

OFFICE OF THE CITY ATTORNEY
PEORIA CITY CODE (1992)
CITY OF PEORIA, ARIZONA
Code Supplement Instruction Sheet
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Includes:

- Ordinance 2010-01 Dated January 19, 2010
Ordinance 2010-02 Dated January 19, 2010
Ordinance 2010-03 Dated January 19, 2010
Ordinance 2010-04 Dated January 19, 2010
Ordinance 2010-05 Dated January 19, 2010
Ordinance 2010-06 Dated February 2, 2010
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CHAPTER 2 – ADMINISTRATION

Sec. 2-135. Veterans Memorial Board; establishment; powers and duties.

(a) A Veterans Memorial Board is established to consist of seven (7) members. The members shall be appointed in accordance with Section 2-150 of this code. The members of the board shall be selected and appointed by the Mayor with the approval of the Council.

(b) The Veterans Memorial Board shall have the following purposes and goals:

- (1) Develop and promote recognition of veterans of the armed forces of the United States and their contributions to the community.
- (2) Provide opportunities for City officials and citizens of Peoria to organize activities and events including the Veterans Memorial to remind the community of sacrifices made by Veterans and members of the armed forces.
- (3) Cooperate with other communities as requested by the Council to develop activities and events recognizing the contributions of veterans of the armed forces.

(c) The Veterans Memorial Board shall:

- (1) Recommend activities and events to the City to focus on the contributions of veterans of the armed forces to the community.
- (2) Recommend programs focused on the Veterans Memorial to recognize the contributions of veterans and current members of the armed forces of the United States.
- (3) Recommend to the City Council agreements with other governmental and non-governmental organizations to collaborate on promoting understanding of the needs and services of veterans of the armed forces to the community.
- (4) In addition, the Veterans Memorial Board shall have such other powers and duties as directed by the City Council.

(d) The City Council may budget such funds as it deems appropriate for the activities of the Veteran's Memorial Board through the annual appropriations process. Funds received as donations shall be accounted for in accordance with the City's financial policies and procedures and all expenditures in excess of ten thousand dollars (\$10,000.00) shall be approved by the City Manager. All expenditures shall follow the City's procurement policies and procedures.

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(e) The City Manager may designate a department or staff member of the City to furnish support to the Board, as requested or required.
(Ord. No. 06-31, 09/05/06, Enacted) SUPP 2006-03

Sec. 2-136. Veteran's Memorial Board; qualifications

Notwithstanding Section 2-156 of this code, members of the Veteran's Memorial Board are not required to be residents of the City.

(Ord. No. 06-31, 09/05/06, Enacted) SUPP 2006-03

Sec. 2-137 through 2-149 Reserved.

(Ord. No. 90-61, 12/11/90)

(Ord. No. 06-30, 09/05/06, Enacted) SUPP 2006-3

(Ord. No. 06-31, 09/05/06, Amended) SUPP 2006-03

Sec. 2-150. Boards and Commissions; scheduled boards and commissions; terms.

(a) All boards and commissions of the city shall be classified as a regularly scheduled or unscheduled board or commission. Regularly scheduled boards and commissions are those that meet on a regular scheduled basis or may be quasi-judicial in nature. Unscheduled boards and commissions meet on an as called basis.

(b) Regularly scheduled Boards and Commissions include:

- (1) Arts Commission - 7 members
- (2) Board of Adjustment - 5 members
- (3) Library Board - 7 members
- (4) Parks and Recreation Board - 7 members
- (5) Planning and Zoning Commission - 7 members
- (6) Economic Development Advisory Board – 7 members

(c) All members of regularly scheduled boards and commissions of the city shall serve a term of four (4) years, unless otherwise required by the Arizona Revised Statutes. For those regularly scheduled boards and commissions having five (5) members, the terms of office shall be staggered such that no more than one (1) member's term shall expire in any single year. For those boards and commissions having five (5) or more members but less than eight (8) members, the terms of office shall be staggered such that no more than two (2) members' terms shall expire in any single year. For those boards and commissions having more than eight (8) members, the terms of office shall be staggered such that no more than three (3) members' terms expire in any single year. In the case of board and commission members whose current terms are four (4) years, the provisions of this section shall become effective upon the beginning of the new term of office.

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(d) In the event a member of a board or commission of the city receives from the United States Secretary of Defense military orders for active duty in the armed forces of the United States or as a member of the Arizona National Guard, receives orders from the President of the United States federalizing the national guard for service in the armed forces of the United States and the period of active duty is projected to last at least four (4) months but no longer eighteen months (18 months) or the remainder of the term of the Board or Commission member, whichever is less, the Board or Commission member's term may be temporarily vacated as set forth below:

1. A copy of the military orders or orders federalizing the member as a part of the National Guard shall be filed with the City Clerk.
2. Upon receipt of the orders, the City Council Boards and Commissions subcommittee shall meet within thirty days and provide the Mayor with one or more interim nominee(s) for the position. The Mayor shall designate one of the interim nominee(s) to serve as the Board or Commission member on an interim basis until the appointed Board or Commission member returns from active military duty or federalized military service or eighteen months (18 months) or until the end of the Board or Commission member's term whichever occurs first.
3. The interim Board or Commission member shall have all the rights and privileges of a board or commission member of the respective board or commission.

State Law Reference. A.R.S. §9-461.02, Municipal Planning Commission.

State Law Reference. A.R.S. §9-462.06, Municipal Board of Adjustment.

State Law Reference. A.R.S. §38-847, Local Public Safety Retirement boards.

(Ord. No. 90-61, 12/11/90)

(Ord. No. 93-07, 1/19/93, Amended to add (b))

(Ord. No. 98-35, 6/16/98, Amended)

(Ord. No. 02-54, 6/18/02, Amended) SUPP 2002-2

(Ord. No. 04-182, 7/6/04, Amended) SUPP 2004-3

(Ord. No. 09-43, 11/17/09, Amended) SUPP 2009-4

(Ord. No. 10-01, 01/19/10, Amended) SUPP 2010-1

Sec. 2-151. Regularly scheduled boards and commissions; limits on terms.

(a) Any person who has completed the maximum number of terms on any regularly scheduled board or commission or the Judicial Selection Advisory Board shall not be eligible for appointment to that board for a period of one year following completion of their term.

(b) No person shall serve more than two consecutive four year terms on any regularly scheduled board or commission of the City of Peoria or the Judicial Selection Advisory Board. In the event that a person is appointed for part of a term, the partial term regardless of length

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shall not be counted for purposes of calculating the limit of two consecutive terms. Notwithstanding any provision of this section, no person shall serve more than twelve years on any regularly scheduled board or commission of the city or the Judicial Selection Advisory Board.

(c) A person shall serve on no more than one regular scheduled board at any time and no person shall serve on any regular scheduled board and unscheduled board where the duties thereof are deemed to be incompatible in the determination of the city council.

(Ord. No. 98-35, 6/16/98, former Sec. 2-151 renumbered to Sec. 2-154)

(Ord. No. 98-35, 6/16/98, Enacted)

(Ord. No. 99-107, 12/14/99, Amended (b)) SUPP 1999-4

(Ord. No. 08-12, 5/20/08, Amended (a)(b)) SUPP 2008-2

Sec. 2-152. Boards and Commissions; unscheduled boards and commissions.

(a) The following are unscheduled boards and commissions and shall include:

- (1) Building Code Board of Appeals - 7 members
- (2) Citizens commission on Elected Officials Salaries – 5 members
- (3) Design Standards Advisory Board B 5 members
- (4) Historic Preservation Commission - 7 members
- (5) Industrial Development Authority - 7 members
- (6) Municipal Development Authority - 5 members
- (7) Personnel Board - 3 members, 1 alternate
- (8) Peoria Municipal Sports Complex Authority - 7 members
- (9) Public Defender Review Board - 5 members
- (10) Public Safety Review Board-Police - 5 members
- (11) Public Safety Review Board-Fire - 5 members
- (12) Volunteer Firefighter Pension Board - 5 members
- (13) Sister Cities Board – 7 members
- (14) Veteran’s Memorial board – 7 members
- (15) Judicial Selection Advisory Board – 5 members
- (16) Employee Benefits Trust Board – 5 members
- (17) Design Review Appeals Board – 5 members

(Ord. No. 98-35, 6/16/98, former Sec. 2-152 renumbered to Sec. 2-155)

(Ord. No. 98-35, 6/16/98, Enacted)

(Ord. No. 05-63, 11/15/05, Amended) SUPP 2005-04

(Ord. No. 06-30, 09/05/06, Amended) SUPP 2006-03

(Ord. No. 06-31, 09/05/06, Amended) SUPP 2006-03

(Ord. No. 08-12, 5/20/08, Amended by enacting (15)) 2008-2

(Ord. No. 09-15, 06/02/09, Amended) SUPP 2009-2

(Ord. No. 09-43, 11/17/09, Amended) SUPP 2009-4

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Sec. 2-153. Boards and Commissions; unscheduled boards and commissions; terms.

(a) All members of unscheduled boards and commissions of the city shall serve a term of four (4) years, unless otherwise required by the Arizona Revised Statutes. For those boards and commissions having five (5) members or less, the terms of office shall be staggered that no more than two (2) terms shall expire in any single year. For those boards and commissions having more than (5) members but less than eight (8) members, the terms of office shall be staggered that no more than two (2) terms shall expire in any single year. In the case of board and commission members whose current terms are less than four (4) years and where more than the maximum number of members will come up for appointment in a single year, two (2) board and commission members will be appointed for four (4) year terms and one member shall be appointed for a three (3) year term. Thereafter all board and commission members shall be appointed for four (4) year terms. In the case of board and commission members whose current terms are less than four (4) years, the provisions of this section shall become effective upon the beginning of the new term of office.

(b) Except as otherwise provided in this code, members of unscheduled boards and commissions may be appointed and/or reappointed at council discretion to one or more unscheduled boards or commissions.

(Ord. No. 90-61, 12/11/90)

(Ord. No. 93-17, 3/18/93)

(Ord. No. 98-35, 6/16/98, former Sec. 2-153 renumbered to Sec. 2-156)

(Ord. No. 98-35, 6/16/98, Enacted)

(Ord. No. 08-12, 5/20/08, Amended (b)) SUPP 2008-2

Sec. 2-154. Vacancies; boards, commissions and committees.

A vacancy upon a board or commission of the city shall be deemed to have occurred upon the occurrence of the following:

- (a) Death or resignation of a member of a board or commission.
- (b) Ceasing to be a resident of the City of Peoria, unless exempted from the residency requirement pursuant to City Code § 2-156(a)(4).
- (c) Failure to meet the minimum qualifications for the position of board or commission member.
- (d) Three consecutive unexcused absences from board or commission meetings.
- (e) Removal of a member of a board or commission by the City Council as provided in this chapter.

(Ord. No. 90-61, 12/11/90)

(Ord. No. 96-12, 2/6/96, Amended, adding subsection (e))

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(Ord. No. 98-35, 6/16/98, former Sec. 2-154 renumbered to Sec. 2-157)
(Ord. No. 98-35, 6/16/98, Amended (e) and Renumbered from Sec. 2-151)
(Ord. No. 06-22, 06/20/06, Amended (b)) SUPP 2006-3
(Ord. No. 08-12, 5/20/08, Amended (b)) SUPP 2008-2

Sec. 2-155. Unexpired Terms.

Whenever a vacancy has occurred upon one of the boards or commissions of the City, the Mayor with the approval of Council shall appoint a replacement to complete the remainder of the term.

(Ord. No. 90-61, 12/11/90)
(Ord. No. 98-35, 6/16/98, former Sec. 2-155 renumbered to Sec. 2-158)
(Ord. No. 98-35, 6/16/98, renumbered from Sec. 2-152)

Sec. 2-156. Boards and commissions; qualifications.

(a) All members of boards and commissions of the city shall meet the following minimum qualifications upon their appointment to any board or commission.

- (1) Must be at least eighteen (18) years of age or older.
- (2) Resident of the City of Peoria.
- (3) Qualified elector of the City of Peoria.
- (4) Notwithstanding paragraphs (2) and (3) of subsection (a), the following board or commission members are not required to be residents or qualified electors of the City, but must be residents and qualified electors of Maricopa County:
 - (A) Members of the Economic Development Advisory Board; and
 - (B) The fire protection engineer member and industrial safety professional member of the Building Board of Appeals.
 - (C) As provided in Chapter 15 of this Code pertaining to the Judicial Selection Advisory Board.

(b) Employees of the City of Peoria shall not be eligible for appointment to the following boards or commissions of the City. For purposes of this section, "Employee of the City of Peoria" means any City of Peoria employee who is in a benefit receipt status for payroll purposes.

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- (1) Personnel board.
 - (2) Board of adjustment.
 - (3) Board of appeals.
 - (4) Any board or commission that the department in which the employee is assigned acts as primary staff. The term “primary staff” means the department that provides staff support and reports to the applicable board or commission.
 - (5) Economic Development Advisory Board.
 - (6) Judicial Selection Advisory Board.
- (c) Employees of the City of Peoria shall be ineligible for appointment to more than one board or commission at a given time.
- (d) Unless required by state law, no board or commission of the City of Peoria shall have more than one (1) Employee of the City of Peoria as a member at any given time.
- (e) Notwithstanding anything else contained in this section, no policy making or quasi-policy making Employee of the City of Peoria shall be appointed to any board or commission. Policy making or quasi-policy making Employee of the City of Peoria include:
- (1) Charter officers.
 - (2) City manager's staff.
 - (3) City attorney's staff.
 - (4) Department heads.
 - (5) Division managers.
 - (7) Any other position in city employment upon recommendation of the city manager and determination of the city council that due to its assigned duties and responsibilities that the position exercises policy making responsibility.

(Ord. No. 90-61, 12/11/90)

(Ord. No. 93-17, 3/18/93)

(Ord. No. 98-35, 6/16/98, renumbered from Sec. 2-153)

(Ord. No. 02-54, 6/18/02, Amended) SUPP 2002-2

(Ord. No. 06-22, 07/11/06, Amended) SUPP 2006-3

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(Ord. No. 08-12, 5/20/08, Amended by enacting (a)(4)(C), (b)(6)) SUPP 2008-2

Sec. 2-157. Boards and Commissions; limits on terms; Administrative Policies and Regulations.

(a) The Council may adopt administrative policies and regulations governing the procedures for the appointment of members of boards and commissions.

(Ord. No. 90-61, 12/11/90)

(Ord. No. 98-35, 6/16/98, renumbered from Sec. 2-154, Amended)

Sec. 2-158. Removal of board, commission and committee members.

(a) The provisions contained in this section shall apply to all of the boards, commissions or committee's of the city, unless otherwise provided by state law.

(b) Any board, commission or committee member may be removed from office upon a vote of not less than five of the members of the city council for any reasonable cause as determined by the city council.

(Ord. No. 96-12, 2/6/96, enacted)

(Ord. No. 98-35, 6/16/98, renumbered from section 2-155)

Sec. 2-159. Reserved.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 96-12, 2/6/96)

(Ord. No. 98-35, 6/16/98)

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Sec. 2-160. Policy and Administration; definitions.

The following terms shall have the following meanings for Sections 2-160 through 2-164 of this Chapter:

(a) *City Council Policies.* A City Council policy is a written statement of policy adopted by the City Council that outlines and defines city matters within the powers and duties granted to the City Council under state law, the charter and code. A City Council Policy shall be in writing and may be adopted by motion. A City Council policy may be modified within the exclusive determination of the City Council.

(b) *Administrative Procedures.* Administrative procedures are designed to be applied Citywide and to be a written definition of those powers and duties granted to the City Manager under the charter and code.

(c) *Department Procedures.* These are specific written procedures implemented by a City department or office that is designed to implement the powers and duties granted that department or delegated in accordance with this code by the City Manager. Departmental Procedures are not designed for city-wide implementation but to address issues applicable to a particular department.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, amended)

(Ord. No. 96-87, 10/1/96, amended)

(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2

(Ord. No. 07-23, 7/14/07, amended) SUPP 2007-03

2-161. Policy and Administration; city council policies.

(a) City Council Policies shall be in writing and may be placed on the agenda and acted on in the same manner as other matters before the City Council. City Council Policies shall be in conformance with state law, the charter and the codes and ordinances of the city. The city attorney shall approve as to form City Council Policies.

(b) The City Manager or his designee shall maintain a codification of all policies adopted by the City Council, with copies available for public inspection at the Department of the City Clerk.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, amended)

(Ord. No. 96-87, 10/1/96, amended deleting (c) and renumbering to conform)

(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2

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(Ord. No. 07-23, 7/14/07, amended) SUPP 2007-03

Sec 2-162. Policy and Administration; departmental procedures; Municipal Court approval; public inspection.

(a) The presiding judge of Superior Court for Maricopa County shall approve applicable Municipal Court Procedures in accordance with the administrative orders promulgated by the Arizona Supreme Court.

(b) Copies of Departmental procedures shall be on file with the adopting department and shall be available for public inspection.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, repealed existing section 2-162, renumbered section 2-172 to 2-162)

(Ord. No. 96-87, 10/1/96, amended, deleting (a) and (c) and renumbering to conform)

(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2

(Ord. No. 07-23, 7/14/07, amended) SUPP 2007-03

Sec. 2-163. Policy and Administration; administrative procedures; approval and implementation.

(a) Administrative Procedures shall be developed by the City Manager or his designee to provide written statements on those powers and duties granted to the City Manager under the charter and code.

(b) Prior to implementation, the procedure shall be reviewed by the City Attorney as being within the powers and duties of the City Manager or his designee.

(c) Not less than ten days prior to the implementation of an administrative procedure, the City Manager shall provide written notice to the City Council of the proposed revisions and/or new administrative procedure. Personnel Administrative Regulations Sections 61, 62.1, 62.2, 62.5, 62.6, 62.7, 62.8 and 63.4 only shall be changed pursuant to an ordinance adopted by the city council in the manner provided by the Charter. The Council shall retain the right in its sole discretion and judgment to amend, repeal or modify any of the above-designated regulations.

(d) Upon approval by the City Manager or City Council, copies of the administrative procedure shall be available for public inspection at the department of the city clerk.

(e) The City Manager shall maintain a codification of all administrative procedures promulgated by the City Manager or City Council.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, amended)

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(Ord. No. 96-87, 10/1/96, amended adding (c) and renumbering to conform))
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2
(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2
(Ord. No. 07-23, 7/14/07, amended) SUPP 2007-03

Sec 2-164. Repealed.

All existing administrative regulations of the city shall be deemed Administrative Procedures for purposes of this Chapter. Notwithstanding this provision, Administrative Regulation 61, 62.1, 62.2, 62.5, 62.6, 62.7, 62.8 and 63.4 shall only be changed pursuant to an ordinance adopted by the city council in the manner provided by the charter. The council shall retain the right in its sole discretion and judgment to amend, repeal or modify any of the above-designated regulations.

(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2
(Ord. No. 99-23, 5/25/99, enacted) SUPP 1999-2
(Ord. No. 07-23, 7/14/07, repealed) SUPP 2007-03

Sec. 2-165. Repealed.

(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, repealed existing section 2-165, renumbered section 2-166 to 2-165)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-166. Repealed.

(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, amended and renumbered to section 2-165)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-167. Repealed.

(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, repealed existing section 2-167)
(Ord. No. 96-87, 10/1/96, amended deleting (c))
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-168. Repealed.

(Ord. No. 91-04, 1/8/91)
(Ord. No. 94-18, 5/3/94, renumbered section 2-168 to 2-166)
(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

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Sec. 2-169. Repealed.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, renumbered section 2-169 to 2-167)

(Ord. No. 99-23, 5/25/99, repealed) SUPP 1999-2

Sec. 2-170. Management and Budget Department; establishment.

There shall be a Management and Budget Department. The Director of the Management and Budget Department shall be appointed by the City Manager, and confirmed by the City Council. The position shall be an unclassified position and shall serve at the pleasure and will of the City Manager and not subject to the City merit system.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, repealed and reserved)

(Ord. 05-31, 6/21/05, Enacted) SUPP 2005-2

(Ord. No. 09-29, 08/25/09, Amended) SUPP 2009-3

Sec. 2-171. Management and Budget Department; function designation.

Each function within the Management and Budget Department shall be headed by a position designated by the Director of the Budget Department.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, repealed and reserved)

(Ord. 05-31, 6/21/05, Enacted) SUPP 2005-2

(Ord. No. 09/29, 08/25/09, Amended) SUPP 2009-3

Sec. 2-172. Management and Budget Department; position classification plan.

The City Manager shall promulgate a position classification plan for the Management and Budget Department. The plan shall establish specific positions assigned to ranges and steps within

the City's pay plan. The promulgation of a position classification plan shall not create any obligation upon the City Council to appropriate funds for any position with the plan.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, amended and renumbered to section 2-162)

(Ord. No. 05-31, 6/21/05, Enacted) SUPP 2005-2

(Ord. No. 09-29, 08/25/09, Amended) SUPP 2009-3

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Sec. 2-173. Reserved.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, amended and renumbered to section 2-168)

Sec. 2-174. Reserved.

(Ord. No. 91-04, 1/8/91)

(Ord. No. 94-18, 5/3/94, renumbered to section 2-169)

Secs. 2-175. through 2-179. Reserved

(Ord. No. 91-09, 2/12/91)

(Ord. No. 91-12, 5/14/91)

(Ord. No. 92-18, 5/12/92)

(Ord. No. 94-18, 5/3/94)

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Sec. 2-180. Annual budget estimates.

Each department director and appointed officer of the city shall submit, through the city manager to the city council annual budget estimates showing proposed expenditures and revenues for the ensuing fiscal year. The estimates shall be detailed by budget units, character and object of expenditure, and character and source of revenue. The annual budget estimates shall be submitted to the Budget Director in accordance with the schedule adopted each year by the city manager.

(Ord. No. 92-18, 5/12/92, Enacted)

(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-181. Transfer of funds.

(a) Upon adoption of the final budget by the city council, any department may transfer funds from line items within the contractual services and commodities sections of the department's adopted final budgets to other line items within the contractual services and commodities sections of the department's adopted final budgets. The transfer shall be initiated by the department director.

(b) Transfers under subsection a of this section shall be made on forms promulgated by the budget department for this purpose and shall require the approval of the budget director.

(c) No transfer of funds from line items within the personal services section of the department's adopted final budget shall be made which results in a re-title, new classification, re-range or salary range adjustment without a recommendation from the city manager and the approval of the personnel request by the city council.

(d) No transfer of funds from reserve funds, replacement funds, development or expansion fee funds or bond funds shall be made into the general fund, unless contained in the approved final budget or requested by the finance director through the city manager, with the approval of the city council.

(Ord. No. 92-18, 5/12/92, Enacted)

(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2

Sec. 2-182. Expenditure control.

(a) Upon adoption of the final budget by the city council, the city manager may institute expenditure limitations to defer or suspend individual expenditures by departments. The purpose of these limitations is to assure that revenues received by the city are sufficient to cover budgeted expenditures. These expenditure limitations may include:

(1) Delaying capital items approved in the budget until the second or subsequent quarter

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85 th Avenue	Las Palmaraitas to Olive Avenue
87 th Avenue	Sweetwater Avenue to Joan De Arc Avenue
87 th Avenue	Betty Elyse Lane to Tumblewood Drive
88 th Drive	Kelton Lane to Bell Road
89 th Avenue	Northern Avenue to Peoria Avenue
89 th Avenue	Bell Road to Union Hills Drive
94 th Drive	Plaza Del Rio Boulevard to Thunderbird Road
95 th Avenue	Las Palmaritas Drive to Olive Avenue
95 th Avenue	Peoria Avenue north to 96 th Avenue
99 th Avenue (Section Line)	Beardsley Road to Potter Drive
101 st Avenue	Beardsley Road to Irma Lane
105 th Avenue	Deer Valley Road to Robin Lane

(2) The following streets shall have a prima facie speed limit set at thirty (30) miles per hour at all times:

Beardsley Road	81 st Avenue to 83 rd Avenue
Black Rock Boulevard	Jomax Road to Westwing Parkway
Butler Drive	104 th Avenue to 114 th Avenue
Cactus Road	91 st Avenue to 92 nd Drive
Calle Lejos	79 th Avenue to 83 rd Avenue
Cholla Street	67 th Avenue to 83 rd Avenue
Country Club Parkway	91 st Avenue to Union Hills Drive
Deer Valley Road	107 th Avenue to 109 th Avenue
Desert Harbor Drive	91 st Avenue to 91 st Avenue
Desert Moon Way	67 th Avenue to Terramar Boulevard
Dove Valley Ranch Drive	91 st Avenue to 95 th Avenue
Edgewater Road	Westbrook Parkway to Westbrook Parkway
Greenway Road	72 nd Drive to 81 st Avenue
High Desert Drive (North Loop)	Westwing Parkway to Westwing Parkway
High Desert Drive (South Loop)	Westwing Parkway to Westwing Parkway
Hillcrest Boulevard	83 rd Avenue to Deer Valley Road
Kelton Lane	84 th Avenue to 91 st Avenue
Lakeview Road	Westbrook Parkway to Westbrook Parkway
Lone Cactus Drive	81 st Avenue to 87 th Avenue
Mountain View Road	67 th Avenue to 79 th Avenue
Olive Avenue Frontage Road (C)	73 rd Avenue to 75 th Avenue
Olive Avenue Frontage Road (A)	75 th Avenue to 7600 West Olive Avenue
Oraibi Drive	81 st Avenue to 83 rd Avenue
Paradise Lane	87 th Avenue to 91 st Avenue
Peoria Avenue	79 th Avenue to 81 st Avenue
Pinnacle Peak Road	81 st Avenue to 83 rd Avenue

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Pontebella Drive	129 th Avenue to 130 th Lane
Sonoran Mountain Ranch Road	Pyramid Peak Parkway to north of Montgomery Road
Sunrise Point	Town Center Drive to Lone Mountain Parkway
Sunset Point	Sunrise Point to Lone Mountain Parkway
Sweetwater Avenue	71 st Avenue to 87 th Avenue
Terramar Boulevard	Happy Valley Road to Jomax Road
Tumblewood Drive	87 th Avenue to 91 st Avenue
Union Hills Drive	107 th Avenue to 111 th Avenue
Village Parkway	Country Club Parkway to 83 rd Avenue
Westbrook Drive	Country Club Parkway to Village Parkway
Westbrook Parkway	91 st Avenue to Union Hills Dr.
Whispering Ridge	Sunrise Point to Vistancia Boulevard
71 st Avenue	Olive Avenue to Acoma Drive
79 th Avenue	Mountain View Road to Acoma Drive
79 th Avenue	Country Gables Dr. to Tierra Buena Lane
81 st Avenue	Deer Valley Road to Oraibi Drive
83 rd Avenue	Edwards Street to Cholla Street / Varney Road
84 th Avenue	Kelton Lane to Bell Road
85 th Avenue	Olive Avenue to Grand Avenue
87 th Avenue	Beardsley Road to Deer Valley Road
87 th Avenue	Grand Avenue to Northern Avenue
87 th Avenue	Tumblewood Drive to Union Hills Dr.
87 th Avenue	Varney Road to Sweetwater Avenue
91 st Avenue	Thunderbird Road to Kelton Lane
91 st Avenue	Villa Lindo to Happy Valley Road
95 th Avenue	Olive Avenue to Peoria Avenue
104 th Avenue	Butler Drive to Olive Avenue
107 th Avenue	Northern Avenue to Olive Avenue
111 th Avenue	Union Hills Drive to Beardsley Road
112 th Avenue	Beardsley Road to Rose Garden Lane

- (3) The following streets shall have a prima facie speed limit set at thirty-five (35) miles per hour at all times:

Beardsley Road	Lake Pleasant Road to the west City Limits
Cibola Vista Drive	Jomax Road to Lake Pleasant Parkway
Deer Valley Road	83 rd Avenue to 95 th Avenue
Jomax Road	Lake Pleasant Parkway to the west City Limits
Jomax Road	El Mirage Road to 12900 West Jomax Road
Paradise Lane	75 th Avenue to 83 rd Avenue
Peoria Avenue	77 th Avenue to 79 th Avenue

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Peoria Avenue	85 th Avenue to 87 th Avenue
Peoria Avenue	95 th Avenue to 99 th Avenue
Ridgeline Road	Vistancia Boulevard to 119 th Lane
Rose Garden Lane	Lake Pleasant Parkway to 112 th Avenue
Williams Road	Lake Pleasant Parkway to 109 th Avenue
77 th Avenue	Paradise Lane to Bell Road
83 rd Avenue	Cholla Street / Varney Road to Cactus Road
83 rd Avenue	Olive Avenue to Monroe Street
91 st Avenue	Grand Avenue to Cactus Road
91 st Avenue	Kelton Lane to Bell Road
95 th Avenue	Beardsley Road to Deer Valley Road
99 th Avenue	Northern Avenue to Olive Avenue
103 rd Avenue	Northern Avenue to Olive Avenue
111 th Avenue	Northern Avenue to Olive Avenue

- (4) The following streets shall have a prima facie speed limit set at forty (40) miles per hour at all times:

Beardsley Road	Lake Pleasant Road to 83 rd Avenue
Bell Road	The west City Limits to Loop 101 Freeway
Cactus Road	67 th Avenue to 91 st Avenue
Deer Valley	95 th Avenue to 107 th Avenue
El Mirage Road	Jomax Road to Vistancia Boulevard
Happy Valley Road	67 th Avenue to Terramar Boulevard
Jomax Road	67 th Avenue to Westwing Parkway
Lake Pleasant Parkway	Beardsley Road to 95 th Avenue
Lake Pleasant Road	Beardsley Road to Lake Pleasant Parkway
Northern Avenue	71 st Avenue to 115 th Avenue
Olive Avenue	67 th Avenue to 99 th Avenue (Section Line)
Peoria Avenue	87 th Avenue to 95 th Avenue
Peoria Avenue	67 th Avenue to 77 th Avenue
Pinnacle Peak Road	99 th Avenue to Lake Pleasant Parkway
Thunderbird Road	67 th Avenue to 94 th Drive
Union Hills Drive	83 rd Avenue to the west City Limits
Westwing Parkway	Jomax Road to Lake Pleasant Parkway
75 th Avenue	Northern Avenue to Bell Road
83 rd Avenue	Cactus Road to Bell Road
83 rd Avenue	Calle Lejos to Jomax Road
83 rd Avenue	Union Hills Drive to Beardsley Road
83 rd Avenue	Lake Pleasant Pkwy to Williams Road
91 st Avenue	Bell Road to Pinnacle Peak Road
91 st Avenue	Northern Avenue to Grand Avenue

CHAPTER 17 – NUISANCES

Sec. 17-1. Public Nuisances; purpose and scope.

