devices indicating a speed limit of 15 miles per hour. The Engineering Director or designee may sell speed limit signs to owner, occupant, tenant or person at 125% of the City's cost.

(h) All owners/operators of an urban or suburban open area vacant lot of which any portion has a disturbed surface within any portion of the City (a Non-Attainment Area) which remain(s) unoccupied, unused, vacant or undeveloped for more than fifteen (15) calendar days shall implement one of the following measures by June 10, 2000, or within sixty (60) calendar days following the disturbance, whichever is later:

- (1) Revegetate, establish ground cover vegetation on all of the disturbed surface in a sufficient quantity to maintain a stabilized surface; or
- (2) Apply water or chemical/organic stabilizers (a dust suppressant(s)), to all the disturbed surface areas in a sufficient quantity and frequency to maintain a stabilized surface; or
- (3) Restore to a natural state (i.e. as existing in or produced by nature without cultivation or article influence in such manner that all disturbed surface areas are stabilized; or

(4) Apply gravel uniformly to the surface and maintain the gravel surface such that all disturbed surface areas are stabilized.

(i) All vacant lots with less than 0.5 acre (21,780 square feet) of disturbed surface are exempt from paragraph (h) of this section.

(j) All owners/operators of a urban or suburban open area vacant lot with any portion having a disturbed surface due to motor vehicle (trespass) or off-road motor vehicle use, shall at all times implement one of the following by June 10, 2000, or within sixty (60) calendar days following a disturbance, whichever is later:

- (1) Maintaining the premises from being used by motor vehicle and off-road vehicular traffic as roadway or to cut through to bypass existing roadways by placing fencing, trees, barriers or other effective measures to prevent vehicle access; or

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

(2) The installation of signage acceptable to the Engineering Director and the closure of existing ingresses and egresses from the property on to the public roadway; or

(3) Apply gravel or chemical/organic stabilizers uniformly to the surface and maintain the gravel surface or chemical stabilizers such that all disturbed surface areas are stabilized.

(k) All vacant lots of 5,000 square feet or less with disturbed surface due to motor vehicle (trespass) or off-road motor vehicle use may be exempt from paragraph (j) of this section.

(l) All owners/operators that are subject to the provisions of this section shall compile and keep all records that provide evidence of adherence to the requirements of this section, including the type of treatment or measure, the extent of coverage and the date(s) applied, vendor name (if applicable) and the method, frequency, concentration and quality of application. Copies of the aforementioned records and dust control plans along with supporting documentation shall be retained for at least three (3) years.

(Ord. No. 97-38, 7/15/97, section reserved)

(Ord. No. 98-20, 4/7/98, enacted)

(Ord. No. 00-14, 3/7/00, amended entire section) SUPP 2000-1

(Ord. No. 02-41, 6/7/02, amended) SUPP 2002-2