(a) The purpose of this Ordinance is to define and prohibit public nuisances.

(b) This Ordinance shall apply to all land within the City of Peoria without regard to the use or occupancy or the date of acquisition, alteration, or improvement of such land.
(Ord. No. 00-20, 5/16/00, enacted) SUPP 2000-2

Sec. 17-2. Public Nuisances; definitions.

The following words, terms, and phrases when used in this Ordinance shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) “abandoned or inoperable vehicle” means any vehicle that is:

(1) partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; or

(2) a vehicle with a deflated tire or tires or missing any wheel or tire or

(3) or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly. Any motor vehicle missing a windshield, hood, fenders, doors, bumpers, engine, transmission, interior seats or operating controls is deemed to be inoperable; or

(4) or any motor vehicle not displaying on the motor vehicle license plates and/or tags indicating current registration in this state or some other jurisdiction.

(b) “Bar” means an area devoted primarily to the serving of alcoholic beverages, to which food service is only incidental or which is the holder of a license issued under A.R.S. § 4.206.01 by the Arizona Department of Liquor Control.

(c) “Blight” or “Blighted” means unsightly conditions including accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting, landscaping that is dead, characterized by uncontrolled growth, lack of maintenance or damage; buildings, structures, whether main or accessory characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence or physical decay, neglect, excessive use or lack of maintenance; other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

(d) “Designated smoking area” means any area within an enclosed public place where smoking is specifically permitted. Any area in which smoking is permitted shall be located, to the fullest extent possible, in such a manner as to confine smoke to that area.

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(e) “Disturbed surface area” means any portion of the earth’s surface, or materials placed thereon, that has been physically moved, uncovered, destabilized, or otherwise changed from its undisturbed natural condition, thereby increasing the potential for emission of fugitive dust.

(f) “Dust suppressants” means 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.

(g) “Employee” means any person who is employed by any employer for direct or indirect monetary wages or profit. For purposes of this Ordinance, the designation “independent contractor” shall not prevent a person from being deemed an “employee.”

(h) “Employer” means any person employing the services of at least one person.

(i) “Enclosed public place” means any area enclosed by a roof and walls with one or more openings for ingress and egress, which is available to and customarily used by the public. Enclosed public places governed by this Ordinance shall include, but shall not be limited to, public areas such as elevators, waiting rooms, reception areas, lobbies, rest rooms, restaurants, retail stores, retail service establishments, grocery stores, convenience markets, drugstores, shopping malls, theaters, auditoriums, public and private stores, offices of health care professionals, pharmacies, indoor sports facilities and their lobbies, public transportation vehicles and terminals, airport service lines, airport waiting lounges, taxicabs or other means of public transit, community centers, child care centers, public or common areas of hotels and motels, financial institutions, all indoor facilities and any public places already regulated by Arizona Revised Statutes § 36-601.01. A private residence is not an enclosed public place.

(j) “Fence, screen wall, and/or retaining wall” includes free-standing, self-supporting structures constructed of durable wood, chain link with privacy slats, metal, masonry, or other standard fencing materials designed to provide privacy, security, screening, or bank retention between grade separations.

(k) “Garbage” means an accumulation of spoiled or discarded animal or vegetable material resulting from the handling, preparation, cooking, or consumption of food for humans or animals, as well as other organic waste material subject to rapid decomposition.

(l) “Grass” includes Barnyard grass, Bermuda grass, Bluegrass, Brome grasses, Crab grass, Foxtail, Johnson grass, Ragweed, Rye grass, wild oats, or hybrids thereof.

(m) “Hazard” means a condition that may cause personal physical harm.

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(n) “Junk” includes items that in their present state are of little or no apparent economic value that are not confined within an industrial area in compliance with the Peoria Zoning Ordinance, such as an accumulation of the following materials: discarded or scrapped furniture; glass, metal, paper, or machinery parts; inoperable machinery or appliances; building material wastes; litter; or discarded or empty containers. Junk shall also include all types of solid waste described in chapter 22 of this code.

(o) “Land” means all land in the City of Peoria, whether unimproved or on which buildings or other structures are located.

(p) “Occupant” means the person occupying or having custody of a structure or premises as a lessee or otherwise.

(q) “Owner/operator” means any person who owns, leases, operates, controls, maintains, or supervises a premises or a fugitive dust source subject to the requirements of this Ordinance.

(r) “Person” means a human being, enterprise, corporation, association, partnership, firm, or society.

(s) “Place of employment” means any area under the control of a private or public employer, which is intended for occupancy by employees during the course of employment, including, but not limited to, work areas, offices, employee lounges, conference and meeting rooms, employee cafeterias and lunchrooms, classrooms, auditoriums, hallways, stairways, waiting areas and restrooms. A private residence is not a place of employment.

(t) “Plant growth” means vegetation, whether living or dead, such as grass, weeds, vines, bushes, cactus, or trees.

(u) “Premises” means all land, any dwelling, house, building or other structure, designed or used either wholly or in part for residential, commercial or agricultural purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.

(v) “Private clubs and private recreation facilities” means an establishment which:

- (1) Charge a membership fee that must be paid in advance of arrival to the establishment and are not open to invitees of members or the general public, or
- (2) membership is limited to those persons who have served in the armed forces of the United States or this state.

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For purposes of this definition, a charge which is paid at the door upon entry to the establishment is specifically designated not to be a membership fee.

(w) “Public place” means any street, sidewalk, boulevard, alley, right-of-way, or other public way and any public park, square, space, ground, or building.

(x) “Stored” means parking, leaving, locating, keeping, maintaining, depositing, remaining, or being physically present on public or private property.

(y) “Street or highway” means the entire width between the boundary lines of every right-of-way publicly owned or maintained when any part thereof is open to the use of the public for the purpose of vehicular traffic.

(z) “To smoke or smoking” means burning or carrying any lighted cigarette, tobacco or other weed or plant or placing any burning tobacco, weed or plant in a ashtray or other receptacle and allowing smoke to diffuse into the air.

(aa) “Vacant lot” means a tract, lot, or parcel of improved or unimproved land, residential, industrial, institutional, governmental, or commercial for which there is no approved or permitted building or structures of a temporary or permanent nature.

(bb) “Vehicle” means every device by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon stationary rails or tracts.

(cc) “Weeds” means for any residential lot of one acre or less, any uncultivated shrubs or uncultivated vegetation higher than 12 inches, lawn grass higher than 6 inches, and any vegetation that is dead. For lots greater than one acre in size, “Weeds” means any uncultivated shrubs or uncultivated vegetation that is permitted to grow in such a manner as to cover the area designated as a firebreak zone by the City between adjacent properties and the subject property, and those types of plant growth defined as noxious weeds in A.R.S. §3-201 regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Ordinance regards the growth as desirable.

(Ord No. 00-20, 5/16/00, enacted) SUPP 2000-2

(Ord. No. 03-181, 12/2/03, amended) SUPP 2003-4

(Ord. No. 04-18, 03/16/04, amended) SUPP 2004-1

(Ord. No. 04-212, 12/14/04, amended) SUPP 2004-4

Sec. 17-3. Public nuisances; prohibition.

The following acts, omissions, conditions, and things in or upon any land or structure in the City constitute public nuisances, the existence of which are hereby prohibited and declared to be unlawful:

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(a) It shall be unlawful for any person to cause or allow any abandoned or inoperable vehicle to be stored or placed on, or allowed to remain on, any property except in complete conformance with the terms of this Subsection. All abandoned or inoperable vehicles or vehicles in residential areas being restored or repaired for longer than 48 consecutive hours within a fourteen (14) consecutive day period, starting the first day the vehicle is located unscreened shall be stored safely within a lawful, permitted enclosed building or structure having a perimeter composed of rigid walls and a roof or screened by a lawful six foot fence, or shall be stored on the premises of a business enterprise operated in a lawful place and manner in accordance with the provisions of the Peoria City Code where the storage of the vehicle is necessary to the operation of the business enterprise.

(b) It shall be unlawful to park or store any vehicle within the front, side or rear yard of a single or multi-family residence use unless such parking or storage is on an improved, dustproof-parking surface such as concrete asphalt, “chip seal”, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border and must be treated with a dust palliative in such a manner as to prevent the release of fugitive dust. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface in a manner to meet the minimum requirements of this subsection and to treat crushed rock or aggregate not less than two (2) times a year with a dust palliative. Parking within the front yard of a single residence use shall be on or contiguous to a legal driveway provided such parking does not exceed a maximum of 35% of the front yard area, except on lots less than 7,000 square feet in which case the excess vehicle and visitor parking may be located on up to 50% of the front yard. Parking within the side or rear yard of a single residence use shall have continuous access to a legal driveway meeting the dustproof requirements of this subsection.

(c) Any existing single or multi-family residence having unimproved parking shall by October 1, 2009 improve all existing parking areas with a dustproof-parking surface such as concrete asphalt, “chip seal”, or crushed rock or aggregate that is a minimum of three inches thick. All crushed rock or aggregate shall be contained by a permanent border and must be treated with a dust palliative in such a manner as to prevent the release of fugitive dust. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface in a manner to meet the minimum requirements of this subsection and to treat crushed rock or aggregate not less than two (2) times a year with a dust palliative

(d) It shall be unlawful to erect or maintain any electric fence or to attach to any fence any glass, nails, metal objects or other materials in such a manner that is likely to injure any person who comes in contact with such object, or to erect or maintain any barbed wire or razor wire except that no more than three strands of barbed wire or one coil of razor wire not less than six feet and two inches above the ground are permitted at the top of an otherwise lawful fence enclosing a municipal, institutional, or commercial use. Barbed wire fencing is not prohibited on premises larger than one acre used for agricultural or livestock purposes. Barbed wire or razor wire shall not extend beyond

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the premises permitted to be enclosed.

(e) It shall be unlawful for an owner or occupant to fail to properly repair, replace, or remove any fence, screen wall, or retaining wall visible from the adjacent right-of-way that is collapsed or otherwise constitutes a hazard.

(f) No person shall place any rubbish, trash, filth, debris, or abandoned construction materials upon any private or public property not owned or operated by said person unless it is a solid waste disposal or other facility authorized by law.

(g) No person shall deposit, store, or maintain any garbage, junk or an accumulation of materials such as vehicle parts, appliances, indoor furniture, boxes, crates, packing cases, mattresses, bedding, lumber, scrap iron, tin and other metals unless stored safely within a lawful, enclosed building, structure, or screened by a lawful fence or within a trash receptacle in such a manner as to not be visible from public view, except as authorized for collection under chapter 22 of this code.

(h) No person shall deposit in, sweep upon, or permit to drain into any public right-of-way, public place, or private right of way open to the public within the City any garbage, junk, obstruction, or similar matter or any hazardous material that impedes passage or is detrimental to public health.

(i) No owner or occupant of land within the City shall allow plant growth that is dead, dormant, or so dry as to be readily flammable or combustible on such land that it may constitute a fire hazard.

(j) No owner or occupant of a parcel of land shall allow thereon weeds or grass either to attain a height in excess of six inches or to create a danger to public health through the breeding or harborage of harmful insects or other pests. For lots in excess of one acre a firebreak may be used between the adjacent properties and the subject property.

(k) Except for weed abatement operations described in Subsection (k) of this Section, no owner or operator responsible for weed abatement on vacant lots shall remove vegetation from any vacant lot by blading, disking, plowing under, or any other means without doing all of the following:

- (1) Applying a minimum standard three-inch dust suppressant(s) stabilizing the total surface area subject to disturbance immediately before or during the weed abatement.
- (2) Preventing or eliminating the tracking of dust onto paved surfaces and access points adjoining paved surfaces.
- (3) Applying a minimum standard three-inch dust suppressant(s) stabilizing the entire

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disturbed surface area immediately after the weed removal by compacting the ground or applying gravel or dust suppressant.

- (1) The following are exempt from Subsection (j) of this Section:
- (2) Weed abatement operations on any vacant lot with less than 0.50 acre (21,780 square feet) of disturbed surface area.
- (3) Weed abatement operations that received an approved Earth Moving permit under Maricopa County Rule 200, Section 305 (adopted 11/15/93 and as amended).
- (4) Weed abatement operations performed on any vacant lot or property under the order of a governing agency for the control of a potential fire hazard or otherwise unhealthy condition provided that mowing, cutting, or another similar process is used to maintain weed stubble at least three inches above the soil surface.

(m) No person shall offer to sell or plant any mulberry tree (*morus alba*) or olive tree (*olea europea*) in the City unless it is one of the non-pollinating varieties of such trees. The City shall maintain a current list of non-pollinating varieties, which shall be available for public review and shall be based on industry standard for non-pollinating varieties, applicable horticultural and scientific research and data, review and evaluation by qualified experts, and other appropriate information.

(n) It shall be unlawful for any owner or person having legal occupancy of a residence or business to allow any swimming pool or similar body of water to stagnate and thereby become unsafe for its intended use through eutrophication or pollution. For purposes of this Subsection, “pollution” means a condition that exists in water and is characterized by bacterial growth, algae, insect infestation, the remains of litter, debris, garbage, or other foreign matter that, because of its nature or location, constitutes an unhealthy or unsafe.

(o) No owner or occupant of a building, structure or land within the City shall permit or fail to eradicate graffiti, as defined in section 13-68 of this code, on any building, structure, wall, sidewalk, fence, sign or other surface visible from any street or other public or private property.

(p) No owner or occupant of a vacant or abandoned building or structure within the City shall fail to secure the building or structure against unauthorized entry.

(q) It is unlawful for any person to cause or permit the handling, transporting or disposition of any substance or materials that are likely to be scattered by the air or wind, or is susceptible to being airborne or wind-borne, or operate or maintain or cause to be operated or maintained, any premise, open area, right of way, storage pile of materials, vehicle or construction, alteration, demolition or wrecking operation, or any other enterprise that involves any material or substance likely to be scattered by the wind or air or susceptible to being wind-borne or airborne

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that would be classified as air pollution or unreasonably interferes with the comfortable enjoyment of life or adjacent property. The City may require reasonable precautions to prevent dust emissions prohibited under this section which may include but are not limited to the following:

- (1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, grading of roads, driveways, and parking lots or the clearing of land.
- (2) Application and maintenance of asphalt, road oil, water or suitable chemicals on dirt roads, driveways and parking lots, material stockpiles and other surfaces that can be a source of airborne dust.
- (3) Installation of hoods, fans and dust collectors to enclose and vent the handling of dusty materials or the use of water, sprays or other acceptable measures to suppress the dust emission during handling. Adequate containment methods shall be employed during sand blasting or other similar operations.

(r) Decorations shall mean items or objects used to embellish, ornament or enhance any physical features on private property or buildings thereon in celebration of a holiday or occasion. Decorations shall meet the following requirements.

- (1) Decorations shall not be displayed in such a manner that creates a traffic hazard on city streets, sidewalks, rights of way and other public accesses or to create an obstruction to pedestrian or vehicular traffic.
- (2) Decorations containing electrical wiring shall be presumed to be hazardous if displayed for more than 120 consecutive days and shall be subject to inspection by the City to determine the condition of the wiring. Decorations containing electrical wiring deemed to be in a state of disrepair or hazardous by the city shall be removed immediately.

(s) All property shall be maintained from any conditions that contribute to blight, including but not limited to uses or activities customarily conducted or maintained out of public view, such as clothes lines, animal boarding facilities or other similar conditions. All dirt front yards visible from a private roadway or right of way shall be landscaped with rock or grass within sixty days following issuance of a final utility clearance by the City and be maintained continuously in such condition.

(t) It shall be unlawful for any owner or occupant of any real property to conduct any sale of new or used merchandise on their property, including but not limited to yard sales, craft sales, garage sales or similar sales in violation of this section. For purposes of this section, “garage”, “yard”, “craft”, or similar sale is defined as a sale of new or used personal property located on the property prior to the sale. Such sales shall not violate any of the following:

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(1) Held for a period of more than sixty (60) consecutive hours. It shall be presumed that the sale started at the time set forth on any advertisement located identifying the proposed sale.

(2) Held more than four times in a calendar or consecutive year. For purposes of measurement, a consecutive year begins on the earliest date on any advertisement located identifying the proposed date and runs for a period of 365 days following that date. This four time limitation shall apply to the location regardless of a change in owners or occupants during the one year period.

(Ord. No. 00-20, 5/16/00, enacted) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, amended) SUPP 2004-4

(Ord. No. 07-41, 12/18/07, amended) SUPP 2007-4

Sec. 17-4. Public Nuisances; enforcement.

(a) Unless expressly stated otherwise, violations of this chapter may be enforced alternatively by civil or criminal penalties, however, no person served with a notice charging a civil violation may be subject to a criminal charge arising out of the same offense. However, prior civil determinations of responsibility for the same offense may be used to enhance penalties imposed upon a subsequent criminal conviction for an offense.

(b) Civil violations of this chapter shall be enforced as provided in Section 17-51 and Chapter 15 of this code.

(c) Criminal violations of this chapter shall be enforced as provided in Section 17-51 and pursuant to state statute.

(d) In addition to other enforcement actions that may be taken pursuant to this code, the City Manager or designee may issue an order of abatement pursuant to Section 17-59 of this code.

(e) Violations of this Ordinance are in addition to any other violation enumerated within the City ordinances or the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this Ordinance which is also a violation of any other ordinance or Code provision of the City or statutes of the State.

(Ord. No. 00-20, 5/16/00, enacted) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, amended) SUPP 2004-4

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Secs. 17-5. through 17-20. Reserved.
(Ord. No. 92-04, 2/11/92)
(Ord. No. 00-20, 5/16/00) SUPP 2000-2

Sec. 17-21. Reserved.
(Ord. No. 92-04, 2/11/92, Enacted)
(Ord. No. 98-32, 5/5/98, Amended)
(Ord. No. 00-20, 5/16/00, Repealed and Reserved.) SUPP 2000-2

Sec. 17-22. Reserved.
(Ord. No. 92-04, 2/11/92, Enacted)
(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

Secs. 17-23. through 17-25. Reserved.
(Ord. No. 92-04, 2/11/92)

Sec. 17-26. Reserved.
Cross reference(s) -- Definitions and rules of construction generally, § 1-2.
(Code 1977, § 6-6-1)
(Ord. No. 87-48, § 2, 10-6-87)
(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

Sec. 17-27. Reserved.
(Code 1977, § 6-6-3(B))
(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

Sec. 17-28. Reserved.
(Code 1977, § 6-6-6)
(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

Sec. 17-29. Reserved.
(Code 1977, § 6-6-2)
(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

Sec. 17-30. Reserved.
(Code 1977, §§ 6-6-3, 6-6-4)
(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

Sec. 17-31. Reserved.
(Code 1977, § 6-6-5)
(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

Secs. 17-32. through 17-50. Reserved.

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Sec. 17-51. Nuisance; enforcement; violation and penalties.

For purposes of this chapter, the owner of record as recorded in the Maricopa or Yavapai County Recorder's Office records of the property on which a violation of this ordinance exists may be presumed to be a person having lawful Control over any building, structure or parcel of land. If more than one person shall be recorded as the owner of the property, said persons may be jointly and severally presumed to be persons having lawful control over the building, structure or parcel of land. There shall be a rebuttable presumption that any person residing on the property is doing so with the consent of the recorded owner and such persons shall be jointly liable with any owner for any violation of this Chapter.

(a) The remedies herein are cumulative and the City may proceed under one or more such remedies.

(b) (1) Any owner or responsible party, who causes, permits, facilitates, or aids or abets any violation of any provision of this Chapter or who fails to perform any act or duty required by the Chapter is subject to a civil sanction in accordance with a schedule adopted by the Presiding Judge of Municipal Court, the minimum sanction shall not be less than two hundred dollars or more than two thousand five hundred dollars. All surcharges imposed by this code shall be in addition to the civil sanction. Any owner or responsible party who commits a second violation of this Chapter within thirty-six months of the commission of a prior violation of this Chapter shall be subject to a civil sanction in accordance with a schedule adopted by the Presiding Judge of Municipal Court, the minimum sanction shall not be less than four hundred dollars. All surcharges imposed by this code shall be in addition to the civil sanction. Any owner or responsible party who commits a third violation of the Ordinance within thirty-six months of the commission of a violation of the Ordinance shall be subject to a civil sanction of not less than seven hundred and fifty dollars. All surcharges imposed by this code shall be in addition to the civil sanction.

(2) The thirty-six-month period provision of subsection B (1) of this section shall be calculated by the dates the violations were committed. The owner or responsible party shall receive the enhanced civil sanction upon a finding of responsibility for any violation of this Chapter which was committed within thirty-six months of the commission of another violation for which the owner or responsible party was convicted or found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

(c) (1) Any owner, responsible party, or other person having control over a structure or parcel of land who causes, permits, facilitates, or aids or abets any

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violation of any provision of the Chapter or who fails to perform any act or duty required by the Chapter is guilty of a Class 1 misdemeanor.

(2) Any person convicted of a violation of the Ordinance shall be sentenced to a fine of not less than two hundred dollars. Any person who is convicted of a second violation of the Ordinance committed within thirty-six months of a prior violation of the Ordinance shall be subject to a fine of not less than four hundred dollars. All surcharges imposed by this code shall be in addition to the civil sanction. Any person who is convicted of a third or subsequent violation of the Ordinance committed within thirty-six months of a prior violation of the Ordinance shall be subject to a fine of not less than seven hundred and fifty dollars. All surcharges imposed by this code shall be in addition to the civil sanction.

(3) The thirty-six-month period provision of subsection (c)(2) of this section shall be calculated by the dates the violations were committed. The owner or responsible party shall receive the enhanced fine upon a conviction of any violation of the Ordinance which was committed within thirty-six months of the commission of another violation for which the owner or responsible party was found responsible or convicted, irrespective of the order in which the violations occurred.

(d) Each day any violation of any provision of this Chapter or the failure to perform any act or duty required by this Chapter exists shall constitute a separate violation or offense.

(e) In addition to any other sanction or penalty authorized under subsections (b) and (c) of this section, the Court may issue an order permitting the City to abate the condition giving rise to the violation. The reasonable costs of any such abatement, plus a ten percent administrative fee, which shall not exceed one thousand dollars shall be the responsibility of the person found responsible or guilty of the violation and may be collected as provided in Section 17-53.

(f) It is an affirmative defense for an owner of record that any violation of this Chapter was caused by an act or acts of a lessee or tenant who was a lawful resident of the property having a right to be on the property on the date of violation alleged in the complaint and that the owner has no legal authority to compel the lessee or tenant to correct the violation. No defense shall be asserted pursuant to this provision unless notice thereof is filed with the Peoria Municipal Court and provided to the Office of the City Attorney at least twenty days in advance of the date set for trial.

(g) If any owner or responsible party is adjudged guilty or responsible for a violation of this Chapter or Chapters 5 and/or Chapter 9 of this code which caused or contributed to the necessity of an order to vacate a dwelling or dwelling unit being issued pursuant to Chapter 5 or

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Chapter 9 of this Code, the court shall impose a fine or penalty, exclusive of surcharges, no less than the greater of two hundred dollars or the amount paid by any governmental agency to re-establish a household for any individuals or families residing in the dwelling or dwelling units ordered to be vacated. In no event shall the maximum fine or penalty for a single offense or violation exceed two thousand five hundred dollars, exclusive of surcharges. In no case shall an owner or responsible party who falls within the provisions of this subsection be eligible for suspension or commutation of a sentence or penalty except in the case of a criminal offense such owner or responsible party is placed on probation with the condition that the minimum mandatory fine be paid.

Cross reference(s) -- Definitions and rules of construction generally, § 1-2.

(Code 1977, § 10-4-1)

(Ord. No. 90-09, 3/13/90)

(Ord. No. 92-39, 10/6/92)

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

(Ord. No. 00-14, 3/7/00, Amended to add (b),(c),(e) and (h) SUPP 2000-1)

(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, Enacted) SUPP 2004-4

(Ord. No. 2010-03, 01/19/2010, Amended) SUPP 2001-1

Sec. 17-52. Nuisance; jurisdiction of court.

(a) Jurisdiction of all proceedings to enforce the provisions of this Chapter shall be in the Municipal Court of the City of Peoria.

(b) The Municipal Court of the city of Peoria shall have jurisdiction to issue orders permitting the City to abate conditions that constitute a violation of this Chapter. The Municipal Court may retain jurisdiction over any matter to abate conditions that constitute a violation of this Chapter until the violation is abated in full.

State Law Reference, A.R.S. §13-1603--Criminal Littering.

(Ord No. 92-39, 10/6/92, Enacted)

(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, Enacted) SUPP 2004-4

Sec. 17-53. Nuisance; civil penalties, lien enforcement.

(a) If a property owner or responsible party has been previously assessed civil or criminal penalties under this Chapter and fails to comply with such assessment within thirty days, the City may correct or abate the condition as described in the determination by the Municipal Court or Hearing Officer. The City shall pay the cost and expense of such abatement from any appropriation made available for that purpose and shall certify a statement of account to the Finance Department who shall collect the amount due, together with interest at the rate established by law.

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(b) Upon commencement of action on the property or after mailing the statement of account to the owner or responsible party, the City shall assess the property for the cost of work performed, including actual costs of any additional inspection and other incidental connected costs, and for associated legal costs for abatement or injunction and shall record such assessment with the County Recorder and pursue any or all means for recovery of cost if the assessment is not paid. If the assessment is paid, the City shall remove the assessment.

(c) In the event it is necessary to enforce the assessment by sale, the sale shall be made from a judgment of foreclosure and order of sale. The City shall have the right to enforce the assessment in the Superior Court of Maricopa or Yavapai County based on location of the property at any time after recording, but failure to enforce the assessment shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording. Prior assessments or liens for the purposes provided for in the ordinance shall not be a bar to a subsequent assessments or liens and any number of liens or assessments on the same parcel may be enforced in the same action.

(e) The assessment shall constitute a first lien and is prior and superior to all other liens, obligations, mortgages, or other encumbrances, except liens for general taxes.

(f) Any liens or assessments filed with the County Recorder pursuant to previous provisions of this ordinance or any similar ordinance shall remain in effect under the same terms and conditions that existed at the time of recording.

(g) Upon Ten (10) calendar days notice, the City may dispose of any property or material removed from real property as the result of abatement in any manner, including but not limited to destruction

(Code 1977, §10-4-3)

(Ord. No. 90-09, 3/13/90)

(Ord. No. 92-39, 10/6/92, Amended)

(Ord. No. 98-20, 4/7/98, Amended adding (c))

(Ord. No. 00-14, 3/7/99, Amended (c) and (d)) SUPP 2000-1

(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, Enacted) SUPP 2004-4

Sec. 17-54. Reserved.

(Ord. No. 92-39, 10/6/92, Enacted)

(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

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Sec. 17-55. Emergency Hazard Abatement.

(a) Notwithstanding the provisions of this chapter, the city may proceed to abate nuisances under this Section which constitute an imminent threat to life or the public health, safety or welfare.

(b) The city manager or his designee in accordance with the provisions of the Uniform Fire Code and the Uniform Building Codes as adopted by the city may direct that the hazard be abated or may enter upon the property in accordance with the provisions of the uniform codes adopted by the city.

(c) The city may act to correct or abate the emergency without notice to the owner or responsible party in accordance with the Uniform Building Code or Uniform Fire Code as adopted by the city.

Cross Reference(s) 5-21, Uniform Building Code, adopted; 9-31, Uniform Fire Code, adopted.
(Ord No. 92-39, 10/6/92, Enacted)

Sec. 17-56. Reserved.

(Code 1977, § 10-4-10)

(Ord. No. 90-09, 3/13/90)

(Ord. No. 92-39, 10/6/92, renumbered as Sec. 17-56)

(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

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Sec. 17-57. Notice of violation; rubbish, trash, weeds, filth, debris, and dilapidated structures.

Upon reasonable belief that a violation of this chapter has occurred and rubbish, trash, weeds, or other accumulation of filth, debris, or dilapidated structures, including but not limited to accumulation of stagnant waters in swimming pools, spas and hot tubs constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets, and alleys, the city shall:

(a) Provide written notice that shall be served upon the owner, occupant or lessee by certified United States mail, or in person at their last known address, or at the address on file in the Maricopa County Treasurer's Office to which the most recent tax bill was mailed. If the owner does not reside upon the property, a copy of the notice shall be mailed to the owner by first class United States Mail to the owner's last known address, or may be served by any other means reasonably calculated to provide the owner with notice.

(b) The notice shall provide that the owner, occupant or lessee shall have thirty (30) days to remove any rubbish, trash, weeds, filth, debris, ~~or~~ litter or dilapidated structures, including but not limited to accumulation of stagnant waters in swimming pools, spas and hot tubs upon the property or adjacent sidewalks, streets and alleys and the estimated cost to the City for the removal.

(c) The notice shall provide that the owner, occupant or lessee shall have ten (10) days to appeal in writing the issuance of the notice to the City Council. The date of mailing of the appeal shall be the date of filing. All appeals shall specify the grounds for appeal. The appeal shall be filed with the City Clerk, together with the appeal fee provided in this code, failure to pay the required fee shall result in the appeal not being filed.

(Code 1977, §§10-4-4 through 10-4-7)

(Ord. No. 90-09, 3/13/90)

(Ord. No. 92-39, 10/6/92, renumbered as Sec. 17-57)

(Ord. No. 93-01, 1/5/93, Amended, (a);(b) and (c))

(Ord. No. 00-20, 5/16/00, Amended) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, Amended) SUPP 2004-4

Sec. 17-58. Appeals of notices of violation; rubbish, trash, weeds, filth, debris, and dilapidated structures.

(a) The City Manager may delegate his authority to act as hearing officer for the City Council on appeals pursuant to Section 17-57 to a sales tax or other Hearing Officer appointed by the City. The City Manager or other Hearing Officer may exercise the power granted to the Council to compel the attendance of witnesses and to hear relevant evidence.

(b) The City Manager or other Hearing Officer shall hear the appeal within twenty (20) days after receipt and upon the conclusion of the hearing submit recommended findings and conclusions to the City Council. Written notice of the hearing shall be provided to the appropriate

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City departments and to the owner, occupant or lessee. The City Manager or other Hearing Officer shall recommend and the City Council shall determine, based upon a preponderance of the evidence, whether a violation of this chapter has occurred and whether rubbish, trash, weeds, or other accumulation of filth, debris, or dilapidated structures, including but not limited to accumulation of stagnant waters in swimming pools, spas and hot tubs constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets, and alleys. The City Council shall issue its findings in writing, upholding or reversing the notice of violation. The City Council shall not hold a second hearing to again consider the matter, but act on the recommendation of the City Manager or other Hearing Officer. The decision of the City Council shall be final.

(c) If an appeal is not filed in accordance with this section, the City Manager or other Hearing Officer may issue an order of abatement upon the day following the last day to appeal a notice of violation. The order of abatement shall provide that the owner, occupant or lessee shall have the remainder of the thirty (30) day period provided for in the notice to remove rubbish, trash, weeds, filth, debris or litter from the subject property.

Charter reference(s) -- Assessments and liens authorized, art. I, 3(4).
(Code 1977, §§ 10-4-8, 10-4-9)
(Ord. No. 90-09, 3/13/90)
(Ord. No. 92-39, 10/6/92, renumbered as Sec. 17-58)
(Ord. No. 93-01, 1/5/93, Amended, (a);(b) and (c))
(Ord. No. 00-20, 5/16/00, Amended (a) and (b)) SUPP 2000-2
(Ord. No. 04-212, 12/14/04, Amended) SUPP 2004-4

Sec. 17-59. Order of abatement.

Upon the expiration of the appeal period after issuance of the notice provided for in Section 17-57 of this Code, or at the time the final decision of the City Council upholding the notice of violation, the City Manager may issue an order of abatement providing for:

(a) The removal of all rubbish, trash, weeds, or other accumulation of filth, debris or dilapidated structures, including but not limited to removal of stagnant waters in swimming pools, spas and hot tubs which constitute a hazard to public health and safety by the City's employees or contractors within five (5) days or the remainder of the notice period, whichever is applicable. The order shall be in writing and signed by the City Manager or designee. The order shall include the estimated cost for the removal, plus a five percent (5%) surcharge, based on the estimated cost to cover the City's incidental costs.

(b) A copy of the order of abatement shall be posted upon the subject property. The order shall be sent by certified United States mail to the owner, occupant or lessee at their last known address or most recent address to which a tax bill was mailed. If the owner does not reside on the property, a duplicate notice shall also be sent to the owner at the owner's last known address.

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(c) After five (5) days have elapsed from the date of issuance of the Order of Abatement, the City, its employees or contractors enter upon the property and remove all rubbish, trash, weeds, filth, debris or dilapidated structures, including but not limited to removal of stagnant waters in swimming pools, spas and hot tubs from any lot, parcel or tract.

(Ord. No. 93-01, 1/5/93, Enacted)

(Ord. No. 00-20, 5/16/00, Amended (a) and (c)) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, Amended) SUPP 2004-4

Sec. 17-60. Order of assessment.

(a) Within five (5) days after the City, its employees or contractors have removed rubbish, trash, weeds, filth, debris or dilapidated structures, including but not limited to removal of stagnant waters in swimming pools, spas and hot tubs from any lot, parcel or tract pursuant to this ordinance, the City shall issue a written order of assessment. The order shall list the common address, legal description and tax parcel number of the property. The order shall also list the actual cost of removal, the five percent (5%) surcharge levied by the City, and the total cost. The order shall indicate that the entire cost is due and payable in full within thirty (30) days from the date of issuance of the order, and that the assessment will become delinquent on that date. The order shall be signed by the City Manager or his designee and shall be recorded in the office of the County Recorder.

(b) The order of assessment shall also contain the following notice in bold face print:

NOTICE: THIS ORDER OF ASSESSMENT PURSUANT TO A.R.S. §9-499 AND ARTICLE I, SECTION 3 (4) OF THE PEORIA CITY CHARTER SHALL CONSTITUTE A LIEN UPON THE PROPERTY DESCRIBED IN THIS ORDER IN FAVOR OF THE CITY OF PEORIA, ARIZONA. THE CITY MAY TAKE LEGAL ACTION TO FORECLOSE THE LIEN AND SELL THE PROPERTY DESCRIBED TO RECOVER THE COSTS INDICATED IN THE ORDER OF ASSESSMENT.

(c) The order of assessment shall indicate that the owner, lessee or occupant shall have ten (10) days from the date of issuance to appeal the amount of the assessment levied by the City. The date of mailing the order shall be the date of issuance. All appeals of orders of assessments shall be in writing and shall specify the grounds for appeal of the assessment. Only the amount of the assessment may be appealed. The appeal shall be filed with the appeal fee provided in this Code, and failure to pay the required fee shall result in the appeal not being filed.

(d) The City Manager or other Hearing Officer shall hear the appeal within fifteen (15) days after receipt and upon conclusion submit recommended findings and conclusions to the City Council. Written notice of the hearing shall be provided to the appropriate City departments and to the owner, occupant or lessee. The City Manager shall recommend and the City Council shall

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determine, based upon a preponderance of the evidence, whether the assessment was made in accordance with the provisions of this ordinance and whether the amount assessed actually covers the costs incurred by the City. The Council shall issue its findings in writing upholding or modifying the amount of assessment. The decision of the Council shall be final.

(e) The order of assessment shall provide that any delinquent assessments shall bear interest in the same manner as delinquent utility bills at a rate of twelve percent (12%).

(f) A prior assessment under this Chapter is not a bar to subsequent assessments under this Chapter and any number of liens imposed pursuant to this Chapter may be enforced in the same action.

(Ord. No. 93-01, 1/5/93, Enacted)

(Ord. No. 00-20, 5/16/00, Amended (a)) SUPP 2000-2

(Ord. No. 04-212, 12/14/04, Amended) SUPP 2004-4

Sec. 17-61. Nuisance; abatements; assessments; lien enforcement.

The Finance Department shall maintain a list of all delinquent assessments made pursuant to this ordinance.

(a) All assessments sixty (60) days delinquent shall be forwarded to the City Attorney for review. If the City Attorney determines that the value of the assessment(s), surcharges and interest, together with the value of all other liens having priority over the assessment, does not exceed the value of the property, the City Attorney may commence legal action to foreclose the lien and request the Superior Court to order the property sold and the proceeds used to pay off all liens having priority, the assessment, surcharges and interest.

(b) If the City Attorney or City Manager determines that the value of the assessment, surcharge and interest, together with the value of all other liens having priority over the assessment, exceeds the value of the property, the City Attorney need not commence legal action to foreclose the lien. The City Manager may negotiate on the City's behalf with parties holding liens which have priority on the property. Any agreement waiving part or all of an assessment, surcharge and interest shall be approved by the City Council.

(c) Upon payment in full of an assessment, surcharge and interest or upon waiving of an assessment, surcharge and interest in full by the City Council, the City shall record a notice of satisfaction of assessment in the Office of the County Recorder. The notice shall contain the name of the owner of the property, the tax parcel number, the common street address and the legal description of the property. The notice shall refer to the date of the order of assessment and the docket and page number in the Office of the County Recorder where such order is recorded.

(Ord. No. 93-01, 1/5/93, Enacted)

(Ord. No. 04-212, 12/14/04, Amended) SUPP 2004-4

Sec. 17-62. Collection of assessments.

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(a) The city manager shall be authorized to collect assessments imposed pursuant to this chapter in the same manner and method as delinquent utility bills and license taxes. No utility service shall be commenced on any property having delinquent assessments, surcharges and interest from an assessment levied pursuant to this chapter until the assessment, surcharges and interest have been paid in full. No business license or sales tax license shall be issued for a business on any property having delinquent assessments, surcharges and interest from an assessment levied pursuant to this chapter until the assessment, surcharges and interest have been paid in full.
(Ord. No. 93-01, 1/5/93, Enacted)

Sec. 17-63. Public services revolving account.

(a) The public services revolving account within the city's general fund is established, consisting of monies collected from payments on assessments levied under this chapter, surcharges on fines, and such other funds as the city council may appropriate. The finance director shall administer the account.

(b) All expenditures from the account shall comply with provisions of this code and any administrative regulations and policies governing expenditures of the city.

(c) The public services revolving account may be used to advance the costs for the removal of rubbish, trash, weeds, filth, debris or dilapidated structures from any lot, parcel or tract pursuant to this chapter.

(Ord. No. 93-01, 1/5/93, Enacted)

(Ord. No. 00-20, 5/16/00, Amended (c) SUPP 2000-2

(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

Sec. 17-64. Nuisance; transfer of property after notice

(a) The transfer of any and all property interest in any manner including but not limited to sale, trade, lease, gift or assignment of any real property against which a notice of violation has been issued shall not relieve the party(s) served unless the legal entity assuming an ownership interest in the property, in writing assumes responsibility for compliance with the notice of violation and a copy of such writing is provided to the City.

(b) If a violation of this Chapter exists on the property at the time legal ownership has been transferred and the entity assuming an ownership interest in the property is provided with notice of the violation, such entity shall also be liable for the violation as a successor owner of the property.

(Ord. No. 04-212, 12/14/04, Enacted) SUPP 2004-4

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Sec. 17-65. Shopping Carts; definitions.

In this chapter, unless the context otherwise requires:

(a) “Actual Notice” is defined as oral or written notice delivered to the owner of the shopping cart or retailer at the address on their sales tax or business license on file with the City by any of the following means:

(1) Personal service upon the location of the owner of the shopping cart or retailer. Personal service upon an employee of suitable age and discretion at such location is sufficient.

(2) Service by first class U.S. Mail or any recognized express delivery service upon the owner of the shopping cart or the retailer.

(3) Service by Facsimile to the Fax number of the owner of the shopping cart or the retailer.

(4) Service by Electronic Mail to the E-mail address of the owner of the shopping cart or the retailer.

(5) Service by posting the notice on the premises of the Owner of the shopping cart or the retailer.

(b) It shall be presumed that the address on the sales tax or business licenses on file with the City is the address of the owner of the shopping cart or retailer, unless the owner or retailer notifies the City in writing of a different address.

(c) "Business of shopping cart retrieval" means searching for, gathering and restoring possession to the owner or the owner's agent, for compensation or in expectation of compensation, of shopping carts located outside the premises or parking area of a retail establishment.

(d) “Electronic Device” means a device using Radio Frequency Identification Devices or similar technology that is designed to prevent the Shopping Cart from being pushed and moved if removed from the premises of the Owner of the Shopping Cart or Retailer.

(e) "Parking area" means a parking lot or other property provided by a retailer for use by a customer for parking any automobile or other vehicle.

(f) “Possession” means being in actual physical control of the shopping cart at the time of issuance of a citation or to permit the shopping cart to be located on property that the individual is the lawful owner, lessee or possessor of.

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(g) “Premises” means the designated premises of a retailer as set forth on the approved site plan on file with the city, together with parking areas as defined in this chapter.

(h) “Restrictive Device” means some form of Electronic Device, locking mechanism, mechanical device or other device that interferes with operation and/or removal of the shopping card from the designated premises of the retailer.

(i) "Shopping cart" means a basket that is mounted on wheels or a similar device that is generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 92-39, 10/6/92)

(Ord. No. 93-01, 1/5/93, Reserved)

(Ord. No. 07-33, 10/16/07, Sec 17-65 Enacted) SUPP 2007-4

Sec. 17-66. Shopping carts; restrictive devices required; violations; penalties.

(a) On or after January 1, 2008, any person, partnership, corporation or other legal entity commencing operation of a retail establishment on any premises within the City shall have all Shopping Carts, owned, leased or which they are in lawful possession of, continuously equipped with a Restrictive Device that prevents their removal from the premises. The Community Development Director or his designee shall not issue a Certificate of Occupancy for the premises without a certification from the owner that all Shopping Carts owned, leased or which they are in lawful possession of are so equipped. The City shall charge a fee for the certification as provided in this code.

(b) On or after January 1, 2013, any person, partnership, corporation or other legal entity operating a retail establishment on any premises within the City shall have all Shopping Carts, owned, leased or which they are in lawful possession of, continuously equipped with a Restrictive Device that prevents their removal from the premises. Each person, partnership, corporation or other legal entity operating a retail establishment on January 1, 2013 shall file a certification with the Community Development Director or his designee that all Shopping Carts owned, leased or which they are in lawful possession of are so equipped. The City shall charge a fee for the certification as provided in this code.

(c) As an alternative to subsection (b), any person, partnership, corporation or other legal entity operating a retail establishment within the City on or before January 1, 2008 shall enter into a contract with a shopping cart retrieval service that complies with the provisions of Section 17-69 to recover shopping carts unlawfully removed from the premises of the retail establishment. In order to comply with this alternative, the contract shall meet all of the following;

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- (1) The contract must be in writing. A copy of the Contract shall be filed not less than annually with the City. If the retail establishment terminates an existing contract and enters into a new contract, the new contract must be filed with the City within thirty (30) days following entry into the Contract.
 - (2) The shopping cart retrieval service that is a party to the Contract must hold a valid business license issued by this City.
 - (3) The contract with the shopping cart retrieval service must remain continuously in place. If the retail establishment does not have a contract that meets the requirements of this subsection for more than thirty (30) consecutive days, it shall immediately comply with the provisions of subsection (b)
 - (4) The retail establishment shall pay an annual fee of \$250.00 or such other amount as set in Chapter 2 of this code which shall be used to cover the City's costs in administrating this provision and removing any carts under the control of the retail establishment from any place within the City.
 - (5) The retailer shall continuously meet the requirements of section 17-68(a) of this code and have the name and phone number of the car retrieval service attached to all of the carts.
 - (6) The retail establishment shall be required to file the annual certificate of compliance required by subsection (b) and shall attach all required documents to indicate compliance with this subsection.
 - (7) In the event that 150_ shopping carts under the control of a retail establishment using this section were logged as being collected, deposited and impounded with the City within one calendar year within a two consecutive year running period, the Community Development Director may order the retail establishment to comply with the provisions of subsection (b) and prohibit use of this alternative. For purposes of this subsection, impounded means that the shopping cart has been placed in a city controlled storage yard and the requisite notice provided to the owner.
- (d) Failure to equip a Shopping Cart with a Restrictive Device as provided in this section shall be a civil infraction. The Court shall impose a civil sanction of not less than \$25.00 for each Shopping Cart that is not equipped with a Restrictive Device. Each failure to equip a Shopping Cart with a Restrictive Device shall be deemed a separate violation of this section. For a second or subsequent violation of this subsection within Ninety Days following the First Violation, the Court shall impose a civil sanction of not less than \$50.00 for each Shopping Cart that is not equipped with a Restrictive Device. It shall be presumed that all persons, partnerships, corporation of legal entities having control of shopping carts are subject to the provisions of this

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section. The burden of rebutting this presumption by compliance with the alternative contained in subsection (c) shall be on the legal entity having control of shopping carts.

(e) Failure to file a certification with the City as required by this section shall be a class three (3) Misdemeanor. The Court shall impose the filing fee, together with a minimum sanction of Two Hundred and Fifty Dollars and order that the certification be filed or the terms of this code complied within ninety days.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 92-39, 10/6/92)

(Ord. No. 93-01, 1/5/93, Reserved)

(Ord. No. 07-33, 10/16/07, Sec 17-66 Enacted) SUPP 2007-4

(Ord. No. 2010-07, 02/16/2010, Amended) SUPP 2010-1

Sec. 17-67. Shopping carts; activities; prohibitions; notices; applicability; consent; presumption; violations.

(a) A person shall not do any of the following with the intent to temporarily or permanently deprive the owner or retailer of possession of a shopping cart:

(1) Remove a shopping cart from the premises or parking area of a retail establishment.

(2) Be in possession of any shopping cart that has been removed from the premises or parking area of a retail establishment.

(3) Be in possession of any shopping cart with the serial numbers removed, obliterated or altered.

(4) Leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment.

(5) Alter, convert or tamper with a shopping cart, remove any part or portion of a shopping cart or remove, obliterate or alter serial numbers on a shopping cart, or obliterate or alter the name of the owner or remove, obliterate or alter any Restrictive Device that the Shopping Cart is equipped with.

(6) Be in possession of any shopping cart while that cart is not located on the premises or parking lot of a retail establishment.

(b) Each owner of a shopping cart or retailer shall post a notice in English and Spanish in the following format in a location on their premises reasonably accessible to the public as follows:

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NOTICE: REMOVAL OF SHOPPING CARTS FROM THE PREMISES AND PARKING LOT OF THIS ESTABLISHMENT IS ILLEGAL. PERSONS REMOVING SUCH CARTS MAY BE SUBJECT TO PENALTIES NOT TO EXCEED A FINE OF \$500.00 AND IMPRISONMENT FOR UP TO 30 DAYS IN JAIL.

(c) Each owner of a shopping cart or retailer shall place on each shopping cart in their control the name of their business, address and telephone number.

(d) On or after October 1, 2007, an owner of a shopping cart or retailer who certifies to the City that all of their shopping carts are equipped with a Restrictive Device to make the carts immobile if removed from the premises shall be exempt from subsections (b) and (c).

(e) An owner of a shopping cart or retailer shall only give consent in writing to the removal of a shopping cart from the premises or parking lot of their establishment. It shall be presumed as a matter of law that any person not having written consent other than the owner of the car or the retailer, in possession of a shopping cart located outside the premises of the owner or retailer has temporarily or permanently deprived the owner or retailer of possession of the shopping cart.

(f) This section does not apply to:

(1) The owner of a shopping cart or to a retailer or a retailer's agents, or employees.

(2) A customer of a retail establishment who has written consent from the owner of a shopping cart or a retailer to be in possession of the shopping cart or to remove the shopping cart from the premises or the parking area of the retail establishment

(3) An employee of the City designated to retrieve shopping carts.

(f) Violation of subsection (a) of this section is a class three (3) misdemeanor. Violation of subsection (b) shall be enforced by a civil penalty. The minimum civil penalty imposed by the Court shall not be less than one hundred (\$100.00) dollars.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 92-39, 10/6/92)

(Ord. No. 93-01, 1/5/93, Reserved)

(Ord. No. 07-33, 10/16/07, Sec 17-67 Enacted) SUPP 2007-4

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Sec. 17-68. Shopping carts; finding; impoundment of shopping carts by local agencies; conditions; emergencies; costs; fines; disposal of unclaimed carts; applicability.

(a) A shopping cart that does not have any identification affixed to in accordance with Arizona Revised Statutes Section 44-1799.32 or Section 17-66 of this code is deemed a public nuisance and may be immediately and summarily abated by impoundment of the shopping cart. The City shall publish a notice one time describing such carts in a newspaper of general circulation in the City. A shopping cart that is not reclaimed from the City within fifteen days (15) following publication of the notice of impound may be sold or otherwise disposed of by the City in the City's sole discretion.

(b) A shopping cart that has a sign affixed to it in accordance with Arizona Revised Statutes Section 44-1799.32 or Section 17-66 of this code may be impounded by the City provided all of the following conditions are met:

(1) The shopping cart is located outside the premises or parking area of a retail establishment. The parking area of a retail establishment located in a multi-store complex or shopping center includes the parking area used by the complex or center.

(2) The shopping cart is not retrieved within three business days after the date the owner of the shopping cart, or the owner's agent, receives actual notice from the city, town or county of the shopping cart's discovery and location.

(c) If the location of the shopping cart will impede emergency services, obstruct vehicle traffic or create a safety hazard to the public on a public right-of-way, the City may immediately retrieve the shopping cart from public or private property. It shall be presumed that a shopping cart blocking a sidewalk or bicycle path is a safety hazard to the public.

(d) The City shall recover its costs for impounding a shopping cart in the amount provided in Table 17-68 of this code.

(e) The City shall post on its website, the address and telephone number of the location where shopping carts will be impounded by the City and the hours that the location is open for business.

(f) The owner of a shopping cart or retailer shall retrieve the shopping cart within one business day after receiving notice. The owner of a shopping cart or retailer who has had more than three occurrences of shopping carts being impounded and failing to retrieve the shopping cart within one business day after receiving notice, within a six month period shall be charged a civil penalty of fifty dollars (\$50.00) in addition to the impound fees. An occurrence includes all shopping carts impounded in accordance with this section in a one day period.

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(g) A shopping cart that is not reclaimed from the City within thirty days after receipt of a notice of the impound by the owner of the shopping cart may be sold or otherwise disposed of by the City in the City's sole discretion.

(h) Notwithstanding subsection (b), paragraph 2 of this section, a city, town or county may impound a shopping cart that otherwise meets the criteria prescribed in subsection (b), paragraph 1 of this section without complying with the three day advance notice requirement if all of the following apply:

(1) The owner of the shopping cart or the owner's agent is provided with actual notice within twenty-four hours after the impound and that notice informs the owner or the owner's agent of the location where the shopping cart may be claimed.

(2) The shopping cart is impounded at a location in compliance with subsection (e) of this section.

(3) The shopping cart is reclaimed by the owner or the owner's agent within three business days after the date of actual notice as provided in paragraph 1 of this subsection and is released and surrendered to the owner or agent at no charge, including the waiver of any impound and storage fees or fines that would otherwise apply pursuant to subsection (d) or (f) of this section. Any cart reclaimed within the three business day period is not deemed an occurrence for purposes of subsection (f) of this section.

(i) Any shopping cart not reclaimed by the owner or the owner's agent after three business days after the date of actual notice as provided in subsections (b) and (h) of this section is subject to any applicable fee or fine imposed pursuant to subsection (d) or (f) of this section commencing on the fourth business day after the date of the notice.

(j) Any shopping cart not reclaimed by the owner or the owner's agent within thirty days after the date of actual notice as provided by subsection (h), paragraph 1 of this section may be sold or disposed of in accordance with subsection (g) of this section.

(k) On or after October 1, 2007, any owner of a shopping cart or retailer who has certified to the City that all of their shopping carts are equipped with a restrictive device to prevent removal from the premises of the owner or retailer shall be exempt from being charged any collection or impound fees for any carts collected by the City.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 92-39, 10/6/92)

(Ord. No. 93-01, 1/5/93, Reserved)

(Ord. No. 07-33, 10/16/07, Sec 17-68 Enacted) SUPP 2007-4

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Sec. 17-69. Shopping carts; retrieval; records; sign

(a) A person, other than the City who engages in the business of shopping cart retrieval shall retain records showing written authorization from the cart's owner, or an agent of the owner, to retrieve the cart and to be in possession of the carts retrieved. Any owner of a shopping cart or retailer located in the City of Peoria, Arizona, is deemed upon having applied for a sales tax or business license with the City to have granted consent to the City to retrieve and be in possession of the shopping carts in accordance with the provisions of this chapter.

(b) A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart retrieval.

(c) Each vehicle, other than those in the possession of the City used for the retrieval of shopping carts shall display a sign that clearly identifies the retrieval service.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 92-39, 10/6/92)

(Ord. No. 93-01, 1/5/93, Reserved)

(Ord. No. 07-33, 10/16/07, Sec 17-69 Enacted) SUPP 2007-4

Sec. 17-70. Shopping carts; violation; classification; applicability

(a) Unless otherwise specified, a person who violates any provision of Sections 17-65 through 17-69 is guilty of a class 3 misdemeanor.

(b) Sections 17-65 through 17-69 are not intended to preclude the application of any other laws relating to prosecution for a criminal offense.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 92-39, 10/6/92)

(Ord. No. 93-01, 1/5/93, Reserved)

(Ord. No. 07-33, 10/16/07, Sec 17-70 Enacted) SUPP 2007-4

Sec. 17-71. Reserved.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

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Sec. 17-72. Smoking in enclosed public places.

(a) Smoking is prohibited in rest rooms, public buses, the public areas of grocery stores, convenience markets, drugstores, pharmacies, and in waiting or checkout line areas within other enclosed public places. For purposes of this ordinance, all rest rooms within an enclosed public place shall be deemed non-smoking.

(b) Smoking is prohibited in all other enclosed public places, except in a designated smoking area or as otherwise expressly provided in this ordinance.

(c) The provisions of this ordinance shall not be construed to limit the ability of the owner, operator or manager of an enclosed public place or the employer to declare the whole or any portion of that enclosed public place or place of employment to be smoke free.

(d) Smoking in city-owned public places. All enclosed public places owned, controlled, occupied or managed by the city shall be subject to this ordinance. Nothing in this Chapter shall restrict the City Manager from adopting more stringent standards governing smoking in city-owned public places pursuant to the City Charter.

(e) Optional areas. Other provisions of this ordinance to the contrary notwithstanding, the following areas shall not be subject to the smoking restrictions of this ordinance:

- (1) Private residences.
- (2) Hotel and motel rooms rented to guests.
- (3) Retail stores dealing exclusively in the sale of tobacco products and smoking paraphernalia.
- (4) On-stage smoking as a part of a stage production, ballet or similar exhibition.
- (5) A private residence which serves as a work place or place of employment.
- (6) Private clubs and private recreation facilities.
- (7) Bars, which is defined as the holder of a license issued under A.R.S. § 4.206.01 by the Arizona Department of Liquor Control and which had a temporary or permanent certificate of occupancy issued by the City prior to March 1, 2004.

(Ord. No. 91-08, 2/12/91)

(Ord No. 03-181, 12/02/03, Amended) SUPP 2003-4

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Sec. 17-73. Smoking in places of employment.

(a) For purposes of this chapter, places of employment shall be defined to include the following:

- (1) Bars, Pool halls and bowling alleys; including those areas opened to the public.
- (2) Hotel, motel and all other public and private conference/meeting rooms, while those places are being used for exclusively private functions.

(b) Each employer in each place of employment within the city shall adopt, implement and maintain a written smoking policy, which shall be posted in the same manner as other employment notices required by law and containing at a minimum the following provisions and requirements:

- (1) Address the issue of smoking in employer conference and meeting rooms, classrooms, auditoriums, waiting areas, medical facilities, hallways, stairways and elevators.
- (2) Provision and maintenance of a physically separate and independently ventilated non-smoking area in restaurants, cafeterias, lunchrooms and employee lounges, located within a place of employment.

(c) Any employee may object to their employer about smoke in their immediate work area. The policy required by the preceding subsection shall include a reasonable definition of work area. Using already available means of ventilation or separation or partition of office space, the employer shall attempt to reach a reasonable accommodation insofar as possible, between the preferences of smoking and non-smoking employees. An employer is not required by this provision, however, to make any expenditures or structural changes to accommodate the preferences of smoking or non-smoking employees.

(d) If the employer can not reach an accommodation which is reasonably satisfactory to all effected non-smoking employees, the preferences of the non-smoking employee shall prevail to the extent it does not interfere with the normal operation of the employer's business. Where the employer prohibits smoking in a work area, it shall clearly mark that area with appropriate "no smoking" signs and, upon request, shall provide signs to employees for use in designating their areas.

(e) The employer shall make known its policies regarding smoking as required by this ordinance to all the employer's employees working in work places in the city and the employer shall post its written policies conspicuously in all work places under the employer's jurisdiction in the city.

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(f) Any person or employer who owns, manages, operates or otherwise controls the use of any premises subject to this ordinance has the responsibility to properly:

- (1) Designate in a conspicuous manner required “no smoking” areas.
- (2) Post signs required by this subsection or elsewhere in this ordinance.

(g) "Smoking" or "no smoking" signs, as appropriate, or the international "no smoking " symbol consisting of a picture of a burning cigarette inside a red circle with a red bar diagonally across it shall be clearly and conspicuously posted by the owner, operator, manager, employer or other person in control in every place where smoking is controlled by this ordinance.

- (1) In those places of employment containing a bar or restaurant, the owner, manager or operator shall post a smoking compliance sign in a form provided by the City at the entrance of the facility that visible to any code compliance or peace officer who inspects the location.

(h) Owner, manager, operator or employee of any establishment to which this ordinance applies shall, upon either observing or being advised of a violation of sections 17-71 through 17-75 have the obligation to inform the violator of the requirements of this ordinance and request their immediate compliance. Should a person continue to violate any of sections 17-71 – 17-75 of this code, the Owner, manager, operator or employee of any establishment to which any of sections 17-71 – 17-75 apply may request the person to leave the premises. Should a person remain on the premises after such a request from the owner, manager, operator or employee of any establishment, there shall be a rebuttable presumption that the person is remaining unlawfully upon the property.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 03-181, 12/2/03, Amended) SUPP 2003-4

(Ord. No. 04-18, 03/16/04, Amended) SUPP 2004-1

Sec. 17-74. Smoking; restaurants; bars, exemptions.

(a) No smoking shall be permitted in restaurants and bars, except as expressly provided in this ordinance.

(b) Any restaurant and/or bar having received a temporary or final certificate of occupancy on or after March 1, 2004 regardless of whether it contains an area designated for the serving of alcohol by the drink shall not permit smoking inside the restaurant., except as provided by this section.

1. Smoking may be permitted in outside patio areas covered by a roof, but not enclosed.

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2. Any restaurant having received a temporary or final certificate of occupancy prior to March 1, 2004, may permit smoking in an accessory bar or room that is physically separated from the restaurant and independently ventilated from smoke free areas. The Building Official may adopt standards consistent with adopted building codes to accomplish this goal. Such accessory bar areas or rooms may not be located in such a manner as to require non-smoking customers to walk through the area to reach the non-smoking areas.
3. All entry lobby areas, waiting areas, restrooms and areas within fifteen (15) feet of the entrance shall be designated as smoke free.
4. Restaurants and bars which were closed for a period of one consecutive year or more prior to the date of reopening and reopened after March 1, 2004 shall comply with this section.
5. Restaurants having received a temporary or final certificate of occupancy on or after January 1, 2004 shall not permit smoking in any accessory bar or room area, regardless of physical separation and independent ventilation.

(c) A restaurant having received a temporary or final certificate of occupancy prior to March 1, 2004 may permit smoking within a designated area subject to the provisions of this subsection. On or before December 31, 2004, restaurants shall permit smoking only:

1. Smoking may be permitted in outside patio areas covered by a roof, but not enclosed.
2. In an accessory bar or room that is physically separated from the smoke free areas and independently ventilated from smoke free areas. The Building Official may adopt standards consistent with adopted building codes to accomplish this goal. Such smoking area may not be located in such a manner as to require non-smoking customers to walk through the area to reach the non-smoking areas.

(d) All entry lobby areas, including but not limited to within fifteen feet of the entrance, waiting areas and restrooms shall be designated as smoke free.

(e) All restaurants shall conspicuously post notices at all public entrances indicating whether smoking is permitted in a designated area. All restaurants shall conspicuously post a notice provided by the City at their main public entrance indicating the status of compliance with the provisions of sections 17-71 – 17-75 of this code.

(f) All Bars for which a certificate of occupancy was issued prior to March 1, 2004 shall be subject to the provisions of Sections 17-71 through 17-73 of this Chapter.

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(g) The owner of any restaurant for which a temporary or final certificate of occupancy was issued prior to March 1, 2004 may apply for a one (1) year exemption to make the improvements required by this Section. The application shall be filed with the Building Official of the City. The improvements required by this section shall be made within the one-year period unless a request for a hardship exemption is filed under this section.

(h) The owner of any restaurant for which a certificate of occupancy was Issued prior to March 1, 2004 and for which a one-year exemption was issued by the Building Official may file for a hardship exemption at the end of the one-year exemption period. The hardship exemption shall be for a period of Five (5) years and shall expire upon the end of the five-year period of upon the owner making improvements greater than 25% of the Value of the building.

(1) The City Manager shall develop a grant program subject to the appropriation of funds by the Council through the annual budget process to award grants to businesses requesting financial assistance to pay the cost of compliance with the new requirements of this ordinance. Such grants shall be available only to those businesses requesting a hardship exemption under this section.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 03-181, 12/2/03, Amended) SUPP 2003-4

(Ord. No. 04-18, 03/16/04, Amended) SUPP 2004-1

Sec. 17-75. Smoking; non-retaliation, violations, penalties.

(a) It shall be unlawful for any person or employer to discharge, refuse to hire, or in any manner retaliate against any employee, applicant for employment, customer, or other person because such person exercises any right to a smoke free environment afforded under this Chapter.

(b) It shall be unlawful for the owner, manager, operator or employee of any establishment subject to the provisions of Sections 17-71–17-75 to engage in or permit their agents and/or employees to engage in a violation of this chapter by permitting invitees or other persons to smoke in an establishment where smoking is prohibited under the provisions of Sections 17-71–17-75 of this code.

(c) It shall be unlawful to the owner, manager, operator or employee of any establishment subject to the provisions of Sections 17-71–17-75 to fail to post the notices required by this chapter.

(d) Violations of Sections 17-71–17-75 shall be designated a class one misdemeanor.

(Ord. No. 91-08, 2/12/91)

(Ord. No. 00-20, 5/16/00, Repealed and Reserved) SUPP 2000-2

(Ord. No. 03-181, 12/2/03, Enacted) SUPP 2003-4

(Ord. No. 04-18, 03/16/04, Amended) SUPP 2004-1

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¹Cross reference(s) -- Fire department, §9-16 et seq.; police department, §21-16 et seq.
State law reference(s) -- Wages and hours of public employees, A.R.S. §23-391 et seq.

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Sec. 19-15. Personnel rules for persons exempt from merit system.

Any employee excluded from the merit system shall be subject to such rules and regulations as may be provided under the personnel rules and regulations of the city.

(Code 1977, § 3-3-1(C))

(Ord. No. 98-24, 4/7/98, Renumbered from Sec. 19-2)

(Ord. No. 99-18 5/4/99, Renumbered from Sec. 19-19, pursuant to Sec. 1-27) Supp. 1999-2

(Ord. 02-82, 9/17/02, Renumbered from Sec. 19-17) SUPP 2002-3

Sec. 19-16. Employee Organization; meet and confer process; definitions.

The following terms shall have the following definitions for this code and related ordinances, included but not limited to Ordinances 87-57, 88-13 and 88-14 as amended.

- (a) Authorized Representative means an employee organization recognized by the city pursuant to Ordinances 87-57, 88-13 and 88-14 as representing a group of public employees and which is authorized to participate in the meet and confer process for the purpose of meeting and conferring on wages, hours and working conditions.
- (b) Confidential Employee means any employee as designated by the City Manager who has access to information regarding relations between the City and its recognized employee organizations including but not limited to information affecting negotiations with the organizations or resolution of complaints or grievances relating to City Employment relations issues.
- (c) Employee Organization means an organization recognized by the City Council as authorized to represent employees in the meet and confer process as described in this chapter and other ordinances of the city for the purpose of meeting and conferring on wages, hours and working conditions.
- (d) Managerial Employee means any employee of the Public Employee involved in formulating, determining or effectuating City policies on behalf of the Public Employer or any employee having a major role in employer-employee relations on behalf of the public employer, or any employee providing direct assistance in the foregoing functions.
- (e) Mediation means the resolution procedure provided for in this Chapter in the event the parties reach an impasse.

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- (f) Meet and Confer means the performance of the mutual obligation of Public Employer and the Employee Organization to meet at the times provided in this Chapter and related ordinances and to confer in good faith with respect to wages, hours and other terms and conditions of employment or any question arising thereunder with the intent of reaching a Memorandum of Understanding embodying all agreements reached to be approved and executed by both parties. This obligation does not compel either party to agree to a proposal or the making of a concession. The parties shall attempt in good faith to complete the Meet and Confer Process on all economic items prior to the date set by law for adoption of the Tentative Budget of the City. The duty to Meet and Confer includes the duty to submit any agreement reached on these matters to the Employee Organization and the Public Employer for action pursuant to this Chapter.
- (g) Memorandum of Understanding means a written agreement arrived at by the representative(s) of the Public Employer and the Employee Organization which shall be presented to the membership of the Employee Organization and the City Council for action.
- (h) Part-Time Employee means any employee who works less than 80 hours per pay period and does not receive vacation, sick leave, and health insurance. Notwithstanding the foregoing, a part-time employee who fills a regular full time position shall not be deemed a part-time employee.
- (i) Professional Employee means an employee who is licensed or registered as a professional by a regulatory board of this State or the Arizona Supreme Court or any other public entity authorized to license and register individuals based on their professional qualifications, skills and expertise. Certification by the Arizona Peace Officers Standards and Training Board as a peace officer shall not make such police officer a professional employee for purposes of this code.
- (j) Public Employee means:
 - 1. Sworn Peace Officers employed by the City in the Police Officer Classification.
 - 2. Sworn Peace Officers employed by the City in the Sergeant Classification.
 - 3. Sworn Fire Fighters employed by the City in the Firefighter, Engineer and Captain Classifications.

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4. Any person employed by the City of Peoria, Arizona, except those in subsections 1-3 above and except those persons in a position classified as supervisory, professional, managerial, confidential and employees in positions classified as temporary or part time.
- (k) Public Employer means the City of Peoria, Arizona, a municipal corporation, its duly authorized officers and agents acting on behalf of the Public Employer.
 - (l) Representatives of the Public Employer means the City Manager or his designees acting on behalf of the public employer in the Meet and Confer, mediation and grievance processes under any Memorandum of Understanding.
 - (m) "Supervisory Employee" means any employee having the authority, in the interest of the Public Employer, to either hire, transfer, suspend, layoff, recall, promote, discharge, assign or discipline other employees, or the responsibility to direct them in all major work aspects, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
 - (n) Strike means the failure by concerted action with others to report for duty, the concerted absence of employees from their positions, the concerted stoppage of work, or the concerted abstinence in whole or in part by any group of employees from the full, faithful and proper performance of the duties of employment with a Public Employer or the concerted engagement in a work action for the purpose of inducing, influencing or coercing a change in wages, hours or working conditions or terms of employment.

(Ord. No. 99-18, 5/4/99, enacted) SUPP. 1999-2

(Ord. 02-82, 9/17/02, Renumbered from Sec. 19-19, Amended) SUPP 2002-3

(Ord. No. 2010-05, 02/19/2010, Amended) SUPP 2010-01

Sec. 19-17. Employee Organizations; City Management Rights.

(a) City Council. The Mayor and City Council are recognized as the policy making body of the City of Peoria. None of their actions or decisions shall serve as a basis for, or be evidence of, any unfair labor practice or other violation of the Meet and Confer Ordinances or this Chapter.

(b) It is the right of the City to determine the purpose of each of its departments, set standards of service to be offered to the public and exercise control and discretion over its

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organization and operations. It is also the right of the City to direct its employees, take disciplinary action for proper cause, suspend or relieve its employees from duty because of lack of work or for other legitimate reasons, determine whether goods or services shall be made, purchased or contracted for, and determine the methods, means and personnel by which the employer's operations are to be conducted. The Mayor and City Council may, at their option and sole discretion direct the City Manager to consult with the City's employees, or their Authorized Representatives, about the direct consequences that decisions on matters within the City Management Rights set forth herein may have on wages, hours and working conditions.

(c) The City, its City Manager and his designees retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of and the manner in which the City's governmental and proprietary activities are conducted, managed, and administered. The City retains the exclusive right to establish and maintain departmental rules and procedures for the administration of its departments in accordance with its codes and charter provided that such rules and procedures do not violate any of the specific express provisions of this Chapter or Ordinances No. 87-57, 88-13 and 88-14.

(d) The City and its Department Directors and designees have the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City.

(e) It is understood by the parties that every incidental duty connected with operations enumerated in job descriptions and specifications are not always specifically described: nevertheless, it is intended all such duties shall be performed by the employee.

(f) The City through its City Manager or his designees reserve the right to discipline or discharge employees for cause, pursuant to applicable rules and regulations. The City reserves the right to layoff personnel in its departments.

(g) The City shall determine assignments, and establish methods and processes by which assignments are performed.

(h) The City shall have the right to transfer employees of the City in a manner most advantageous to the City.

(i) Except as otherwise specifically provided in Ordinances 87-57, 88-13, 88-14 and in the City's Charter and code, the City and its City Manager and designees retain unqualifiedly authority to which by law they are entitled.

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(j) The City shall have the authority without prior meeting and conferring to effect reorganizations of its departments, agencies and functions, but shall inform the employee organization of such reorganizations.

(k) It is the exclusive right of the City to exercise its Charter rights and obligations in contracting for matters relating to municipal operations.

(l) Any and all rights concerning the management organization, and direction of the City and its Departments, including those set forth in the Ordinance, shall be exclusively the right of City, and its City Manager and its designees unless otherwise provided by the express terms of this Ordinance as permitted by law.

(j) The enumeration of the above rights is illustrative only and is not to be construed as being all inclusive.

(Ord. No. 2010-05, 02/19/2010, Amended) SUPP 2010-01

Sec. 19-18. Employee organizations; public employees' rights.

(a) Public employees shall have the right to join and participate in an Employee Organization that is designated as the representative of their positions, or to refrain from joining or participating in same. A public employee shall not hold any elective or appointive office in any Employee Organization until such employee shall have successfully completed the probationary period following their initial employment.

(b) The City Council affirms its policy that in matters not expressly covered by an approved Memorandum of Understanding, decision-making authority shall rest with the City Manager unless otherwise provided by the Charter and Code of the City of Peoria as they may from time to time exist.

(c) Public Employees shall have the right to be represented by an ~~the~~ Employee Organization to meet and confer through the Authorized Representative with their Public Employer in the determination of wages, hours and working conditions, and to be represented in the determination of grievances arising thereunder.

(d) This ordinance does not prevent any public employee from discussing any matters of wages, hours and working conditions as long as the intent of this ordinance is not violated, irrespective of the recognition of a representative; from presenting his or her own grievance, in person or by legal counsel to the Public Employer and having such grievance adjusted without the assistance of the Employee Organization, if such an adjustment is not inconsistent with the terms of a current Memorandum of Understanding.

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(e) The Employee Organization shall have its periodic membership dues deducted and collected by the Public Employer from the salaries of those employees who present signed cards in a form satisfactory to the Public Employer, authorizing the deduction of such dues. Such authorization cards may be presented to the employer in person, by mail, or through a representative. Such dues shall be transmitted to the designated representative employee organization of the employee on a monthly basis. Dues deductions may be revoked by the employee upon written notice of such revocation to the Employee Organization, only in the first two weeks of January and the first two weeks of July in any year and a copy shall be filed with the City by the employee organization.

(f) Supervisory, Professional, Managerial, Confidential, Temporary and Part time employees shall not be represented by any Employee Organization, nor shall such employees take an active role in the policy making activities of the Employee Organization, nor shall such employees participate directly or indirectly in the meet and confer process except as representatives or assistants to the Public Employer. An employee may only be represented by the designated employee organization for their position.

(g) An employee organization acting as the designated representative of an employee group may change its local, state or national affiliations without resulting in any change in status as a designated representative.

(Ord. No. 2010-05, 02/19/2010, Enacted) SUPP 2010-01

Sec. 19-19. Employee Organization; Unfair Labor Relations Practices.

- (a) The Public Employer is prohibited from:
1. Interference with employee rights under this ordinance.
 2. Domination of Employee Organizations.
 3. Discrimination against employees for membership in the Employee Organization or for engaging in concerted activities permitted by this ordinance or by applicable law.
 4. Retaliation against employees for invoking their rights under this ordinance.
 5. Refusing to meet and confer with the Employee Organization; provided it shall not be a violation of this subsection for the Public Employer to refuse to meet and confer about economic items after the date set by law for

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tentative adoption of the annual budget.

(b) Any Employee Organization is prohibited from:

1. Restraining or coercing employees in the exercise of their rights under this ordinance.
2. Causing an employer to unlawfully discriminate against any employee.
3. Refusing to meet and confer with the employer.
4. Threatening, coercing, or restraining any person for the objects of forcing the employer to recognize a union, forcing any person to stop doing business with the employer, forcing the employer to meet and confer with an Employee Organization not authorized as the designated representative of a group, or forcing the employer to assign work to a particular Employee Organization, trade or craft.
5. Causing the employer to pay for services not to be performed.
6. Nothing herein shall prohibit an Employee Organization from determining and maintaining its own rules for obtaining or retaining membership rights in said organization so long as said rules do not bear upon any rights to employment with the Public Employer.
7. Discussing any matters in the meet and confer process with members of the City Council from the time the Employee Organization submits their request for meeting and conferring as provided in Section 19-27 of this code and extending up to the presentation of the Mediator's Report to the Mayor and City Council as provided for in Section 19-28 of this Code.
8. There shall be no lockout by the City unless required to protect and preserve the public peace, health, or safety of the City and its residents or required by the City to enforce any violation of this Code, Ordinances 87-57, 88-13 and 88-14, any Memorandum of Understanding, or any applicable laws.

(c) The expression of any views, arguments, or opinions, or the dissemination thereof whether in written, printed, graphic or visual form, shall not constitute or be evidence of any violation of any provisions of this code or any ordinance, if such expression contains no threat of

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reprisal or force or promise of benefit.

(d) Written claims of violations of this section shall be filed with Human Resources Department as an Unfair Labor Practice and shall be submitted to a mediator as provided for in Sections 19-29 and 19-20 of this code.

(e) The following additional practices are prohibited.

1. Solicitation of members, dues and other internal Employee Organization business shall be conducted only during non-duty hours and shall not interfere with the work process. This shall not prohibit employees from discussing employee organization business, other than soliciting members or dues when on standby time.
2. It shall be a prohibited practice for any employee organization acting as the designated representative of a group of employees or other eligible representative to make any contribution to Peoria municipal candidates.
3. It shall be a prohibited practice to refuse to render emergency services, such as public safety to the community. For such services to be withheld, interrupted or discontinued would endanger the health, safety and welfare of the citizens of the City of Peoria.
4. Written claims of violations of this section shall be filed with the Human Resources Department as an unfair labor practice and shall be submitted to a mediator as provided for in Sections 19-29 and 19-20 of this Code.

(f) The following additional practices are prohibited as unfair labor practices for any employee organization serving as the designated representative of any sworn employees in the police or fire departments:

1. The Association or any employee shall not for any reason authorize, institute, aid, condone or engage in a Slowdown, work stoppage, strike, or any other interference with the work and statutory functions and obligations of the City or the Department.
2. The City nor its agents for any reason shall authorize, institute, aid or promote any lockout of members of an employee organization.
3. Should any member of an employee organization breach the obligations of

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this section. The City Manager or his designee shall immediately notify the Employee Organization that represents the employee that a prohibited action is in progress.

4. After notification by the City Manager pursuant to subsection (f) 3 of this section, for an employee organization to fail or refuse to through its executive officers and other authorized representatives, disavow said strike or other prohibited action, and shall notify in writing all Employee Organization Officers and Employee Organization Members of their obligation and responsibility for maintaining compliance with this section, including their responsibility to remain at work during any interruption which may be caused or initiated by others. Copies of such notification shall be delivered to the office of the City Manager.
5. For an Employee Organization the to fail to order all its members violating this section to immediately return to work and cease the strike both orally and in writing to all members violating this section with copies of the written order to be delivered to the office of the City Manager.
6. Penalties or sanctions the City may assess against employees who violate this section shall include, but not be limited to:
 - a. Discipline up to and including discharge.
 - b. Loss of all compensation and benefits, including seniority, during the period of such prohibited activity.
7. Should an employee organization breach its obligations under this section it is agreed that all penalties set forth herein shall be imposed on the employee organization in addition to any other legal and administrative remedies available to the City that in its discretion it may elect to pursue.
8. Nothing contained herein shall preclude the City from obtaining judicial restraint or from seeking damages from the Association in the event *of* a violation of this Article.
9. Written claims of violations of this section shall be with the Human Resources Department as an unfair labor practice and shall be submitted to a mediator as provided for in Sections 19-29 and 19-20 of this code.

(Ord. No. 2010-05, 02/19/2010, Enacted) SUPP 2010-01

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Sec. 19-20. Employee Organization; Decertification.

(a) The initial or any subsequent Employee Organization shall be decertified as the Employee Organization in the event of either:

1. Its failure to have included in its membership an employee of the City of Peoria in a position eligible to be a member of the unit represented by the employee organization, or
2. Decertification as a result of an election of the employees in a designated group held in the manner hereafter described.

(b) In the event a petition to decertify the employee organization is filed with the Human Resources Department containing the signatures of more than 50 percent of the number of City employees in a group eligible to have a Memorandum of Understanding with the City, the City through its City Manager and the Employee Organization shall each select a resident of the City of Peoria who is not an employee, officer, or Councilmember of the City of Peoria or interested in any capacity as a representative of the City of Peoria or a member of the Employee Organization, an employee or agent of the Employee Organization or a member, Employee or agent of any parent, subsidiary or affiliate thereof to serve on an Election Board. If either party fails to select a member to serve on the election board within twenty days following the filing of the petition, the Office of the Federal Mediation and Conciliation Service of the U.S. Department of Labor shall select the member.

(c) The two appointees shall then select a third member to serve on the Election Board and whom shall have the same qualifications or eligibilities for Appointment to the Election Board as the two initial appointees. The third member shall be selected within 20 days after the appointment of the first two members. In the event the two members are unable to select a third member, the Office of the Federal Mediation and Conciliation service of the U.S. Department of Labor shall select the third member. The Election Board shall then adopt rules and regulations applicable to the election contemplated to be held hereunder and shall proceed with conducting such election forthwith.

(d) The election to be held hereunder may submit to the appropriate group one or more of the following questions:

“Should the [name of existing Employee Organization] be retained as the designated representative of the group of employees under this code”, and/or,

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“Should another [name of Employee Organization] be designated to serve as the designated representative of the group of employees under this code”, or

“Should any [name of Employee Organization] be designated to represent the group of employees”, and/or

“Should there be any change in the bargaining unit which an existing employee organization serves as the designated representative.”

A majority vote of those employees of the City in positions that the bargaining unit is authorized to act as their designated representative. Voting in said election shall be determinative of the issues herein and in the event there is no majority vote on any proposition submitted at said election, the then acting Employee Organization shall continue to act as such designated representative of the group until such time as any further election decides otherwise.

(e) It is the intent that said election shall be conducted in a fair and equitable manner ensuring all employees of group for which the election is being held have a fair and appropriate forum in which they may express their vote. The City shall not dominate any such election and any activities of any organization or group seeking the right to be designated an Employee Organization or seeking a determination of no representation shall be carried out after normal working hours of the employees and off the premises of the City except for public streets and right of ways and areas designated as first amendment forum areas.

(f) In each calendar year, no election shall be held to determine the issues provided for in this Section until the approval of a Memorandum of Understanding by the Employee Organization and the City Council or the adoption of the City's tentative budget, whichever occurs first.

(Ord. No. 2010-05, 02/19/2010, Enacted) SUPP 2010-01

Sec. 19-21. Memorandum of Understanding; scope; term; ratification; submission to City

(a) A Memorandum of Understanding may extend to matters regarding wages, hours and working conditions subject to the following:

- (1) Federal and State Laws.
- (2) City Charter and City Code of the City of Peoria

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(b) A Memorandum of Understanding may be executed for a period not to exceed three (3) years.

(c) Upon reaching Tentative Agreement between the Public Employer and the Employee Organization on the issues discussed in the Meet and Confer Process, the tentative agreements shall be reduced to writing in a Written Memorandum of Understanding to be submitted by the Employee Organization to its members.

- (1) If the members of the Employee Organization ratify the proposed Memorandum of Understanding, then the Proposed Memorandum of Understanding shall be sent to the City Council for discussion and action. Should the City Council fail to approve the proposed Memorandum of Understanding in total, the City Council may direct:
 - a. Those portions of the proposed Memorandum of Understanding which the Council approves shall be implemented and the remaining provisions sent back to the Employee Organization and the Public Employer for re-negotiation or
 - b. The proposed Memorandum of Understanding in whole may be sent back by the City Council to the Employee Organization and City the Public Employer for re-negotiation or
 - c. The Council may take such action as it deems appropriate in the public interest, including but not limited to extending the existing Memorandum of Understanding between the Employee Organization and the Public Employer.
- (2) If the Employee Organization fails to accept any part of the Proposed Memorandum of Understanding, then the Employee Organization may request the City to consider action on those parts of the Proposed Memorandum of Understanding which are acceptable to the Employee Organization and continue negotiation on the remainder or in the alternative refer the remainder to Mediation in accordance with this Chapter. Alternatively, upon a failure of the Employee Organization to accept any part of the Proposed Memorandum of Understanding, the City may:
 - a. Send back the Proposed Memorandum of Understanding for renegotiation between the Employee Organization and the Public Employer; or

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- b. The City Council may elect to continue the prior Memorandum of Understanding in place for a period not to exceed the length of the original term of the Memorandum of Understanding;
- c. The City Council may take such other action as it deems appropriate in the public interest.
- d. A Memorandum of Understanding shall be signed by the President and Secretary of the Employee Organization and by the City Manager on behalf of the Public Employer. Such Memorandum of Understanding shall become effective upon approval by the City Council of the City of Peoria.

(d) In the case of any Employee Organization recognized as the designated representative of a group of employees on or after December 31, 2009, the initial Memorandum of Understanding shall not become effective until December 31 of the same year in which the Employee Organization is recognized. The City and the Employee Organization in such cases shall not commence the meet and confer process until July 1, of the same year.
(Ord. No. 2010-05, 02/19/2010, Enacted) SUPP 2010-01

Sec. 19-22. Concerted work interruptions (strikes).

(a) Upon a finding and declaration by the council that a strike, work stoppage or slowdown, or other form of concerted work interruption constituting a peril to the public safety, health and welfare, any city employee who participates in the organization, leadership or execution of any such strike, work stoppage or slowdown, or other form of concerted work interruption against the city, shall be immediately terminated by his appointing officer or the city manager. Notice of termination shall be given by personal service, or in the alternative by posting at the employee's assigned work reporting location and in at least three (3) public places within the city, and by certified mail to the employee's mailing address then currently on file with the city.

(b) An employee terminated under this section may within ten (10) days of the effective date thereof, appeal in writing to the city manager for a review of his termination, which review shall be limited strictly to a factual inquiry as to whether the employee was or was not engaged in the activities covered by this section. If the manager determines that the employee was not so engaged, then the employee shall be immediately reinstated with back pay.

(c) The provisions of the personnel rules and regulations of the city do not apply to a termination under this section.

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(d) An employee who is terminated under this section shall be ineligible for reemployment in the city service, except as otherwise provided. Such an employee shall not be entitled to compensation or fringe benefits beyond the date of termination.

(Ord. No. 92-22, 5/26/92, Enacted)

(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

(Ord. No. 02-93, 12/10/02, Amended) SUPP 2002-4

(Ord. No. 08-31, 10/7/08, Repealed) SUPP 2009-4

(Ord. No. 2010-05, 02/19/2010, Renumbered from 9-18 to 9-22) SUPP 2010-01

Sec. 19-23. Employee Organization; Meet and Confer Process; dates.

(a) The City recognizes and affirms the unilateral right of each of the Employee Organizations involved in the Meet and Confer process to select and appoint representatives who participate on their behalf in Meet and Confer discussions, in related consultations, and in informal meetings regarding Meet and Confer subject matters. The City Manager or such persons as he designates or any combination thereof shall serve as the City's representatives in the Meet and Confer process. The City Manager or such persons as he designates or any combinations thereof, shall meet and confer solely with the duly designated representatives of the Employee Organizations. Similarly, representative(s) of the Employee Organizations shall meet and confer solely with the City Manager or such persons as he designates or any combinations thereof. Any deviation from this procedure shall constitute an unfair employment relations practice.

(b) The Public Employer and the Employee Organization shall have the duty through appropriate officials or representatives to meet and confer in good faith with respect to wages, hours and working conditions in accordance with the provisions of Ordinances No. 87-57, No. 88-13 and 88-14. The Employee Organization shall not discuss any matters contained in their initial proposal for meeting and conferring with the Mayor and members of the City Council from the date of its presentation to the Public Employer of the Employee Organization's written proposal for meeting and conferring until the date and time set for hearing before the City Council on the mediator's recommendations for resolution of an impasse.

(c) Not less than five (5) months prior to the expiration of the current Memorandum of Understanding, the Employee Organization shall present in writing its Meet and Confer proposal to the Public Employer.

(d) Upon receipt of the Meet and Confer proposal from the Employee Organization, the City shall begin negotiations within thirty (30) days following or in no event later than March 1, unless the Employee Organization and the Public Employer have extended the time period in

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accordance with subsection (e). In the event the Employee Organization has failed to present in writing its meet and confer proposal to the Public Employer, in which such case, the Public Employer may elect not to begin negotiations until thirty days following submission of the Employee Organization Meet and Confer proposal

(e) Any time period under this section or any related ordinance on the Meet and Confer process may be extended by mutual written agreement of the City's duly appointed representative and the Employee Organization Authorized Representative without any further approvals.

(Ord. No. 92-22, 5/26/92, Amended)

(Ord. No. 2010-05, 02/19/2010, Renumbered from 9-19 to 9-22) SUPP 2010-01

Sec. 19-24. Employee Organization; meet and confer process; resolution procedures; city council determination.

(a) If, after meeting and conferring over the terms of a Memorandum of Understanding for a reasonable period of time, an agreement is not reached and the possibilities of settlement through direct discussions between the parties is remote, either the City or the Employee Organization may initiate a request to the other party in writing to commence the mediation process. The mediation process shall be voluntary and non binding. It is a structured process and designed to resolve problems using the assistance of a neutral third person or persons to assist the parties to reach a voluntary agreement to resolve the dispute. Any party may withdraw at any time by notifying the Mediator and the other party in writing of its intent to withdraw. If either party refuses to participate or withdraws from the mediation process, the matter shall be addressed in accordance with paragraph (f). While participating in Mediation, the parties agree to make a good faith attempt to resolve the matter through mediation, to cooperate with the Mediator and to be open, candid and complete in their efforts to resolve the dispute. The Mediator facilitates the meet and confer process, but not impose his or her views of what the agreement should be.

(b) The Mediator shall be selected by mutual agreement of the parties. The cost for the services of the mediator, including per diem expenses, if any, and actual and necessary travel and subsistence expenses, shall be borne equally by the City and the Employee Organization.

(c) Each party will submit to the Mediator any material information as it deems necessary to familiarize the Mediator with the dispute. Submissions may be made in writing or orally. The Mediator may request any party to provide clarification and additional information. The Mediator may request each party separately or at a joint meeting to present its case informally to the Mediator. The mediation process will be confidential. The parties and the

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Mediator will not disclose to third parties any information regarding the process, settlement terms, or the reasons for the impasse.

(d) The Mediator will control the procedural aspects of the mediation. There will be no direct communication between the parties without the concurrence of the Mediator. The Mediator will be free to meet and communicate separately or jointly with each party. The mediation will continue until: 1. A settlement is reached. 2. One of the parties withdraws from the process, or 3. The Mediator concludes and informs the parties that further attempts at resolution will not be useful.

(e) If the parties fail to develop mutually acceptable settlement terms, the Mediator may, before terminating the procedure, submit to the parties a recommended settlement proposal. The parties agree in good faith to consider such proposal and discuss the same. In event the settlement recommendations of the Mediator are not acceptable to both parties, the issues in dispute shall be submitted to the City Council.

(f) The City Council shall take such action as it deems in the public interest, including the interest of the employees involved. The City Council may reject, accept or modify any recommendations of the Mediator.

(Ord. No. 92-22, 5/26/92, Amended)

(Ord. No. 2010-05, 02/19/2010, Renumbered from 9-19 to 9-23) SUPP 2010-01

Sec. 19-25. Employee Organization; unfair labor practice resolution procedures; City Council determination.

(a) Upon filing of an Unfair Labor practice in writing by either the Employee Organization or the Public Employer, the parties shall meet and discuss over the Unfair Labor Practice. In the event that an agreement is not reached and the possibilities of settlement through direct discussions between the parties is remote, either the City or the Employee Organization may initiate a request to the other party in writing to commence the mediation process. The mediation process shall be handled in the same manner as provided for resolution of impasse under Section 19-24 of this Code.

(Ord. No. 2010-05, 02/19/2010, Renumbered from 9-21 to 9-25) SUPP 2010-01

Secs. 19-26. through 19-30. Reserved.

(Ord. No. 92-22, 5/26/92, Amended)

(Ord. No. 2010-05, 02/19/2010, Amended) SUPP 2010-01

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Sec. 19-31. Personnel board; establishment.

(a) There is hereby created a Personnel Board. The scope of the Personnel Board shall include the conduct of hearings on certain employee appeals and the formulation of supplemental personnel system rules, regulations and recommendations. The recommended supplemental personnel system rules, regulations and recommendations pertaining thereto shall be advisory only and shall be forwarded to the City Council for its consideration and action.

(b) The Personnel Board of the City shall be composed of a total of three (3) regular members and one alternate member. The members of the Board shall be appointed by the Mayor with the approval of the council. Upon the effective date of this ordinance the Board shall be reduced in number by the number or vacant seats. For each succeeding year after 1998, the total number of members subject to appointment shall be reduced by one, until the total membership of the Personnel Board is three members. However, if only one member of the Personnel Board is subject to appointment in that year, the year shall be skipped until the next year where more than one member is subject to appointment. Thereafter the members shall be appointed in accordance with Section 2-150 of this code.

(c) Members of the Board appointed as alternates shall be able to participate in all Board proceedings, but shall not be able to vote, except in accordance with the provisions of this section. Upon a determination by the Chairman that a regular member(s) of the Board is disqualified from participating in a matter or the Board is lacking a quorum, the Chairman shall designate the alternate member present to sit in place of the absent or disqualified regular member(s). The designated alternate member(s) shall exercise all powers and duties granted to a regular member during the meeting that they are so designated, except to be nominated to the position of chairman or vice chairman. In the event a matter before the Board during which an alternate member is designated is continued to a subsequent meeting, the alternate member shall participate in all subsequent proceedings involving the matter.

(d) Alternate Board members shall not automatically succeed to the seat of a vacant board member, unless appointed by the Mayor with the approval of the council in the manner provided by this code.

(Code 1977, §3-3-2(B))

(Ord. No. 90-51, 10-9-90, Amended)

(Ord. No. 98-103, 9/22/98, Amended (a),(b) and (c))

(Ord. No. 01-21, 5/22/2001, Amended (d)) SUPP 2001-2

Sec. 19-32. Personnel board; members.

The Personnel Board of the City shall be composed of a total of three (3) regular

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members and one alternate member. The members of the Board shall be appointed by the mayor with the approval of the Council.

(Code 1977, § 3-3-2)

(Ord. No. 90-61, 12/11/90)

(Ord. No. 98-103, 9/22/98, amended)

Sec. 19-33. Personnel board; meetings.

The Personnel Board shall hold regular meetings or at least annually at such time and place within the city as shall be designated by the chairman of the board. In addition, the Board may hold special meetings upon the call of the chairman or a majority of the members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted informally in accordance with such rules and procedures as may be adopted by the Personnel Board.

(Code 1977, § 3-3-4)

(Ord. No. 90-51, 10-9-90, Amended)

Sec. 19-34. Personnel board; rules and regulations.

The Personnel Board may adopt rules for its conduct and the conduct of hearings not inconsistent with this article or the resolutions of the Council.

(Code 1977, § 3-3-3)

(Ord. No. 90-51, 10-9-90, Amended)

Sec. 19-35. Personnel board; duties.

Unless otherwise provided in this Chapter, the duties of the Personnel Board shall be to conduct hearings on matters properly brought before the Board under the grievance procedures established by this Article or by other Ordinance or Resolution of the City Council. As to grievances heard by the Personnel Board, the decision of the Personnel Board shall be final. The Personnel Board shall meet at least once annually to discuss and review its own procedures and organization.

(Code 1977, § 3-3-5)

(Ord. No. 90-51, 10-9-90, Amended)

Sec. 19-36. Hearings.

(a) Hearings shall be conducted in accordance with the personnel administrative regulations promulgated by the City Manager.

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(b) The City shall retain one or more persons to act and perform the duties of an administrative hearing officer for all hearings under this article or arising out of the personnel administrative regulations which have resulted in the dismissal of an employee. The hearing shall be conducted in private, unless the appealing employee requests a public hearing. Upon request, the hearing officer may exclude from any hearing, during the examination of a witnesses, any or all other witnesses in the matter being heard by the hearing officer. The hearing officer may admit all relevant or probative evidence regardless of whether such evidence is admissible under the rules of evidence applicable to the Arizona Court.

(Code 1977, § 3-3-6)

(Ord. No. 90-51, 10-9-90, Amended)

Sec. 19-37. Right of Appeal.

Any employee covered under the merit system shall have the right to appeal any disciplinary action. The right of appeal shall not apply to those matters subject to the grievance provisions of any personnel administrative regulations until all of the remedies afforded under such grievance regulations have been exhausted. After the exhaustion of grievance remedies provided under personnel administrative regulations adopted by the Mayor and Council, appeals shall be handled in the same manner as all other appeals under this article or pursuant to the personnel administrative regulations.

(Code 1977, §§ 3-3-7 through 3-3-12)

(Ord. No. 90-51, 10-9-90, Amended)

Sec. 19-38. Method of Appeal.

All appeals shall be in writing signed by the appealing employee and filed with the Human Resources Department. The Human Resources Department within ten working days after receipt of the appeal, shall transmit the appeal and any other relevant information to the administrative hearing officer assigned to this matter. The appeal shall be a written statement, addressed to the Human Resources Department, explaining the matter appealed and setting forth a statement of the action desired by the appealing employee, with the reasons therefor. All appeals must be filed within ten working days of the date of the action to be appealed.

(Ord. No. 90-51, 10-9-90, Enacted)

Sec. 19-39. Notice.

Upon the filing of an appeal, the hearing officer assigned to the appeal shall set a date for a hearing on the appeal not less than ten working days nor more than 30 calendar days nor more than 30 calendar days from the date of filing. The Human Resources Department shall notify

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all interested parties of the date, time and place of the hearing.
(Ord. No. 90-51, 10-9-90, Enacted)

Sec. 19-40. Hearing.

The Personnel Board shall recommend to the City Manager rules of procedure under which hearings provided for by this article or pursuant to Personnel Administrative Regulations shall be conducted. The City Manager shall review the rules recommended by the Personnel Board and together with any amendments which he has incorporated shall promulgate such rules.
(Ord. No. 90-51, 10-9-90, Enacted)

Sec. 19-41. Findings and Recommendations.

(a) The hearing officer assigned to the appeal within ten working days after the conclusion of the hearing held by the hearing officer, shall submit their findings and recommendations to the appealing employee, the City Manager and legal counsel representing the City and the Personnel Board.

(b) The Personnel Board shall schedule a meeting within thirty days after receipt of the decision of the hearing officer to review the findings and recommendations of the hearing officer. The personnel board may adopt the findings of the hearing officer; modify the findings and recommendations of the hearing officer or reject the findings and recommendations of the hearing officer. The decision of the Personnel Board shall be final.
(Ord. No. 90-51, 10/9/90, Enacted)

Sec. 19-42. Personnel Director.

The City Manager is hereby designated the Personnel Officer of the City and shall be responsible for the administration of the merit system. The City Manager may delegate some or all of his authority as Personnel Officer to Personnel Director appointed by him.
(Ord. No. 90-51, 10-9-90, Enacted)

Sec. 19-43. Public Safety Retirement System Board; police and fire local boards; terms.

There shall be a local Public Safety Retirement System Board for Fire Department employees and for Peace Officer employees who are members of the Public Safety Retirement System. Each board shall have the following membership:

(a) The Mayor or designee of the Mayor approved by resolution of the City Council for the term concurrent with that of the Mayor. Should the Mayor fail to designate an appointee

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for a board, the Mayor shall be deemed to be the appointee.

(b) Two citizens of the City, who shall serve on both the local boards for fire and peace officer employees who, are members of the Public Safety Retirement System. The terms for the citizens shall be as follows:

(1) One citizen shall serve a term ending on July 1, 2000. Thereafter the citizen appointed shall serve a term of four years.

(2) One citizen shall serve a term ending on July 1, 2002. Thereafter the citizen appointed shall serve a term of four years.

(c) There shall be two peace officer members and two fire department members of their respective boards who shall serve a term of four years and shall be elected by secret ballot in accordance with the provisions of this Chapter. The Terms shall be as follows:

(1) One peace officer and one fire department member shall serve a term that shall end on July 1, 2000. Thereafter each member shall serve a term of four years.

(2) One peace officer and one fire department member shall serve a term that shall end on July 31, 2002. Thereafter each member shall serve a term of four years.

(d) Notwithstanding any other resolutions, the terms of board members shall be adjusted to conform to this section. All current non-holdover members shall be deemed elected or appointed in accordance with this section and no new election shall be required.

(Ord. No. 01-168, 10/16/01, Enacted) SUPP 2001-3

Sec. 19-44. Public Safety Retirement System Board; police and fire local boards; election procedures for employee members.

(a) With the exception of peace officer and fire department members of the local whose term expires in 2000, the Office of the City Attorney or any other department designated by the City Manager or their designee shall publish a Notice of Election on or before May 1 of the year in which a term expires. For any vacancy existing on the date of this ordinance, Notice shall be published within thirty (30) days following the date of this ordinance. The published notice shall be placed on file in the Office of the City Clerk and posted at the locations designated for employee notices in the Police and Fire Departments.

(b) The Notice of Election shall indicate that any peace officer member or fire department member may be nominated as a candidate for the board by filing a written petition

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having not less than the names of ten current employed members of the Police or Fire Department. Only Police Department members may sign police employee nominations and only Fire Department members may sign fire employee nominations.

(c) Written petitions must be filed with the Office of the City Attorney or any department designated by the City Manager or their designee within thirty days after the date of the Notice of Election. No candidates other than those who submit written petitions shall be permitted.

(d) Within one month following the deadline for submission of written petitions, the Office of the City Attorney or any department designated by the City Manager or their designee shall prepare a ballot for the Police and Fire Department Members containing all designated candidates. The ballot shall also include an envelope for enclosure and sealing of the ballot and shall be mailed or delivered to each employee separately or in conjunction with his or her biweekly payroll documents. In order for the ballot to be valid, the employee must sign the designated area on the envelope used to enclose the ballot. The ballot may be returned personally or by mail in a separate envelope to the Office of the City Attorney or any department designated by the City Manager more than ten (10) days after distribution to the employees. The Director of Human Resources or their designee shall verify the signature on the ballot against the employee record and shall provide all verified ballots to the Office of the City Attorney or any department designated by the City Manager for Tally. The Office of the City Attorney or any department designated by the City Manager shall tally the ballots and shall certify to the Director of Human Resources and each local board the name of the candidate having the most votes. Such candidate shall be deemed elected for the term.

(e) In the event a seat of an employee member becomes vacant with more than one hundred and eighty days left in the term, a special election shall be held to fill the vacancy. In the event that one hundred and eighty or less days are left, the election may be advanced to fill the remainder of the existing term and the new term.
(Ord. No. 01-168, 10/16/01, Enacted) SUPP 2001-3

Secs. 19-45. through 19-50. Reserved.
(Ord. No. 97-101, 10/7/97)
(Ord. No. 01-168, 10/16/01) SUPP 2001-3

CHAPTER 19 – PERSONNEL

Sec. 19-51. Background investigations; prospective City employees

(a) The City Manager or his designee may enter into such agreements as they deem necessary to obtain criminal history information as part of background checks of prospective employees with the City.

(b) All applicants for employment having received a conditional job offer with the City of Peoria in any position involving any of the following:

- (1) Access to City funds and monies
- (2) Access to City and or Court records
- (3) Acquisition and/or disposition of City Property
- (4) Unsupervised contact with minors

shall submit a full set of fingerprints to the City for the purpose of obtaining a state and federal criminal records check pursuant to A.R.S. §41-1750 and U.S. Public Law (Pub.L.)92-544. The Arizona Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation.

(c) Secondary dissemination of information obtained pursuant to this section is prohibited, except as permitted by state and federal law. All information obtained pursuant to this section shall be maintained separately from the employee file and shall be destroyed upon expiration of the records retention period required by law.

(d) The City shall provide notice to prospective employee background investigation will be conducted to determine their fitness for employment.

(Ord. No. 97-101, 10/7/97, enacted)

State Law Reference, A.R.S. §41-1750. Department of Public Safety.

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Chapter 24 – SUBDIVISIONS

Sec. 24-1. Minor land divisions; definitions.

(a) For the purpose of this code, a minor land division shall constitute the following acts, and shall be subject to the provisions of this code.

(1) Minor Land Division means:

- A. The Division of one parcel of land into three or less parcels. Divisions of land occurring prior to October 23, 1996 or land divided prior to annexation into the City shall not be counted for the purposes of a minor land division.
- B. Applications for a building permit on a single lot, parcel or tract that is not a parcel or tract located within a recorded subdivision and which may be divided into one or more additional parcels or tracts, regardless of whether the property owner has indicated any intent to do so.
- C. Division of a parcel of land into multiple successive requests to avoid the requirements of the Subdivision Regulations shall be prohibited, regardless of change in ownership.

(b) "Applicant" means: A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files an application and initiates proceedings for a Minor Land Division in accordance with the provisions of this Code.

(Ord. No. 96-83, 9/17/96, enacted)

(Ord. No. 02-40, 6/7/02, amended)

(Ord. No. 02-91, 11/4/02, amended) SUPP 2002-4

Sec. 24-2. Minor land divisions; review process.

(a) The preparation, submittal, review and approval of all minor land divisions located within the city shall proceed through the following progressive stages, except when otherwise provided herein:

- (1) Pre-application conference with the City.
- (2) Submittal of the minor land division application and map by the applicant and reviewed by the City.
- (3) Approval of the application by the City.
- (4) Recordation of the approved minor land division map.

(Ord. No. 96-83, 9/17/96, enacted)

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Sec. 24-3. Minor land divisions; pre-application conference.

- (a) The pre-application conference stage is an investigatory period prior to the preparation and submittal of the minor land division application. The applicant shall present a concept to the staff who shall advise the applicant of specific public objectives, standards, and regulations related to the property and the procedure for minor land division review.

(Ord. No. 96-83, 9/17/96, enacted)

Sec. 24-4. Minor land divisions; submittal and improvement requirements.

(a) **Application Requirements:** The applicant shall submit all of the documents, information, data, and other requirements for minor land division application approval to the City and shall furnish any additional information and materials relevant to the application that the City reasonably believes is necessary in order to understand the subject matter of the application and to ensure compliance with the requirements of City codes. The City may promulgate forms for this purpose. Compliance shall be determined by the City Manager or his designee.

- (1) **Minor Land Division Map:** The applicant shall provide copies of the minor land division map reproduced in the form of blue or black line prints on a white background prepared by a registered land surveyor or civil engineer registered in the State of Arizona, designating the boundaries of each parcel; location of municipal and public service utility easements; and location of access to the parcel from an existing public street.
- A. Notation on the Map as a Minor Land Division Map for “_____”. The Map shall indicate location by quarter-section, section, township and range; or by the lot number(s) within an existing subdivision.
- B. Location and dimensions of all lots within the minor land division map. All sides of the proposed lots shall be identified by bearings and distances.
- C. Proposed street dedications and public utility easements shall be identified by course, length and width.
- D. The application shall contain such other information as determined to be appropriate and necessary by the City.
- (2) **Application Fee:** A non-refundable application fee shall be paid at the time of receipt of the application for the Minor Land Division by the City in an amount set forth in Chapter 2.
- (3) **Engineering Plans:** If infrastructure improvements are required for a minor land division pursuant to this code, the applicant shall be responsible for the preparation of a complete set of engineering plans, prepared by an Arizona registered civil engineer, satisfactory to the City Engineer for the construction of the required

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improvements. The plans shall be prepared in conjunction with the minor land division map.

(b) Design Standards and Required Improvements: All minor land divisions shall be in substantial conformity with the lot, street, block, alley, and easement design standards and requirements specified for subdivisions in the Peoria subdivision regulations. All lots created by a minor land division shall conform to the existing zoning.

- (1) Except where otherwise provided in this section, it shall be the responsibility and duty of the applicant to design and improve all streets, pedestrian ways, alleys, and easements in the minor land division and adjacent thereto required to service the minor land division, and such other improvements as may be required by the City.
- (2) No permanent improvement work shall be commenced until improvement plans and profiles have been approved by the City. Improvements shall be installed to the permanent line and grade to the satisfaction of the City Engineer and in accordance with adopted codes policies and standards.
- (3) The City Manager or his designee may modify the above requirements upon a showing by the applicant:
 - A. That the installation of the normally required improvements would be impractical because of considerations such as, but not limited to: type and extent of existing street improvements; inability to establish a proper street grade or alignment; physical barriers such as excessive grade of terrain or washes, ditches, canals, buildings or other structures; or other special circumstances where the immediate installation of the improvements is not deemed necessary to protect the public health, safety and welfare and that the waiver or deferment of the required improvements would not impair the purpose and intent of this chapter.
- (4) The City Manager or his designee may require as a condition for the waiver or deferment of the required minor land division improvements any of the following:
 - A. The execution of a written assurance acceptable to the City attorney attesting that the owner(s), their heirs, successors, or assigns agree that they will participate in the cost of the improvements abutting their property at a later date whenever it is deemed necessary by the City based upon future development in the immediate area. This form of assurance shall be recorded and run with the minor land division. The improvement costs shall be determined by a cost estimate approved by the City Engineer.
 - B. Deposit of funds in an escrow account specific to the particular improvements based upon a cost estimate approved by the City Engineer.

(Ord. No. 96-83, 9/17/96, enacted)

Chapter 24 – SUBDIVISIONS

Sec. 24-5. Minor land divisions; approval of the application

- (a) The procedures for approval, modification, or disapproval of minor land division applications shall be as follows:
- (1) Approval: If the City Manager or his designee approves the minor land division application, the City shall issue a certificate of approval upon the map, first making sure that: (a) all conditions of approval have been complied with; (b) the other required certifications have been duly signed; and (c) that any instruments for required street right-of-way dedications have been prepared, executed, and duly recorded.
 - (2) Modification: If the City Manager or his designee finds that the minor land division application requires further modification, the application shall be returned to the applicant for necessary modification. Such modification(s) must be completed and submitted within thirty (30) days of the return to the applicant. If such modifications are not submitted within the specified period above, the application will become null and void. In order to reactivate the minor land division, a new application and new fees in accordance to this code shall be filed.
 - (3) Denial: If the City Manager or his designee disapproves of the minor land division application, the applicant will be furnished a letter stating the reasons for the denial. The application may be refiled if suitable revisions can be made to resolve the conflicts noted by the City Manager or his designee as originally proposed without additional fee if refiled within thirty (30) calendar days of City Manager or his designee action.

(Ord. No. 96-83, 9/17/96, enacted)

Sec. 24-6 Minor land divisions; recordation of the approved map.

- (a) Upon City approval of the minor land division, and compliance with all sections of this code, the applicant shall pay to the City the fee charged by the Maricopa County Recorder for the recordation of the map, and the City shall then promptly record the map with the Maricopa County Recorder.
- (b) No minor land division map shall be recorded until all engineering plans for the minor land division improvements have been approved by the City Engineer.

(Ord. No. 96-83, 9/17/96, enacted)

Sec. 24-7 Minor Land divisions; appeals.

- (a) An applicant may appeal any decisions of the City arising out of the requirements of Section 24-1 to 24-5 within 15 calendar days of the action to the City Engineer.
- (b) Appeals shall in writing on a form provided by the Engineering Department. An appeal will be heard within 15 calendar days from the date of submission of an

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appeal and the appeal fee to the City Engineer. The City Engineer shall set the date, time, and location for the appeal hearing. Persons who have expressed an interest in attending the hearing shall be informed by the Engineering Department of the date, time, and location.

- (c) The City Engineer shall gather any background material regarding the appeal at least two working days prior to the hearing date.
- (d) The City Engineer shall issue a decision on the appeal at the hearing. An appeal of the decision of the City Engineer shall be made to the City Council. The Subdivider shall file an application for appeal within 15 calendar days from the hearing. Appeals shall be in writing on a form provided by the Engineering Department. The decision of the City Council shall be final.

(e) Fees for appeals shall be as set forth in Chapter 2 of the Peoria City Code.
(Ord. No. 96-83, 9/17/96, enacted)
(Ord. No. 02-91, 11/4/02, Amended) SUPP 2002-4

Sec. 24-8. Ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of the city's subdivision ordinance, being chapter 11 of The Code of the City of Peoria, Arizona (1977 edition).
(Renumbered from 24-1)

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Sec. 24-9 through 24-49. Reserved.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-50. General Provisions and Definitions, Title.

This ordinance shall be known as the “Subdivision Ordinance of the City of Peoria.” (Ordinance No. 02-40)

Sec. 24-51. General Provisions and Definitions, General Intent.

The objectives of this chapter are:

- A. To provide for the orderly growth and harmonious development of the City of Peoria.
- B. To ensure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities as set forth in the street classification map and City of Peoria Infrastructure Development Guide.
- C. To achieve individual parcels of property of reasonable utility and livability.
- D. To promote and protect the public health, safety and general welfare of the citizens of the City of Peoria.
- E. To secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements as set forth in the City of Peoria Infrastructure Development Guide.
- F. To insure consideration for adequate sites for schools, recreation areas, and other public facilities.
- G. To promote the conveyance of land by accurate legal description.
- H. To provide logical procedures for the achievement of this purpose.
- I. To comply with state law requiring the City to regulate the subdivision of lands within its jurisdiction.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-52. General Provisions and Definitions, Authority

This Ordinance is adopted as the Subdivision Ordinance for the City of Peoria in accordance with Section 9-463 et seq. of the Arizona Revised Statutes.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-53. General Provisions and Definitions, Severability

It is hereby declared to be the intention of the City that the provisions of this Ordinance are severable in accordance with the following:

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- (a) If a court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- (b) If a court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24 - 54. General Provisions and Definitions, Conflict with Other Regulations

In the case of a conflict between any two provisions of this Ordinance or between a provision this ordinance and any other Ordinance of the City of Peoria, the more restrictive provision shall apply in all cases.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-55. General Provisions and Definitions, Private Agreements

The provisions of this Ordinance are not intended to interfere with, abrogate, or annul any easements, covenants or other agreements between private parties so long as such agreements do not conflict with this Ordinance. When such easements, covenants or other agreements are less restrictive or otherwise are in conflict with this Ordinance, this Ordinance shall prevail.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24 -56. General Provisions and Definitions, Definitions.

All words in this Ordinance shall be first defined as provided herein and, if not defined herein, may be defined in the Peoria Zoning Ordinance or defined according to the usual and customary dictionary definition. Words used in the present tense include the future tense; words used in singular include plural, and words used in plural include the singular; the word “shall” is always mandatory; the word “person” includes a firm, association, organization, partnership, trust, corporation or company, and an individual.

Abandonment by Plat -- The procedure whereby the owner of land may abandon temporary or permanent easements by identifying those easements on a Subdivision Plat. Such easements are abandoned, removing any city interest therein, upon approval of the plat by City Council and recording of the plat in the Office of the County Recorder. A “Street”, as defined in Chapter 23 of the Peoria City Code, or easement for roadway purposes accepted by the City of Peoria for dedication, can be abandoned by plat only if processing of the plat complies with the requirements of Chapter 23 of the Peoria City Code.

Accessory building -- a subordinate Building on the same lot with a Principal Building or use, the use of which is customarily accessory and incidental to the main use of the Principal Building or use. When attached to the Principal Building, such accessory

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building shall be considered as part of the Principal Building for purposes of setback and yard regulations.

Alley -- A public service way used to provide secondary vehicular access to properties otherwise abutting upon a Street.

Amended Plat -- A Final Plat that changes a portion of a previously Recorded Plat.

Approved Lending Institution -- Any person or company currently approved by the Federal Housing Administration or the City of Peoria to act as a mortgagee. The person or company shall be qualified to transact business in the State of Arizona and shall have a business office within the Phoenix metropolitan area.

Area of Special Flood Hazard -- Land within a flood plain that is subject to inundation by the Base Flood. (see Flood Plain Ordinance Chapter 20, Peoria City Code)

Arterial Route -- A general term including freeways, expressways, and major or minor arterial Streets; and interstate, state, or county highways having regional continuity.

Base Flood -- The flood having a one percent chance of being equaled or exceeded in any given year, i.e., the 100-year flood as defined by the Federal Emergency Management Agency (FEMA). (see Flood Plain Ordinance Chapter 20, Peoria City Code)

Block -- A parcel of land or group of lots entirely surrounded by public or private streets, cemeteries, streams, railroads, open space, parks, or combination thereof.

Building -- Any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind, including, but not limited to, tents, awnings, carports, ramadas, mobile homes or vehicles situated on private property and used for purposes of a Building. (Also see 1977 Peoria City Code § 14-2(D).)

Building Setback -- The minimum horizontal distance between a lot line and nearest point of a Building, structure or use, as the context indicates, located on a lot. (Also see 1977 Peoria City Code § 14-2(D).)

Building Site -- That portion of the lot or parcel upon which a Building and appurtenances are to be placed or are already existing, including adequate areas for parking, sewage disposal, clearance, proper drainage, the safest and most convenient means of access and which conform to the requirements of the provisions in this and other chapters of the Peoria City Code.

Certificate of Correction or Change -- Procedure for amending recorded plats that is administrative and does not change any real property description.

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Certificate of Occupancy Hold – Procedure for using the Certificate of Occupancy of a Building as a guarantee for installation of required offsite improvements, on-site improvements or dedications.

City -- City of Peoria, Arizona, a municipal corporation.

City Engineer – The person identified as the chief engineer for the City, or an assistant duly appointed to act in his/her stead.

Code – The municipal code and ordinances adopted by the Council of the City of Peoria.

Collector Street -- A public thoroughfare that provides for traffic movement within neighborhoods and between Arterial Routes and Local Streets with direct access to abutting property.

Conditional Approval -- An affirmative action by the City Engineer indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Condominium – A Building or group of Buildings in which units are owned individually and the structures, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential, commercial or industrial in nature. (Also see 1977 Peoria City Code §14-2(D).)

Conservation -- Retention or acquisition of land for the purposes of preservation and public use.

Conservation Easement -- A right granted to a governmental body over privately owned land, to prohibit development of property, including roads and utilities, and to use the land for public open space purposes.

Context Plan -- The principal document showing the relationship of the project site to adjacent setting as specified in the City of Peoria Design Review Manual.

Corner Lot -- A Lot abutting on two or more intersecting Streets where the interior angle of intersection does not exceed one hundred thirty-five degrees.

Council -- The City Council of the City of Peoria.

Cul-de-sac -- A short Local Street having one end permanently terminated by a vehicular turnaround.

Cut -- The land surface that is shaped through the removal of soil, rock or other materials.

Dedication – To set aside and deed as right-of-way, easement or property to the City for public use and purpose without compensation unless compensation is specified in a Council agreement or action.

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Department – An organizational subdivision of the City directly responsible for review and approval of applications or submittals associated with this chapter.

Development -- Utilization of land. Development shall include any man made changes to improve or alter real estate, including but not limited to establishment of uses, Buildings or other Structures, mining, dredging, filling, grading, paving, or excavations.

Design Review – Required review of architectural, engineering and landscape features of specific kinds of Development and utilizing the City of Peoria Design Review Manual. See Design Review Ordinance, Chapter 20 of the Peoria City Code.

Design Review Appeals Board (DRAB) -- A board appointed by the Council to hear appeals of recommendations, stipulations or conditions proposed for a project or Subdivision, based on the City of Peoria Design Review Manual (see Design Review Ordinance, Chapter 20 of the Peoria City Code).

Double Frontage Lot -- A Lot abutting on two more or less parallel Streets.

Easement -- A right granted to a governmental body, public, or persons over privately owned land for specific uses and purposes as so designated.

Engineering Plans -- Plans, profiles, cross-sections, and other required details for the construction of public improvements, prepared by an Arizona registered engineer of appropriate discipline in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council as required in the City of Peoria Infrastructure Development Guide.

Exception -- Any parcel of land which is within or adjacent to the boundaries of a Subdivision that is not owned by the subdivider and not part of the platted area.

Fill – Placement of natural materials such as soil, rock or other materials by equipment or other manmade device or tactic on the ground surface.

Final Approval –Council approval of the Final Plat as evidenced by certification on the Plat by the City Engineer, Mayor, and City Clerk of the City. Final Approval constitutes authorization to record a Plat.

Final Plat – The final map of all or part of a Subdivision shown on an approved Preliminary Plat, prepared by a Land Surveyor registered by the State of Arizona in accordance with Article IV of this ordinance and formally approved by the City.

Finish Grade -- The final grade or elevation of the ground surface after grading is completed.

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Flood Plain – An area, designated by FEMA or other City floodplain management agency, which typically adjoins the channel of a water course, or areas where drainage is or may be restricted by natural or man made structures which may have been or may be covered partially or wholly by floodwater from a Base Flood (see Flood Plain Ordinance Chapter 20, Peoria City Code).

General Plan -- A document, or parts thereof, containing comprehensive plans for future development, growth and improvement of the City and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, specific neighborhood elements and other physical development, which shall have been duly adopted by the Council and approved by City voters pursuant to A.R.S. 9-461.

Grading -- Any cut or placement of fill material, or combination thereof on a ground surface. Grading may include the conditions resulting from any cut, excavation or Fill, any alteration of the natural drainage pattern or the removal or rearrangement of surface soil.

Hillside Development Area -- All land, in all zoning districts, which has a natural terrain with a slope of ten percent or greater, computed in accordance with the method set forth in the Zoning Ordinance, Chapter 14 of the Peoria City Code (1977 edition).

City of Peoria Infrastructure Development Guidelines -- Policies and procedures developed and approved by the City Engineer, that provide Subdivision, development and right-of-way construction standards and details of the City.

Interior lot -- A lot having only one side abutting on a street.

Irrigation Facilities -- Includes canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation, and maintenance of such.

Key Lot -- An interior Lot, one side of which abuts the rear Lot (line) of a Corner Lot, or is separated there from, by an alley.

Legal Access – Access provided to real property connecting the property to the public street system. Access may include a public or private street or access easement as approved by the City Engineer.

Local Street – A public thoroughfare that provides direct access to residential, commercial, industrial or other abutting land. It provides for local traffic movements and connects to Collector and/or major Streets.

Lot -- A piece, tract, or parcel of land separated from other pieces or parcels by description, as in a subdivision or a record survey map, or by metes and bounds, for purposes of sale, lease, or separate use and abutting or having legal access to a public street. (Also see 1977 Peoria City Code §14-2(D).)

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Lot Width – The distance between side Lot lines measured at the minimum front setback line on a parallel line to the Street (or Street chord for a Lot abutting on the outside of a Street curve), or the distance between Lot lines measured at the rear of the dwelling for Lots abutting the inside of a Street curve. Lot Width is measured 30 feet behind the minimum front setback line for Lots with no Buildings. (Also see 1977 Peoria City Code §14-2(D).)

Major Subdivision – A Major Subdivision is any one of the following:

- (1) The division of lands into four or more Lots consisting of more than five (5) acres for the purpose of sale or lease; or,
- (2) Any property which is divided into two or more Lots when a new Street or private roadway Easement is involved; or,
- (3) Any property, the boundaries of which have been fixed by a Recorded Plat, which is divided into more than two parts; or,
- (4) Any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but Plats of such projects need not show the Buildings or the manner in which the Buildings or airspace above the property shown on the Plat are to be divided.

Map of Dedication – A form of Plat that dedicates right-of-way and/or easements.

Marginal Access Street or Frontage Road – A minor Street located parallel and adjacent to an Arterial Route, which provides access to abutting property, intercepts Local Streets and controls access to an Arterial Route.

Master Plan -- An area plan addressing regional topographic, drainage, land ownership, circulation, utilities or land use issues or other conditions for projects containing multiple phases, or projects, which are part of a larger area, that will precipitate these issues. These plans are for coordination only and do not represent City policy.

Minor Land Division – Either one of the following:

- (1) The division of one parcel of land into three or less parcels.
- (2) Applications for a building permit on a single lot that is not a Lot located within a recorded Subdivision and which may be divided into one or more additional Lots, regardless of whether the property owner has indicated any intent to do so.

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Minor Subdivision – Any Subdivision of property that meets the standards for a “Major Subdivision” except that the property contains 10 or fewer Lots on five or less acres (see §24-90 of this ordinance).

Natural Terrain – Either one of the following:

- (1) The existing grade of the land at the time of application submittal.
- (2) The original grade, if altered by other than natural events, that has been reestablished by original topographic maps, aerial photos with topography shown and certified as to date by a recognized competent official, or other evidence of similar validity acceptable to the City Engineer.

Pedestrian Way -- A public walk dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area, or shopping center.

Panhandled Lot -- A Lot which does not directly abut a public or private Street except through a driveway “handle” that connects the Lot and the Street.

Plat -- A map of a Subdivision.

Preliminary Plat -- A preliminary map, including supporting data, indicating a proposed Subdivision development, prepared in accordance with Article III of this ordinance.

Preliminary Plat Approval -- Approval of the Preliminary Plat by the Community Development Director upon recommendation of the Subdivision Committee. Preliminary approval authorizes the Subdivider to proceed with final engineering plans and Final Plat preparation.

Principal Building means a Building, or where the context so indicates, a group of Buildings, within which is conducted the principal use of the lot on which the Building is situated.

Private Access Way -- Any private Street or private way of access to one or more lots, which is owned and maintained by an individual or group of individuals and has been improved in accordance with the City of Peoria Infrastructure Development Guide for private access ways. A Private Access Way is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access, and where special design concepts may be involved, such as within planned area developments, mobile home developments, rural development and hillside areas.

Public Improvement Standards -- Sets of regulations including the City of Peoria Infrastructure Development Guidelines setting forth the details, specifications, and instructions to be followed in the planning, design and construction of certain public improvements within the City . Public Improvement Standards are formulated by the Utilities Department, Community Services Department, City Engineer, the County Health

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Department or other public agency.

Recorded Plat -- A Final Plat bearing all of the certificates of approval required in Article V of this ordinance and duly recorded in the Maricopa County Recorder's Office.

Request for Waiver – A request submitted on a form supplied by the City by the Subdivider for waiver from specified development standards found in the City of Peoria Infrastructure Development Guidelines.

Slope -- The vertical rise or fall of land expressed as a percentage and measured generally at right angles to contour lines. Measurements at other than contour line intervals may be made to accurately reflect the angle of the slope.

Street -- Any thoroughfare, avenue, boulevard, road, lane, parkway, place, viaduct, Easement, or other way that is an existing state, county, or municipal roadway; or a Street or way shown in a Plat heretofore approved pursuant to law or approved by official action; or a Street or way in a Plat duly filed and recorded in the County Recorder's Office. A Street includes the land between the right-of-way lines whether improved or unimproved and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, landscaping, and above and below ground utilities. (Also see 1977 Peoria City Code §14-2(D).)

Street Classification System -- A part of the Circulation Element of the Peoria General Plan (GP) that provides a system for identification of the hierarchy of major Streets and highways, including the location and alignment of existing and proposed thoroughfares. The system is the City's guide for right-of-way and dedication requirements for individual Streets.

Structure – Any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including inter-alia buildings, stadiums, radio towers, sheds, storage bins and fences (see §14-2(D) of the Peoria City Code (1977 edition)).

Subdivider -- The individual, firm, corporation, partnership, association, syndication, trust, or other legal entity that files the application and initiates proceedings for the Subdivision of land in accordance with the provisions of this ordinance. The Subdivider need not be the owner of the property.

Subdivision – *The division of property for a particular purpose.*

Subdivision Committee – A committee of City professional staff persons appointed by the City Engineer, Utilities Director and Community Development Director to review and recommend plat applications (see §24-57 of this ordinance).

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Supplemental Standard Details – Standard details for construction in addition to those found in the City of Peoria Infrastructure Development Guidelines and approved by the City Engineer.

Tract – A parcel of land or area of land appropriate for Subdivision. A tract is also a parcel of land included within a Subdivision for a specified purpose other than that proposed for the Lots within the subdivision.

Usable Lot Area -- That portion of a Lot usable for or adaptable to normal uses of residential property. Areas that may be covered by water, excessively steep slopes or areas that are included in certain types of Easements are not part of the Usable Area.

Utilities -- Underground facilities used for provision of public electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, owned and operated by any person, firm, corporation, municipal department, or board, duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards involved in supplying these services.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24–57. General Provisions and Definitions, Subdivision Committee Established.

- A. The Subdivision Committee is hereby established. The Committee shall be constituted with a minimum of three City professional staff appointed by the City Engineer, Utilities Director and Community Development Director with the representative of the Community Development Department acting as chairperson. The duties of the Subdivision Committee shall include the following: The committee shall review and make recommendation to the Community Development Director on applications for Preliminary Plats, Final Plats for Minor Subdivisions, and phasing plans. The Committee’s recommendation shall be to approve, approve with conditions or deny.
- B. The Committee may promulgate rules and procedures with respect to Committee activities.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-58. General Provisions and Definitions, Administration and Procedures

The City shall provide the following services:

- A. Provide application forms and development guidelines containing technical details as to standards for submittals and design of public facilities that are required to be included on the Plat.
- B. Publish the fee structure established by the City Council.
- C. Examine all Preliminary Plats for compliance with the applicable ordinances of the City of Peoria and collect fees specified for these services.

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- D. Review each Plat application.
- E. Review and make recommendations on applications for Requests for Waiver to the City Engineer.
- F. Forward Final Plat applications to the City Council.
- G. Obtain required signatures of city officials on all approved Final Plat maps.
- H. Forward approved and signed Final Plats to the City Clerk for recordation.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-59. General Provisions and Definitions, Exemptions.

The following shall be exempt from the provisions of this chapter:

- A. Leasing of apartments, offices, stores or similar space within an apartment Building, commercial Building, industrial Building or mobile home park.
- B. The partitioning of land in accordance with other state statutes regulating the partitioning of land held in common ownership (A.R.S. §9-463.02).
- C. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional Lots.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-60. General Provisions and Definitions, Zoning Requirements.

- A. A Subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. The Subdivision Committee may issue its recommendation concerning Preliminary Plats, Final Plats and phasing plans after the Subdivider has given authorization in writing to proceed. Zoning changes required in relation to the Preliminary Plat shall have been approved by the Council and the appeal period expired prior to Preliminary Plat or Final Plat approval.
- B. Development in hillside areas shall not exceed the maximum number of Lots or dwelling units permitted by the Zoning Ordinance. The developer shall identify Lots that will not accommodate applicable Building setbacks or provide written assurance that all setback requirements are met.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec.24-61. General Provisions and Definitions, Design Review.

Subdivisions shall address the design provisions contained in the City of Peoria Design Review Manual.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-62. General Provisions and Definitions, Street Construction.

All Streets and public improvements identified on the Plat shall be constructed. Street construction shall proceed only after plans approval and issuance of all permits as required by Sections 23-50 et seq. and Sections 20-250 et seq. of the Peoria City Code. Plan preparation and construction improvements shall be in compliance with the Uniform Standard Specifications for Public Works Construction as published by the Maricopa Association of Governments and as amended and adopted by the City of Peoria and the City of Peoria Infrastructure Development Guidelines.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec.24- 63. General Provisions and Definitions, Outline of Platting Procedures.

Approval of Subdivision Plats shall adhere to the following process:

- A. Pre-application conference;
- B. Preliminary Plat;
- C. Approval of engineering and construction drawings
- D. Final Plat.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-64. Pre-Application Conference, Subdivision Pre-application Conference

- A. The pre-application conference stage of Subdivision planning comprises an investigatory period, which precedes actual preparation of preliminary plans by the Subdivider. During this stage, the intentions of the Subdivider are made known to the City and the Subdivider is advised of specific public objectives related to the proposed project and other details regarding platting procedures and requirements.
- B. During this stage, it may be determined that a change in zoning would be required for the project, and in such case the Subdivider shall initiate the necessary rezoning application. A master plan, as defined in §24-56, may also be required to substantiate design of public facilities.
- C. The pre-application conference incorporates a research and discovery period for project requirements. Comments, reviews and observations shall not be construed as authorizations, final actions or complete review comments.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-65. Pre-Application Conference, Actions by the Subdivider.

The Subdivider shall meet informally with the Community Development Department for the purpose of presenting a preliminary outline of the project. The Subdivider shall provide the following information to the Subdivision Committee in advance of the Committee meeting:

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- A. Initial plans and ideas regarding land use, Street and Lot arrangement, tentative Lot sizes in accordance with the Zoning Ordinance and Design Review Manual; and,
- B. Preliminary proposals regarding water supply, sewage disposal, surface drainage, and Street improvements.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec.24-66. Pre-Application Conference, Actions by the City.

The Subdivider's proposal will be reviewed at the pre-application conference. The procedural steps, design and improvement standards, and general plat requirements will be reviewed. The Community Development Department shall provide information and preliminary comments based on the information supplied by the Subdivider.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-67. Pre-Application Conference, Master Plan.

- A. A Master Plan may be prepared by the Subdivider whenever, in the opinion of the Community Development Director or the City Engineer, project conditions warrant preparation of the plan. These conditions may include:
 - 1. The area being planned is sufficiently large (multiple phases) to comprise an entire neighborhood;
 - 2. The initial project proposed for platting is only a portion of a larger landholding of the subdivider; or
 - 3. The initial project is a part of a larger land area, the development of which is complicated by unusual topographic, drainage, Utility, land use, land ownership, or other conditions. The entire land area need not in this case be under the Subdivider's control.
- B. The Subdivision Committee shall review and make recommendations on proposed master plans. Approval of the Master Plan by the Community Development Director or the City Engineer shall precede preparation of a Preliminary Plat(s) for the project and shall be submitted as supporting data for each phase of a phased project. In any event, the Master Plan required in relation to the Preliminary Plat shall have been approved and the appeal period expired prior to a Preliminary Plat approval.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-68 thru Sec. 24-78 Reserved.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-79. Preliminary Plat, Preliminary Plat Application.

- A. The Subdivider shall submit an application for Preliminary Plat, the Preliminary Plat and required supporting data, prepared in accordance with requirements set forth in The City of Peoria Infrastructure Development Guidelines to the Community Development Department.
- B. The Community Development Department shall check the submittals for completeness and assign a case number; if the submittals are incomplete the deficiencies shall be noted and the submittals returned to the applicant.
- C. The Subdivider shall pay filing fees pursuant to the provisions of Chapter 2 of the Peoria City Code.
- D. For Major Subdivisions as defined herein, the Community Development Department shall provide a Notice of Application in the time and manner described in Section 14-39-9 (“Site Plan Review) of the Peoria Zoning Ordinance. The applicant shall furnish to the Community Development Department the names, addresses, and stamped, addressed envelopes for the property owners, and the Department shall mail the notices.
- E. Commercial, Industrial and other non-residential Plats shall be exempt from the Preliminary Plat process.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

(Ord. No. 06-51, 12/12/06, Amended) SUPP 2006-4

Sec.24–80. Preliminary Plat, Preliminary Plat Review.

- A. The Subdivision Committee shall review Preliminary Plat submittals for compliance with the following:
 - 1. City of Peoria Infrastructure Development Guidelines, including proposed Street names
 - 2. Hillside Development Ordinance
 - 3. Streets and thoroughfares as related to the Minimum Right-of-Way Standards Map and neighborhood traffic circulation
 - 4. Utility methods and systems including water supply, sewage disposal and surface drainage and the City’s master plans and ordinances relating to these systems
 - 5. Existing and proposed zoning and land use of the Tract and its environs
 - 6. Master Plans (if applicable)
 - 7. Land required for schools, parks, open space, trails and other public facilities

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8. City of Peoria Design Review Guidelines

9. Other guidelines or specifications as required by the City Engineer.

- B. The Community Development Department shall distribute copies of the Plat to the appropriate City and school district offices for review.
- C. The reviewing City and school district offices shall transmit their recommendations to the Community Development Department in writing within two (2) weeks. The Community Development Department shall summarize the recommendations in a report to the Subdivider.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec.24-81. Preliminary Plat, Preliminary Plat Approval.

- A. The Subdivision Committee shall consider the Preliminary Plat within thirty (30) calendar days after the date the Subdivider has completed filing of final corrections.
 - B. The Subdivision Committee shall forward its recommendations of the Preliminary Plat to the Community Development Director.
 - C. The Community Development Director shall forward the Subdivision committee's recommendations to the Subdivider.
 - D. If the Community Development Director denies a Preliminary Plat, or the Plat is approved with stipulations, the Subdivider may resubmit a revised application at the initial step of the approval process, or may appeal the denial or stipulations pursuant to the provisions of §24-110 of this ordinance.
 - E. Approval of the Preliminary Plat shall expire one (1) year from the date of approval.
- (Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24–82. Preliminary Plat, Significance of Approval of the Preliminary Plat.

Approval of the Preliminary Plat constitutes authorization for the Subdivider to proceed with preparation of the Final Plat and the final engineering and construction drawings for public improvements. Approval of the Preliminary Plat shall be based upon the following terms:

- A. The basic conditions under which approval of the Preliminary Plat is granted shall not be changed without concurrence of both the Community Development Director and the Subdivider prior to the expiration date of the Preliminary Plat approval.
- B. Approval of the Preliminary Plat initiates a twelve-month period for filing an application for Final Plat. If the Subdivider fails to submit a Final Plat application within the twelve-month period, the Subdivider must submit a new application for Preliminary Plat

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approval. The City Engineer may extend this period if unique circumstances exist and the Subdivider has made a substantial effort in trying to meet the time deadline.

- C. Preliminary Plat approval does not assure final acceptance of Street dedications or continuation of existing zoning requirements for the project.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec.24-83. Preliminary Plat, Submittal of Requests for Waiver and Preliminary Phasing Plans

- A. The Subdivider shall file all Requests for Waiver (see §24-113 of this ordinance) with the City Engineer within 7 days after the date of action on the Preliminary Plat by the Subdivision Committee.
- B. A subdivision that is to be constructed in phases shall require an approved phasing plan. The Subdivider shall submit a preliminary phasing plan prepared in accordance with the City of Peoria Infrastructure Development Guidelines to the Community Development Department no less than 10 days prior to consideration of the Preliminary Plat by the Subdivision Committee.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-84 through 24-88 Reserved.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-89. Final Plat, Final Plat Overview

The Final Plat stage includes the final design of the Subdivision, engineering and construction drawings of public improvements, and submittal of the Plat and plans by the Subdivider. It includes review of the Final Plat by the Engineering Department and if applicable, the Arizona Department of Transportation and other agencies, and final action taken by the City Council. The Final Plat shall be prepared and submitted in accordance with City of Peoria Infrastructure Development Guidelines.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-90. Final Plat, Minor Subdivisions

The Engineering Department may receive the filing of a final Minor Subdivision Plat and accept the pre-application conference as meeting the preliminary submittal requirements if it is determined at the pre-application conference that all of the following criteria have been met:

- A. The Minor Subdivision contains 10 or fewer Lots.
- B. The Tract being subdivided is less than 5.0 acres.
- C. Zoning for the site has been approved without formal opposition. If the zoning approval included stipulations, the Subdivider shall provide evidence that all stipulations have been except for street dedications or time limits
- D. The Tract is adjacent to existing public Street right-of-way or creates no more than one new Street or cul-de-sac.
- E. The Tract is accessible to a paved Arterial Route or Collector Street.
- F. There is adequate public water and sewer service to the Tract.
- G. The Tract is not located on a drainage way.
- H. The Tract is not in an area with special development concerns or interests, such as, but not limited to mountain preserves, hillside development areas, flood plains and/or transportation corridors.
- I. A Land Surveyor registered by the State of Arizona seals the Final Plat.
- J. The criteria contained in the Residential Design Review Manual have been satisfactorily addressed.
- K. City departments may add conditions to the approval of the Final Plat during the review of the Minor Subdivision.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-91. Final Plat, Hillside Development Area.

Tracts located in a Hillside Development Area shall require specific submittals and reviews relating to development in sloped areas and shall meet the requirements of the Hillside Development Overlay District (see Article 14-22A of the Peoria City Code 1977 edition).
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-92. Final Plat, Easements.

The Subdivider shall provide for Utility Easements as required by the appropriate Utility or the City of Peoria in accordance with the Utility's specifications, the City of Peoria Infrastructure Development Guidelines and other applicable City construction codes and standards.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-93. Final Plat, Abandonments.

- A. The Subdivider shall make application to the City Engineer for abandonment of all existing easements, rights-of-way or other dedications not included in the proposed project prior to or at the same time of submittal of the Final Plat application.
- B. All abandonments approved by the City Engineer and not included on the Final Plat shall be recorded by the Subdivider with a copy of the recordation submitted to the City Engineer prior to presentation of the Final Plat to the City Council.
- C. Abandonments of Streets and City Utility Easements shall be shown on the Final Plat.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-94. Final Plat, Final Plat Preparation.

The Subdivider shall prepare the Final Plat in accordance with requirements set forth in the City of Peoria Infrastructure Development Guidelines and shall be in substantial conformance to the approved Preliminary Plat.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24 - 95. Final Plat Submission.

- A. The Subdivider shall file copies of the Final Plat, engineering and construction drawings, a letter of transmittal and fees for Final Plat review and plat recording.
- B. The Subdivider is responsible to ensure all seals, signatures and required certifications on the Final Plat are in final condition suitable for recordation.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-96. Final Plat, Final Plat Review.

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- A. The Community Development Director and City Engineer shall review the Final Plat application for substantial conformity to the approved Preliminary Plat and route copies of the submittal to the appropriate reviewing offices listed below. Incomplete applications shall be voided and returned to the Subdivider.
1. Community Services Department.
 2. Arizona Department of Transportation (ADOT), for approval (where the Plat abuts a state highway).
 3. Maricopa County Department of Transportation (MCDOT), for approval (where the Plat abuts a county road).
 4. The Engineering Department may distribute copies to other agencies and departments as necessary.
- B. The City Engineer shall prepare a concise summary of comments and proposed stipulations. In the event that the City Engineer or the Community Development Director finds that the Final Plat does not conform to the Preliminary Plat as approved, the Final Plat shall be returned to the applicant for corrections.
- C. The Subdivider shall submit the original Plat in final form to the City Engineer to transmit to the City Manager and City Clerk.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-97. Final Plat, Final Plat Approval.

Final Plat approval shall be an administrative process managed by the City Engineer, the culmination of which shall be a recommendation by the City Engineer for City Council action.

- A. The City Engineer shall forward a request for Council action to the City Clerk who shall place the Final Plat on the agenda of the next regular Council meeting for City Council action.
- B. The Mayor shall sign Council approved Final Plats and the City Clerk shall transcribe a Certificate of Approval upon the Plat after ensuring that all other required certifications have been duly executed and the City Engineer has certified that all engineering and construction drawings have been approved.
- C. The City Engineer shall not forward a Final Plat to the City Clerk until all required engineering and construction drawings have been approved.
- D. A subdivider may withdraw an approved Plat by submitting a written request to the City Council through the City Engineer. The City Council may formally rescind its approval and void the Plat.

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- E. When the plat has been revoked by the City Council, or withdrawn by the Subdivider, the City Clerk shall transmit the Plat to the City Engineer, who shall return it to the Subdivider or the Subdivider's engineer. If the Subdivider or the Subdivider's engineer cannot be found or does not respond within 60 days, the Plat shall be destroyed.
- F. The City Clerk shall be responsible for recording all Plats with the Maricopa County Recorder's Office. One copy shall be kept on file in the Office of the City Engineer for public access.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24 – 98 through 106 Reserved.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec.24-107. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Conditions of City Council Approval.

If the City Council approves the Final Plat, the Final Plat shall be subject to the following conditions:

- A. Subdivision improvements, including all survey monuments, shall be installed according to approved engineering and Plat drawings. Improvements may be constructed in phased increments identified by the Subdivider and approved by the City Engineer. Phased construction is subject to provisions of satisfactory drainage, traffic movements and other services.
- B. If the Subdivision is comprised of subdivided lands, as defined in A.R.S. §32-2101, and is within a groundwater active management area, as defined in A.R.S. §45-402, the Final Plat shall be accompanied by one of the following documents:
 - 1. A certificate of assured water supply issued by the Director of the Arizona Department of Water Resources (ADWR),
 - 2. A written commitment of water service for the subdivision from a city, town or private water company designated as having an assured water supply by the Director of ADWR pursuant to A.R.S. §45-576, or
 - 3. A written determination that the Subdivision is exempt from the assured water supply requirement pursuant to A.R.S. §45-576.
- C. The City Engineer shall assure that a note has been placed on the face of the Final Plat identifying which one of the three documents listed in Subsection B has been applied to the Plat.
- D. The improvements shall be completed in accordance with a specified schedule for each increment, provided an extension of time may be granted upon conditions specified by the Engineering Department.
- E. Construction of all improvements within Street rights-of-way and Easements shall be inspected by the Engineering Department.
- F. The Subdivider shall submit all improvement district formation and management documents, including petitions, diagrams, and warranty agreements.
- G. The Subdivider shall be responsible for bond payments for all improvement districts within the Subdivision that are required to be made prior to the City receiving distribution of assessment payments.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-108. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Financial Guarantee for Performance.

- A. The Subdivider shall establish a cash, surety, Certificate of Occupancy Hold Agreement, or other method of performance guarantee, including a combination of methods, for deposit with the Engineering Department in an amount equal to the cost of the work for street improvements and other required public improvements. The method of performance guarantee selected by the Subdivider shall be approved by the City Engineer and shall assure that the work shall be completed in accordance with written City agreements and the approved plans.
- B. The cash method of financial guarantee noted in Subsection A may be established as an escrow account with the City or with a financial institution authorized to do business in the state of Arizona and acceptable to the City. The Subdivider shall deposit cash, certified checks, or negotiable bonds within the account. The amount of the cash escrow account shall be at least equal to the cost of construction, installation and Dedication required as determined by the City Engineer. A written agreement, appropriately executed, between the City and the escrow agent shall be approved as to form by the City Attorney and shall provide both of the following:
1. The principal and accumulated interest shall be held in trust by the City or the escrow agent until released in whole or in part by the City and may not be used or pledged by the Subdivider for any purpose during the period the escrow account is in effect without the approval of the City; and
 2. In the case of a failure on the part of the Subdivider to complete the required improvements within the specified time period and upon notice by the City to the Subdivider, the escrow funds shall be immediately paid over to the City without further action on the part of the City for use in remediation or completion of the specified improvements.
- C. The surety method of financial guarantee noted in Subsection A may be established as bonds that utilize as surety a corporation duly authorized to transact surety business in the state of Arizona and acceptable to the City of Peoria. The face amount of the bonds shall be at least equal to the cost of construction, installation and Dedication required as determined by the City Engineer. The bonds shall establish the City as beneficiary, shall be continuous in form, and shall be conditioned that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, irrespective of the number of years the bond is in force.
- D. The Certificate of Occupancy Hold Agreement noted in Subsection A may be established when in the determination of the City Engineer the value of Building occupancy, together with any other guarantee, shall be at least equal to the cost of construction, installation, Dedication required, or other requirements as determined by the City Engineer.

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- E. The City shall release the performance guarantees established by the Subdivider only upon satisfactory performance and acceptance of the work.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-109. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Completion of Improvements Required.

- A. The Community Development Department shall not approve a final inspection for any Building permit for construction of a Building until all the requirements of the Final Plat approval have been completed, including improvements, installations and dedications required in the approved engineering plans. This does not preclude phasing of completions or utility releases.
- B. The City Engineer is hereby authorized to order the remediation and/or completion of all construction, installation, and Dedication activities the Subdivider fails to complete in accordance with the terms of written City agreements, phasing plans and permits. The City shall be reimbursed for costs incurred as documented and reported by the City Engineer from the financial guarantee posted by the Subdivider for this purpose.
- C. All work performed by the City to complete agreements with the Subdivider shall follow City procurement practices and requirements. Disposition of financial guarantee proceeds and release of performance bonds shall be made upon authorization of the City Manager and approval by the City Council as appropriate.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-110. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Appeals.

- A. An action or decision of the Community Development Director or the City Engineer not covered by §24-111 or §24-112 below may be appealed by the Subdivider within 15 calendar days of the action to the City Engineer, if the appeal is from stipulations or conditions of approval.
- B. Appeals shall be in writing on a form provided by the Engineering Department and shall include only those items not agreed upon. An appeal will be heard within 15 calendar days from the date of submission of an appeal and the appeal fee to the City Engineer. The City Engineer shall set the date, time, and location for the appeal hearing. Persons who have expressed an interest in attending the hearing shall be informed by the Engineering Department of the date, time, and location.
- C. The City Engineer shall gather any background material regarding the appeal at least two working days prior to the hearing date.
- D. The City Engineer shall issue a decision on the appeal at the hearing. An appeal of the decision of the City Engineer may be made to the Planning and Zoning Commission. The Subdivider shall file an application for appeal within 15 calendar days from the hearing. Appeals shall be in writing on a form provided by the Community Development

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Department and shall include only those items not in agreement. The decision of the Planning and Zoning Commission shall be final.

E. Fees for appeals shall be as set forth in Chapter 2 of the Peoria City Code.
(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-111. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Design Review Appeals.

Appeals from the application of design review requirements shall be in accordance with Section 20-74 of the Peoria City Code.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-112. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Appeals from the Application of Hillside Development Area Requirements.

Appeals from the application of the Hillside Development ordinance shall be in accordance with Section 14-22A-10 of the Peoria Zoning Ordinance.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-113. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Request for Waiver.

Subdividers shall submit requests to waive Subdivision, Street or engineering design standards found in the City of Peoria Infrastructure Development Guidelines with the required fee on a form supplied by the City 10 days prior to consideration of the Preliminary Plat by the Subdivision Committee. The Subdivider shall specifically identify the requirement that is requested for waiver or modification, list possible impacts caused by granting of the waiver or modification and identify proposed mitigation measures that address the possible impacts. A waiver may be approved by the City Engineer when any one or more of the following or similar conditions are present:

- A. Inadequate right-of-way preventing access to adjacent properties,
- B. Type and extent of existing Street improvements,
- C. Inability to establish a proper Street grade or alignment,
- D. Extraordinary conditions of land ownership or adjacent development,
- E. Physical barriers such as excessive grade of terrain, washes, ditches, canals, Buildings or other Structures, or
- F. Special circumstances, such as, but not limited to, inclusion of Streets or Alleys in a larger improvement project the construction of which is imminent, or the property is in an established improvement district.

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(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-114. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Administration of Changes to a Recorded Plat.

- A. Any material change to a recorded Subdivision Plat requires that the Plat or portion of the Plat be re-recorded. An example of a material change is changing the legal description or the land area included in the Subdivision.
- B. Minor changes may be accomplished without re-recording the Subdivision Plat through the Certificate of Correction or Change administrative process. Allowable changes under this process are engineering errors, name changes, typographical errors, misspellings, and similar non-material matters. The procedures and guidelines for processing a Certificate of Correction or Change are found in the City of Peoria Infrastructure Development Guidelines.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

Sec. 24-115. Approvals, Appeals, Modifications, Waivers and Administrative Changes, Authorization to Issue Permits

A permit for the construction or erection of any improvement, Structure or sign shall not be issued on any Lot, piece, or Tract of land that is not part of a recorded Subdivision Plat, or has not been approved by the Community Development Department or the City Engineer.

(Ord. No. 02-40, 6/7/02, Enacted) SUPP 2002-2

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Sec. 24-116. through 24-119. Reserved
(Ord. 2010-06, 02/02/2010, Amended by Reserving) SUPP 2010-1

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Stormwater Pollution Management.

Sec. 24-120. Stormwater Pollution Management; Definitions.

ADEQ – Arizona Department of Environmental Quality.

AZPDES – Arizona Pollutant Discharge Elimination System. A program established by the State of Arizona by provisions in Arizona Revised Statutes Title 49, Chapter 1, Article 3.1 to control the discharge of pollutants of waters in Arizona.

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, general good house keeping practices pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City Manager – The City Manager is the administrative head of city government for the City of Peoria. The City Manager is authorized and empowered to delegate any of the power granted under this ordinance to a department director.

Code Federal Regulations (CFR) – The codification of general and federal rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the Federal Government of the United States.

Construction Activity – Activities subject to AZPDES Construction Permits. This activity includes clearing, grading, excavating, stockpiling of fill material, and other similar activities resulting in land disturbance of at least one acre. Construction activity also includes clearing, grading, stockpiling, etc. that occurs in smaller areas if part of a larger common plan of development or sale that will ultimately disturb one or more acres. This definition encompasses both large construction activities defined in 40 CFR § 122.26 (b)(14)(x) and small construction activities defined in 40 CFR §122.26 (b)(15)(i).

Construction General Permit – An AZPDES permit issued by ADEQ which authorizes stormwater discharges from construction-related activities. The permit reduces the administrative burden of permitting stormwater discharges through individual (negotiated) permits.

Dye testing – The use of a non-toxic dye to identify the source of a discharge. Dye is poured into the suspected entry source (i.e., facility, plumbing fixtures), then the downstream MS4 conveyances and/or storm sewer outfalls are monitored for presence of the dye. Presence or absence findings are recorded from the test.

Erosion and Sediment Control – Refers to actions, measures, or BMPs designed to minimize the accelerated erosion and suspension of sediment by water or wind.

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Hazardous Materials – Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge – Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 24-120 of this Chapter.

Illicit Connections – Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system. Illicit connections may include, but are not limited to: any conveyances which allow non-stormwater discharge (i.e., sewage, process wastewater, wash water) to enter the storm drain system; any connections to the storm drain system from indoor drains and sinks, regardless if the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity – Any activity subject to National Pollutant Discharge Elimination System (NPDES) Industrial Permits as defined in 40 CFR §122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4) – A publicly-owned conveyance or system of conveyances including but not limited to ditches; curbs; gutters; storm sewers; catch basins; and underground pipes that is designed to collect stormwater runoff that discharges to Waters of the State, do not connect with a wastewater collection system or treatment plant, and may be owned or operated by but not limited to a municipality; a county; utility, drainage, or other specialty districts; prisons; colleges; or a state or federal agency.

Non-Stormwater Discharge – Any discharge to the storm drain system that is not composed entirely of stormwater.

Notice of Intent (NOI) – An application (form) that is submitted to ADEQ to notify ADEQ of the intent to be covered by the ruling/active Construction General Permit, and to trigger the review and permit-waiting time associated with the permit. The NOI serves as a law-binding promise to comply with Construction General Permit conditions.

Permittee – An entity or its successors, agents, employees, or assigns that has applied for and received a permit pursuant to Section 24-139 of this Chapter.

Person – Any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant – Any substance which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or

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abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers, hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises – Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

Post-Construction Stormwater Control Measures – Those measures, either structural or non-structural, that are implemented and maintained after construction has been completed to manage stormwater runoff.

Storm Drainage System – Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater – Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Management Plan (Storm Water Pollution Prevention Plan) – A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater – Any water or other liquid, other than uncontaminated stormwater discharged from a facility.

Waters of the State – Such waters as defined in Arizona Revised Statutes §49-201.

Waters of the United States – Surface watercourses and water bodies as defined in 40 CFR §122.2 including all natural waterways, definite channels, and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-01

Sec. 24-121. Stormwater Pollution Prevention; Administration.

The City Manager shall administer, implement, and enforce the provisions of Sections 24-120 through 24-143 of this Chapter.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-01

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Sec. 24-122. Stormwater Pollution Prevention; Monitoring of Discharges.

(a) **Applicability.** This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(b) **City Access to Facilities.**

(1) The City shall be permitted to enter and inspect facilities subject to regulation under Sections 24-120 through 24-143 of this Chapter as often as may be necessary to determine compliance with those Sections. If the facility has security measures in force which require proper identification and clearance before entry into its premises, the facility shall make the necessary arrangements to allow access to representatives of the City.

(2) The City shall be allowed ready access to all parts of the facility premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an AZPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The City shall have the right to set up on any permitted facility devices as are necessary in the opinion of the City Manager to conduct monitoring and sampling of the facility's stormwater discharge.

(4) The City shall have the right to require the permitted facility to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of Sections 24-120 through 24-143 of this Chapter. A person who is the operator of a facility with an AZPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by Sections 24-120 through 24-143 of this Chapter.

(c) During any inspection as provided herein, the City may take any sample and perform any testing deemed necessary to aid in pursuit of the inquiry or to record site activities. (Ord. No. 2010-06, 02/02/2010, Enacted) SUPP 2010-01

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Sec. 24-123. Stormwater Pollution Prevention; Violations, Injunctive Relief.

(a) Any violation of Sections 24-120 through 24-143 of this Chapter shall be punishable under this Section and Section 1-5 of this Code.

(b) It is unlawful to:

(1) Intentionally, knowingly, or recklessly interfere, prevent, or attempt to interfere or prevent an individual employed by the City or other person contracted for by the City, when the individual is investigating, correcting, or abating a violation Sections 24-120 through 24-143 of this Chapter.

(2) Violations of Subsection (1) shall be punished as a class one misdemeanor. The Court shall order restitution to the City for financial loss incurred in the prosecution and enforcement of the provisions of this Section.

(c) The City may petition for a preliminary or permanent injunction restraining a person from activities which would create further violations or compelling the person to perform abatement or remediation of a violation in either of the following situations:

(1) If the City has been refused access to any part of the premises from which stormwater is discharged and the City is able to demonstrate that one or more of the following conditions exist:

a. Probable cause to believe that there may be a violation of Sections 24-120 through 24-143 of this Chapter.

b. There is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Code or any order issued hereunder.

c. The overall public health, safety, and welfare of the community is at risk.

(2) If a person has violated or continues to violate any of the provisions of Sections 24-120 through 24-143 of this Chapter.

(Ord. No. 2010-06, 02/02/2010, Enacted) SUPP 2010-01

Sec. 24-124. Stormwater Pollution Prevention; Enforcement.

(a) Notice of Violation.

(1) Upon examination, if the City finds that a person, whether individual, corporate, associate, partner, or of another entity recognized by law as owning property, or such person's lessee, has violated a prohibition or failed to meet the requirements of Sections 24-120 through 24-143 of this Chapter, the City Manager may order compliance by a

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written notice of violation to the responsible person.

(2) Such notice may require without limitation any one or more of the following requirements:

- a. The response to conduct monitoring, analyses, and reporting;
- b. The elimination of illicit connections or illegal discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination;
- e. The restoration of any affected property;
- f. Assess civil penalties to cover administrative and remediation costs; and
- g. The implementation of source control or treatment BMPs.

(3) If an abatement of a violation and/or the restoration of an affected property are required, the notice of violation shall set forth a plan for remediation or restoration where such activities must be completed by a deadline determined by the City Manager. The notice shall further advise any person in violation of illicit discharge activities that fail to remediate or restore within the established deadline, the work will be completed by a designated governmental agency or a contractor where the City may assess civil penalties by a court of competent jurisdiction or by the City Manager to recover costs and fees incurred as a result of the violation.

(b) Appeal of Notice of Violation.

(1) Any person receiving a notice of violation may appeal such notice.

(2) The notice of appeal must be filed with the City Manager within 30 calendar days from the date of the notice of violation.

(3) A hearing on the appeal before the City Manager shall take place within 30 calendar days from the date of receipt of the notice of appeal.

(4) The decision of the City Manager shall be final.

(5) Any person continuing to violate this Code will be subject to additional violations, where each day of continued violation may constitute a separate offense.

(6) In lieu of enforcement proceedings, penalties, and remedies authorized by this Code, the City Manager may impose alternative compliance actions upon the person in violation of illicit discharge activities, such as but not limited to storm drain stenciling,

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attendance at compliance workshops, and watercourse cleanup.

(c) Enforcement Measures after Appeal.

(1) If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision to uphold the notice of violation, then representatives of the City shall enter upon the subject property and take any and all measures necessary to abate the violation and/or restore the property.

(2) It shall be unlawful for any person, owner, agent, or other person having control over the subject property to refuse the City, the City Manager, or any designated government agent and/or contractor to enter upon the premises for the purposes set forth in subsection (c)(1) of this Section.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-125. Stormwater Pollution Prevention; Remedies Not Exclusive.

The remedies listed in Sections 24-120 through 24-143 of this Chapter are not exclusive of any other remedies available under any applicable Federal, State, or local law. It is within the discretion of the City to seek cumulative remedies.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-126. Stormwater Pollution Prevention; Emergency Response.

(a) A person responsible for a facility or operation, or the emergency response of the facility or operation, who has information of any known or suspected release of hazardous materials which will result or may result in illegal discharges or pollutant discharges to a MS4 shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release the person responsible for a facility or operation, or the emergency response of the facility or operation shall immediately notify the ADEQ Emergency Response Duty Office or by contacting emergency dispatch services at 9-1-1.

(b) In the event of a release of non-hazardous materials, the person responsible for a facility or operation or the emergency response of the facility or operation shall notify the City Manager in person or by phone within 24 hours of such a release.

(1) Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Manager within five calendar days of the initial in person or phone notification.

(2) Additional reporting to other agencies may be required. These agencies may include but are not limited to the National Response Center, Arizona State Emergency Response Commission, Maricopa County Local Emergency Planning Commission, and the City of Peoria Fire Department.

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- (3) The owner or operator of the establishment from which the discharge emanated shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-127. Illicit Discharge Detection and Elimination; Purpose.

(a) The purpose of Sections 24-120 through 24-143 of this Chapter is to provide for the health, safety, and general welfare of the citizens of the City of Peoria through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. Sections 24-120 through 24-143 of this Chapter establish methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the AZPDES permit process. The objectives of Sections 24-120 through 24-143 of this Chapter are all of the following:

- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user,
- (2) To prohibit illicit connections and illegal discharges to the municipal separate storm sewer system, and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Code.

(b) All illicit discharge detection and elimination shall be performed pursuant to the provisions of Sections 24-120 through 24-143 of this Chapter but shall not be construed to prevent the enforcement of other laws which prescribe more restrictive limitations, nor shall the provisions of Sections 24-120 through 24-143 of this Chapter be presumed to waive any limitations imposed by other statutes or ordinances.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-128. Illicit Discharge Detection and Elimination; Scope.

(a) Sections 24-120 through 24-143 of this Chapter set forth rules and regulations for detection and elimination of illicit discharges within the City's municipal separate storm sewer system.

(b) Sections 24-120 through 24-143 of this Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

(c) The standards set forth herein and promulgated pursuant to Sections 24-120 through 24-143 of this Chapter are minimum standards; therefore Sections 24-120 through 24-143 of this Chapter do not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

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Sec. 24-129. Illicit Discharge Detection and Elimination; Applicability.

Sections 24-120 through 24-143 of this Chapter shall apply to all prohibited discharges or releases entering the storm drain system generated on any developed or undeveloped lands lying within the City limits.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-130. Illicit Discharge Detection and Elimination; Discharge Prohibitions.

(a) **Prohibition of Illegal Discharges.** No person shall discharge or cause to be discharged into the municipal storm sewer system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards. This prohibition shall not apply to stormwater. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by Sections 24-120 through 24-143 of this Chapter:

- a. Water line flushing.
- b. Landscape irrigation.
- c. Diverted stream flows.
- d. Rising ground waters.
- e. Uncontaminated groundwater infiltration.
- f. Uncontaminated pumped groundwater.
- g. Discharges from potable water sources.
- h. Foundation drains.
- i. Air conditioning condensate.
- j. Irrigation water.
- k. Springs.
- l. Water from crawl space pumps.
- m. Footing drains.

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- n. Lawn watering.
- o. Individual residential car washing.
- p. Discharges from riparian habitats and wetlands.
- q. Street wash water.
- r. Discharges or flows from fire fighting activities.

(2) Discharges specified in writing by the City Manager as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the City Manager prior to the time of the test.

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an AZPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Arizona Department of Environmental Quality or the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) Prohibition of Illicit Connections.

(1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(2) The prohibition contained in Subsection (i) expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of Section 24-120 through 24-143 of this Chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to exist.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-131. Illicit Discharge Detection and Elimination; Suspension of MS4 Access.

(a) Suspension Due to Illicit Discharges in Emergency Situations.

(1) The City may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, the health or welfare of persons, the MS4, or Waters of the United States.

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(2) If a person in violation of illicit discharge activities fails to comply with a suspension order issued in an emergency, the City Manager or an appropriate designee assigned by the City Manager, may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

(b) Suspension Due to the Detection of Illicit Discharge.

(1) Any person discharging to the MS4 in violation of Sections 24-120 through 24-143 of this Chapter may have MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a person in violation of illicit discharge activities of the proposed termination of its MS4 access.

(2) Pursuant to this Section, an offense will be committed if a person reinstates an illegal connection to an MS4 without the prior approval from the City Manager.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-132. Illicit Discharge Detection and Elimination; AZPDES Stormwater Discharge Permit Compliance.

Any person subject to an industrial or construction activity AZPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with such a permit shall be submitted to the City prior to the discharges to a MS4 in a format approved by the City Manager.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-133. Illicit Discharge Detection and Elimination; Use of Best Management Practices.

(a) Any person who owns or operates a commercial or industrial facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural best management practices (BMPs).

(b) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required by the City Manager to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.

(c) Compliance with all terms and conditions of a valid AZPDES permit authorizing the discharge of stormwater associated with industrial activity shall be deemed compliant with the provisions of Section 24-120 through 24-143 of this Chapter. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the AZPDES permit.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

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Sec. 24-134. Illicit Discharge Detection and Elimination; Watercourse Protection.

(a) Any person whether individual, corporate, associate, partner, or of another entity recognized by law as owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or impede the flow of water through the watercourse.

(b) In addition, every person whether individual, corporate, associate, partner, or of another entity recognized by law as owning property, or its lessee, shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-135. Construction and Post-Construction Stormwater Management; Purpose.

(a) A purpose of Sections 24-120 through 24-143 of this Chapter is to control or eliminate soil erosion and sedimentation within the City. The City has established standards and specifications for conservation practices and planning activities which minimize soil erosion and sedimentation in order to accomplish all of the following goals:

- (1) Protect public health, welfare, and the environment;
- (2) Enable the City to comply with stormwater pollution prevention provisions of the AZPDES.
- (3) Properly manage and reduce erosion and the discharge of pollutants from construction sites to the City's stormwater system, and in turn, to surface waters and groundwater;
- (4) Reduce the discharge of pollutants by ensuring the installation and maintenance of post-construction stormwater management measures; and
- (5) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained.

(b) All stormwater management shall be performed in accordance with the provisions of Sections 24-120 through 24-143 of this Chapter but shall not be construed to prevent the enforcement of other laws which prescribe more restrictive limitations, nor shall the provisions of Sections 24-120 through 24-143 of this Chapter be presumed to waive any limitations imposed by other statutes or ordinances.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

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Sec. 24-136. Construction and Post-Construction Stormwater Management; Scope.

Sections 24-120 through 24-143 of this Chapter set forth rules and regulations for erosion and sediment control and stormwater management during and following construction activities; establish the administrative procedures of Sections 24-120 through 24-143 of this Chapter; and provide for approval of plans, specifications, and inspection of construction activities and stormwater management controls.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-137. Construction and Post-Construction Stormwater Management; Applicability

(a) To prevent the adverse impacts of stormwater runoff, the City requires that certain performance standards must be met at new development or redevelopment sites.

(b) Sections 24-120 through 24-143 of this Chapter shall be applicable to all subdivision or site plan applications that meet the minimum applicability criteria for coverage under the AZPDES Construction General Permit, unless eligible for a waiver as described in the Permit.

(c) The Construction General Permit applies to construction activities that disturb one or more acres of land and to the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre of land or more, even though multiple separate and distinct land development activities may take place at different times on different schedules.

(d) Unless the City Manager determines that there is a federal/state mandate addressing these activities or there will be an impact to the City's storm water system, the following activities are exempt from these stormwater performance criteria.

- (1) Agricultural activity.
- (2) Activities related to oil and gas exploration.
- (3) Additions or modifications to existing single family structures.
- (4) Developments that disturb less than one acre of land, provided they are not part of a larger common development plan.
- (5) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a roadway or drainage facility.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-138. Construction and Post-Construction Stormwater Management; Requirements for Submittal of Stormwater Management Plans.

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(a) Any person (“applicant”) applying for a permit, authorization, license, or permission for construction activity that will disturb one or more acres of land shall prepare a Stormwater Management Plan (SWMP) for the management of stormwater discharges.

(b) The applicant shall refer to the Drainage Design Manual for Maricopa County Volume III Erosion Control for guidance in BMP selection and SWMP development.

(c) The SWMP must indicate the addresses and legal description of the project location.

(d) Along with the SWMP, the applicant shall submit to the City a copy of an accurate and complete (including signature and authorization number) NOI issued to ADEQ to seek coverage under the Construction General Permit.

(e) In addition to the requirements of the AZPDES Construction General Permit, the SWMP submitted to the City shall include, at a minimum, all of the following information:

(1) Cover sheet on plans of more than two sheets.

(2) Site information containing all of the following information (to be included on the first/cover sheet):

a. Project title block with name and address of project.

b. Address and legal description of project location.

c. Total site area.

d. Vicinity map with north arrow.

e. Index of plan sheets if more than one plan sheet.

f. Owner’s/developer’s name, address, and telephone number.

g. Engineer’s name, address, and telephone numbers.

h. Contractor’s name, address, and telephone number. If contractor is not known, leave this area blank for future completion.

(3) Two sets of plans (sheets to be 24” x 36”) satisfying all of the following standards:

a. Original plan sheets shall be sufficiently clear to allow legible prints to be reproduced. The size of lettering and symbols shall be 1/8 inch minimum.

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- b. All sheets shall have the qualified Arizona registrants seal and original signature prior to approval.
 - c. All sheets shall have the qualified Arizona registrants seal and original signature prior to approval.
- (4) The contractor's certification.
 - (5) Appropriate City Plan Review numbers from the City Manager.
 - (6) Maricopa County Rule 310 permit number.
 - (7) A legend identifying grades, symbols, lines, and other information.
 - (8) Separate stormwater management plans shall be submitted with the grading and drainage plan at the time of second review.
 - (9) Additional notes, as required by the City Stormwater Pollution Prevention Plan guidance document, available from the City Manager.
 - (10) The SWMP certification per the Construction General Permit and the City Stormwater Pollution Prevention Plan guidance document.
 - (11) A construction activity description.
 - (12) Final slope grades.
 - (13) Final drainage patterns.
 - (14) Locations and size of disturbed areas.
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 - (18) Erosion and sediment controls.
 - (19) BMP information and details.
 - (20) Location of sediment basins.
 - (21) Description of Other Controls.
 - (22) Description of post-construction management measures.

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- (23) Description of future activities.
- (24) Locations of controls.
- (25) Inspection and maintenance plan.
- (26) Description of controls.

(27) The sequence of major activities.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-139. Construction and Post-Construction Stormwater Management; City Review of Stormwater Management Plan Submittals.

(a) The applicant shall provide an accurate and complete SWMP to the City for review.

(b) The City Manager will review the submitted SWMP using a standard checklist to identify whether all required elements for the SWMP have been submitted.

(c) If the City Manager determines that the submitted SWMP is inadequate to prevent sediment from reaching Waters of the State, adjacent property, or the public right-of-way, the City Manager may authorize and require additional Best Management Practices (BMPs) in order to conclude that all required elements for the SWMP have been met. The City Manager may reject the submitted SWMP if the applicant is unable to meet the required elements.

(d) The City Manager shall not issue any permits until the SWMP has been approved.
(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-140. Construction and Post-Construction Stormwater Management; Requirement to install and Maintain Erosion and Sediment Control Measures.

(a) All land-disturbing activities at a construction site shall be completed in accordance with a permitted SWMP.

(b) The permittee shall implement all BMPs as described in the SWMP and shall periodically conduct site inspections to ensure that the BMPs are operating correctly and have not been damaged and/or altered.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-141. Construction and Post-Construction Stormwater Management; Permittee Construction Site Inspections.

(a) The permittee shall make regular inspections of all control measures in accordance with the inspection schedule outlined in the approved SWMP, as required by AZPDES regulations.

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(1) The purpose of such inspections will be to determine the overall effectiveness of the SWMP and the need for additional control measures.

(2) All inspections shall occur at the time interval specified in the SWMP and shall be documented in written form and maintained with the SWMP in chronological order within 24 hours of the inspection.

(b) This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-142. Construction and Post-Construction Stormwater Management; Operation and Management of All Existing and New Post-Construction Stormwater Structures.

(a) All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to all of the following goals:

(1) Maximizing of flowpaths from inflow points to outflow points.

(2) Protection of inlet and outfall structures.

(3) Elimination of erosive flow velocities.

(4) Providing of underdrain systems, where applicable.

(b) All existing and new drywells located within the City shall be registered, per State law, with ADEQ.

(1) The drywell owner shall provide the City with the drywell registration information.

(2) No sooner than one year and within three years of the drywell in operation, the drywell owner shall submit to the City the appropriate administration fee and documentation of an inspection of the drywell.

(3) The inspection shall be conducted by a professional engineer or landscape architect properly registered with the Arizona Board of Technical Registration or licensed contractor by the Registrar of Contractors, identified to conduct drywell inspections.

(4) Upon inspection of a drywell, if repair and/or maintenance of the drywell are necessary, proof of the repair and/or maintenance of the drywell must be provided to the City within four months of the inspection.

(5) Subsequent drywell inspections and applicable administrative fees and submittals to the City shall be completed every five years.

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(c) Drainage basins shall be designed based on the Drainage Design Manual for Maricopa County Volume III Erosion Control and shall be drained within 36 hours of a storm event. In the case that the drainage basin does not meet the appropriate standards, the City will determine the appropriate actions deemed necessary to meet the standard outlined in the Drainage Design Manual for Maricopa County Volume III Erosion Control.
(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010-1

Sec. 24-143. Construction and Post-Construction Stormwater Management; Completion of Work.

When construction activities have been completed and the site has met the final stabilization requirements of the Construction General Permit, the authorized site representative may file a Notice of Termination (NOT) with ADEQ, with a copy submitted to the City Manager, to terminate coverage under the SWMP permit.
(Ord. 2010-06, 02/02/2010, Enacted) SUPP 2010

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CHAPTER 25

WATER, SEWERS AND SEWAGE DISPOSAL¹

¹Cross reference(s) -- Standard specifications for public works, § 5-5; plumbing code, § 5-91 et seq.; flood hazard reduction standards for utilities, §20-225; damaging public property, § 13-21; solid waste, Ch. 22.

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CHAPTER 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-11. Water; prevention of cross-connection or backflow.

The city shall refuse to provide service or connection to the public water system operated by the city, unless the lines or piping are installed on the premises so as to prevent cross-connections or backflow in accordance with the provisions of Chapter 5 of this Code.

(Code 1977, § 13-7-4)

(Ord. No. 92-03, 2/11/92, Renumbered)

(Ord. No. 98-115, 1/5/99, Amended)

Sec. 25-12. Water; protection of, access to City property Water, service main extensions.

(a) It shall be the responsibility of the customer to provide proper protection for City property placed on their property and shall only permit access to such City property on their property to authorized representatives of the City.

(b) It shall be the responsibility of the customer to maintain the area surrounding the City property placed on their property for utility service in a manner that will provide access to authorized City representatives.

(Code 1977, § 13-7-5)

(Ord. No. 92-03, 2/11/92, Renumbered)

(Ord. No. 98-115, 1/5/99, Renumbered to Sec. 25-6)

(Ord. No. 98-115, 1/5/99, Renumbered from Sec. 25-8)

(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-12, Enacted new Sec. 25-12) SUPP 2007-4

Sec. 25-13. Water; customer to provide rights-of-way, easements, etc. Water, main extensions; definitions.

Prior to the approval of a minor land division, an individual lot, a final subdivision plat or issuance of a building permit, each person developing a parcel shall provide to the City such easements and rights-of-way as are necessary in the determination of the City to provide water connections to the meter for water and/or such other points as may be required pursuant to the determination of the Utilities Director and City Engineer.

(Ord. No. 92-03, 2/11/92, Enacted)

(Ord. No. 98-115, 1/5/99, Amended (b))

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

(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-13, Enacted new Sec. 25-13) SUPP 2007-4

CHAPTER 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-14. Water and Wastewater; payment of development fees over time.

(a) If a person who is requesting to commencement of utility services is obligated to pay water or wastewater development fees required by Chapter 25 of this Code, the person may submit a written request to the Finance Director to pay the fees over time.

(b) The Finance Director shall consider the following criteria in determining whether to grant a request to pay a water or wastewater development fee over time:

- (1) The requestor's financial ability (or inability) to pay the fee.
- (2) The number of connections provided by the utility service shall be no more than three.
- (3) The payment schedule must be in the best interests of the City.
- (4) The Payment Schedule shall be no longer than 12 months.
- (5) To secure payment of the fees, the person must be willing to execute and record a deed of trust for the person's property on behalf of the City.

(c) The Finance Department shall adopt an administrative procedure that addresses the review, approval, and implementation of such requests.

(Ord. No. 92-03, 2/11/92, Enacted)

(Ord. No. 98-115, 1/5/99, Amended)

(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-14) SUPP 2007-4

(Ord. No. 2010-01, 01/19/2010, Enacted) SUPP 2010-01

Sec. 25-15. Reserved.

(Ord. No. 92-03, 2/11/92, Enacted)

(Ord. No. 98-115, 1/5/99, Amended)

(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-15) SUPP 2007-4

Sec. 25-16. Reserved.

(Ord. No. 92-03, 2/11/92, Enacted)

(Ord. No. 98-115, 1/5/99, Amended (b),(c),(d) and (f))

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

(Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-16) SUPP 2007-4

CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1977 Code, as updated through December 31, 1990, which are included herein. Ordinances adopted prior to such date were incorporated into the 1977 Code, as supplemented. This table contains some ordinances which precede December 31, 1990, but which were never included in the 1977 Code, as supplemented, for various reasons. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

This table has been amended in the following supplements since December 31, 1998: SUPP 1999-1; SUPP 1999-2.

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04-197	09-21-2004	1	25-76
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			25-137
			25-99
			25-171
			25-174
			25-155
			25-162
			2-218 and Table
			11-1 – 11-16
04-205	12-14-2004	1	
		2	
04-212	12-14-2004	1-3	17-2 – 17-4
		4-6	17-51 – 17-53

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Ordinance Number	Date	Section	Section this Code
		7-11	17-57 – 17-61
		12	17-64
		13	17-65 – 17-70
04-213	12-14-2004	1	18-61 repealed
		2	18-62 repealed
		3	18-61 enacted
		4	18-62 enacted
		5	18-63 repealed
		6	18-63 enacted
		7	18-64 repealed
		8	18-64 enacted
		9	18-65 repealed
		10	18-65 enacted
		11	18-66 repealed
		12	18-67 repealed
		13	18-66 enacted
		14	18-67 enacted
		15	18-68 enacted
		16	18-68 repealed
		17-21	18-69 – 18-73
05-08	02-01-2005	1	2-207 and Table 2-207
05-13	02-15-2005	1	22-15
05-17	03-01-2005	1	14-80
05-18	03-22-2005	1-4	13-7 - 13-10
05-23	04-05-2005	1	25-50 - 25-59 enacted
05-29	06-21-2005	1	2-211 and Table 211
05-31	06-21-2005	1	2-81 enacted
		2	2-102 enacted
		3-4	2-103 - 2-104 enacted
		5-7	2-170 - 2-172 enacted
		8-9	2-180 – 2-181
		10	2-200
		11	2-204
		12	2-206
		13	2-208
		14	2-210
		15	2-212
		16	2-214

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Ordinance Number	Date	Section	Section this Code
		17	2-216
		18	2-219
		19	2-221
		20	2-225
		21-23	2-235 – 2-237
		24	2-411
		25	11-140
		26	20-52
		27	21-37
Ord 05-32	06-21-2005	1-2	2-62 – 2-63
Ord.05-33	06-21-2005	1	2-89
		2	18-1
Ord.05-34	07-05-2005	1	5-9
		2	9-32
		3	9-33
Ord. 05-42	08-23-2005	1	2-207 and Table 207
Ord. 05-43	08-23-2005	1	2-211 and Table 211
Ord. 05-50	09-06-2005	1	23-38
Ord. 05-55	09-19-2005	1	Resolution 05-44
Ord. 05-59	11-01-2005	1-2	18-61 – 18-62
		3	18-65
		4-5-6	18-67 – 18-68 – 18-69
		7-8-9	18-71 - 18-72 – 18-73
Ord. 05-63	11-15-2005	1	2-152
		2	5-9
Ord. 05-65	11-15-2005	1	Table 20-53
		2	Table 22-22A
		3	Table 25-7
		4	Table 25-74
		5	Table 25-95.1
Ord. 05-68	11-15-2005	Southwest Gas Franchise	Appendix 11-22
Ord. 05-69	11-15-2005	APS Franchise	Appendix 1-10
Ord. 05-70	11-15-2005	1-2	14-67 - 14-68
		3-4	14-69 – 14-70
		5-6	14-71 – 14-72
		7	14-73 and Table 14-73
		8	14-74

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Ordinance Number	Date	Section	Section this Code
Ord. 06-04	02-21-2006	1-2	2-59 – 2-60
		3-4	2-61 - 2-62
		5-6	2-63 – 2-64
		7-8	2-65 – 2-66
		9-10	2-67 – 2-68
		11-12	2-69 – 2-70
Ord. 06-08	05/02/06	1	13-8
Ord. 06-09	05/02/06	1	2-408
Ord. 06-22	07/11/06	1	2-154
		2	2-156
Ord. 06-23	07/11/07	1	2-215 and Table 2-215
		2	9-33 and Table 9-33(d)
Ord. 06-24	08/21/06	1	2-67
		2	2-89
Ord. 06-30	09/05/06	1	2-131
		2	2-132
		3	2-152
		4	2-134 - 2-149 Reserved
Ord. 06-31	09/05/06	1	2-135 Enacted
		2	2-136 Enacted
		3	2-137–2-149 Reserved
Ord. 06-32	09/05/06	1	13-77 Repealed
		2	13-78 Repealed
		3	13-79 Repealed
		4	13-80 Repealed
		5	13-81 Repealed
		6	13-90 Enacted
		7	13-91 Enacted
		8	13-92 Enacted
		9	13-93 Enacted
		10	13-94 Enacted
		11	13-95 Enacted
		12	13-96 Enacted
		13	13-97 Enacted
		14	13-98 Enacted
		15	13-99 Enacted
		16	13-100 Enacted

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Ordinance Number	Date	Section	Section this Code
		17	13-101 Enacted
		18	13-102 Enacted
		19	13-103 Enacted
		20	2-213 and Table 2-213
Ord. 06-33	09/05/06	1	2-62
		2	2-81
Ord. 06-34	09/19/06	1	14-80
Ord. 06-40	11/14/06	1	08-02
		2	08-06
		3	08-07
Ord. 06-41	11/14/06	1	11-190 Enacted
		2	11-191 Enacted
		3	11-192 Enacted
		4	11-193 Enacted
		5	02-227, Table Enacted
Ord. 06-43	11/14/06	1	15-07 Enacted
Ord. 06-47	12/12/06	1-2	02-52 and 02-53
		3-4	02-54 and 02-55
		5-6	02-56 and 02-57
		7	02 58 Repealed
		8	02-76
		9	02-77 Enacted
		10	02-78 Enacted
		11	02-79 Renumbered
		12	02-80 Renumbered
		13	02-81 Renumbered
		14	02-82 Renumbered
		15	02-83 Renumbered
Ord. 06-51	12/12/06	1	24—79 Amended
Ord. 07-07	03/20/07	1	12-100 Amended
		2	12-410 Amended
		3	12-415 Amended
		4	12-416 Amended
		5	12-417 Amended
		6	12-444 Amended
		7	12-445 Amended
		8	12-447 Amended
		9	12-470 Amended

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Ordinance Number	Date	Section	Section this Code
		10	12-475 Amended
		11	12-540 Amended
		12	12-542 Amended
		13	12-560 Amended
Ord 07-09	03/20/07	1	02-207 Table Amended
Ord. 07-11	04/17/07	1	02-209 Table Amended
		2	05-04 Amended
		3	05-21 Amended
		4	Table 5-21 Repealed
		5	05-25 Amended
		6	05-41 Amended
		7	05-61 Repealed
		8	05-76 Amended
		9	05-91 Amended
		10	05-126 Repealed
		11	05-127 Repealed
Ord. 07-13	04/17/07	1	14-103 Amended
		2	14-106 Amended
		3	14-107 Amended
Ord. 07-15	06/05/07	1	02-207 Table Amended
Ord. 07-21	07/14/07	1	15-15 Renumber 15-20
		2	15-16 Renumber 15-21
		3	15-10 Renumber 15-22
		4	15-11 Renumber 15-23
		5	15-12 Enacted
		6	15-12 Renumber 15-13
		7	15-14 Enacted
		8	15-13 Renumber 15-15
		9	15-14 Renumber 15-16
		10	15-17 Enacted
		11	15-18 Enacted
		12	15-19 Enacted
		13	15-10 & 15-11 Reserved
Ord. 07-23	07/14/07	1	2-160 Amended
		2	2-161 Amended
		3	2-162 Amended
		4	2-163 Amended
		5	2-164 Repealed

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Ordinance Number	Date	Section	Section this Code
Ord. 07-24	08/21/07	1	2-207 Table Amended
Ord. 07-25	08/21/07	1	15-15 Renumber 15-20
		2	15-16 Renumber 15-21
		3	15-10 Renumber 15-22
		4	15-11 Renumber 15-23
		5	15-12 Enacted
		6	15-12 Renumber 15-13
		7	15-14 Enacted
		8	15-13 Renumber 15-15
		9	15-14 Renumber 15-16
		10	15-17 Enacted
		11	15-18 Enacted
		12	15-19 Enacted
		13	15-10 & 15-11 Reserved
Ord. 07-28A	10/04/07	1	03-02 Reserved.
		2	16-1 to 16-28 Repealed
		3	16-1 Enacted
		4	16-2 Enacted
		5	16-3 Enacted
		6	16-4 Enacted
		7	16-5 Enacted
Ord. 07-30	09/04/07	1	2-20 Enacted
		2	2-45 to 2-48 Reserved
		3	2-51 renumbered 2-49
		4	2-52 renumbered 2-50
		5	2-53 renumbered 2-51
		6	2-52 Enacted
		7	2-53 Enacted
		8	2-54 Enacted
			Table 2-199 Amended
		9	2-54 renumber to 2-55
		10	2-55 renumber to 2-56
		11	2-56 renumber to 2-57
		12	2-57 renumber to 2-58
		13	20-21 Enacted
		14	20-22 Enacted
		15	20-23 Enacted
16	20-24 Enacted		

CODE COMPARATIVE TABLE ORDINANCES INCLUDED

Ordinance Number	Date	Section	Section this Code
Ord. 07-32	10/02/07	1	2-209 Amended Table 2-209 Amended
		2	5-21 Amended
		3	5-44 Amended
		4	5-78 Amended
		5	5-91 Repealed-Reserved
Ord. 07-33	10/16/07	1	17-65 Enacted
		2	17-66 Enacted
		3	17-67 Enacted
		4	17-68 Enacted
		5	17-69 Enacted
		6	17-70 Enacted
Ord. 07-34	10/16/07	1	19-01 Amended
		2	19-02 Repealed-Reserved
Ord. 07-35	11/06/07	1	09-31 Amended
Ord. 07-35	11/06/07	2	09-33 Amended
Ord. 07-37	11/20/07	1	25-01 to 25-74 Repealed Table 25-07 Repealed Table 25-74 Repealed 25-01 to 25-74 Enacted Table 25-31 Enacted Table 25-32 Enacted 25-01 to 25-13 Enacted 25-14 to 25-16 Reserved 25-17 to 25-23 Enacted 25-24 Reserved 25-25 to 25-27 Enacted 25-28 Reserved. 25-29 to 25-35 Enacted. 25-36 to 25-37 Reserved 25-38 to 25-41 Enacted 25-42 to 25-52 Reserved 25-53 to 25-54 Enacted. 25-55 to 25-60 Reserved 25-61 to 25-67 Enacted 25-68 to 25-74 Reserved
Ord. 07-38	11/20/07	1	02-224 Existing Repealed 02-224 Enacted

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Ordinance Number	Date	Section	Section this Code
			Table 02-224 Enacted
			Tables 44-49 Enacted
Ord. 07-39	12/18/07	1	02-18 Enacted
Ord. 07-41	12/18/07	1	02-65 Amended
		2	13-24 Amended
		3	13-25 Amended
		4	13-26 renumber to 13-72
		5	13-26 Enacted
		6	17-03 Amended
Ord. 07-42	12/18/07	1	14-67 Amended
Ord. 07-43	12/18/07	1	20-53 Amended, Tables
			20-53(a)&(b)Amended
Ord. 07-44	12/18/07	1	Table 22-22A Amended
Ord. 07-45	12/18/07	1	Table 25-31 Amended
		2	Table 25-32 Amended
		3	Table 25-95.1 Amended
Ord. 08-01	01/15/08	1	02-302 Amended
		2	02-302.1 Enacted
		3	02-302.2 Enacted
		4	02-302.3 Enacted
		5	02-304 Amended
		6	02-306 Amended
		7	02-306.1 Enacted
		8	02-306.2 Enacted
		9	02-307 Amended
		10	02-307.1 Enacted
		11	02-307.2 Enacted
		12	02-307.3 Enacted
		13	02-307.4 Enacted
		14	02-307.5 Enacted
		15	02-308 Amended
		16	02-308.1 Enacted
		17	02-308.2 Enacted
		18	02-308.3 Enacted
		19	02-309 Amended
		20	02-309.1 Enacted
		21	02-310 Amended
		22	02-311 Amended

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Ordinance Number	Date	Section	Section this Code
		23	02-312 Amended
		24	02-313 Amended
		25	02-313.1 Enacted
		26	02-313.2 Enacted
		27	02-313.3 Enacted
		28	02-313.4 Enacted
		29	02-313.5 Enacted
		30	02-313.6 Enacted
		31	02-314 Amended
		32	02-314.01 Enacted
		33	02-315 Amended
		34	02-315.1 Enacted
		35	02-317 Amended
		36	02-318 Amended
		37	02-318.1 Enacted
		38	02-318.2 Enacted
		39	02-318.3 Enacted
Ord. 08-01	01/15/08	40	02-318.4 Enacted
		41	02-318.5 Enacted
		42	02-319 Amended
		43	02-321 Amended
		44	02-321.1 Enacted
		45	02-321.2 Enacted
		46	02-321.3 Enacted
		47	02-322 Amended
		48	02-325 Amended
		49	02-326 Amended
		50	02-326.1 Enacted
		51	02-327 Amended
		52	02-327.1 Enacted
		53	02-327.2 Enacted
		54	02-327.3 Enacted
		55	02-327.4 Enacted
		56	02-327.5 Enacted
		57	02-327.6 Enacted
		58	02-327.7 Enacted
		59	02-327.8 Enacted
Ord. 08-05	03/18/08	1	13-25 Amended

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Ordinance Number	Date	Section	Section this Code		
Ord. 08-08	04/15/08	1	12-100 Amended		
		2	12-415 Amended		
		3	12-416 Amended		
		4	12-417 Amended		
		5	12-465 Amended		
Ord. 08-12	05/20/08	1	02-151 Amended		
		2	02-152 Amended		
		3	02-153 Amended		
		4	02-154 Amended		
		5	02-156 Amended		
		6	15-01 Amended		
		7	15-03 Amended		
		8	15-08 Enacted		
Ord. 08-19	07/01/08	1	02-207 Amended Table 02-207 Amended		
Ord. 08-21	07/01/08	1	14-66 Amended		
Ord. 08-21	07/01/08	2	14-67 Amended		
Ord. 08-21	07/01/08	3	14-68 Amended		
		4	14-69 Amended		
		5	14-70 Amended		
		6	14-73 Amended		
		7	14-74 Amended		
		Ord. 08-27	08/26/08	1	20-70 Amended
		Ord. 08-28	08/26/08	1	20-53 Amended Table 20-53(c) Enacted
2	22-22 Amended Tbl 22-22(a)(2) Enacted				
4	25-95 Amended Table 25-95.1(b) Enacted				
Ord. 08-31	10/07/08			1	19-22 Repealed, Reserved
Ord. 08-32	11/18/08	1	18-50 Enacted		
			18-51 Enacted		
			18-52 Enacted		
			18-53 Enacted		
			18-54 Enacted		
			18-55 Enacted		
			18-56 Enacted 18-57 Enacted		

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Ordinance Number	Date	Section	Section this Code
			18-58 Enacted
			18-59 Enacted
			18-60 Enacted
Ord. 08-36	12/16/08	1	Table 2-199 Amended
		2	Table 2-202 Amended
Ord. 09-01	01/09/09	1	02-16 Amended
Ord. 09-02	01/20/09	1	10-18 Amended
		2	10-19 Amended
Ord. 09-13	05/05/09	1	14-80 Amended
Ord. 09-14	05/05/09	1	02-187 Enacted
Ord. 09-15	06/02/09	1	02-50 Amended
		2	02-57 Amended
		3	02-58 Amended
		4	02-77 Amended
		5	02-85 Enacted
Ord. 09-15	06/02/09	6	02-152 Amended
Ord. 09-17	06/16/09	1	Table 2-207 Amended
Ord. 09-18B	10/20/09	1	14-107 Amended
Ord. 09-24	08/25/09	1	2-89 Repealed
		2	2-90 Repealed
		3	2-91 Repealed
Ord. 09-24	08/25/09	4	2-66 Amended
		5	2-67 Amended
Ord. 09-25	08/25/09	1	2-79 Amended
Ord. 09-26	08/25/09	1	2-86 Amended
		2	2-87 Repealed
Ord. 09-27	08/25/09	1	2-102 Repealed
			2-103 Repealed
			2-104 Repealed
		2	2-102 Enacted
		3	2-103 Enacted
		4	2-104 Enacted
Ord. 09-28	08/25/09	1	2-400 Repealed
		2	2-401 Repealed
		3	2-403 Repealed
		4	23-1 Repealed
		5	2-105 Enacted
		6	2-106 Enacted

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Ordinance Number	Date	Section	Section this Code
		7	2-107 Enacted
Ord. 09-29	08/25/09	1	2-170 Amended
		2	2-171 Amended
		3	2-172 Amended
Ord. 09-30	08/25/09	1	9-1 Amended
Ord. 09-31	08/25/09	1	18-1 Amended
Ord. 09-32	08/25/09	1	20-1 Amended
		2	20-2 Amended
		3	20-4 Amended
Ord. 09-33	08/25/09	1	21-16 Amended
Ord. 09-34	08/25/09	1	23-4 Amended
Ord. 09-36	09/15/09	1	02-101 Amended
Ord. 09-37	10/06/09	1	2-3 Amended
Ord. 09-38	10/20/09	1	16-3 Amended
Ord. 09-38	10/20/09	2	23-52 Amended
Ord. 09-39	10/20/09	1	25-76 Amended
		2	25-94 Repealed
		3	25-134 Amended
		4	25-135 Amended
		5	25-136 Repealed, Renumber 25-99 to 25-136
		6	25-138 Amended
		7	25-139 Amended
		8	25-141 Amended
		9	25-142 Amended
		10	25-143 Amended, Repealed
		11	25-144 Amended
		12	25-145 Amended
		13	25-146 Amended
		14	25-147 Amended
		15	25-148 Amended
		16	25-149 Amended
		17	25-151 Amended
		18	25-152 Amended
		19	25-153 Amended
		20	25-159 Amended

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Ordinance Number	Date	Section	Section this Code
		21	25-160 Amended
		22	25-161 Amended
		23	25-162 Amended
		24	25-163 Amended
		25	25-171 Amended
		26	25-172 Amended
		27	25-173 Amended
		28	25-174 Amended
		29	25-175 Amended
		30	25-176 Amended
		31	25-177 Enacting
		32	25-178 Enacting
		33	25-179 Enacting
Ord. 09-39	10/20/09	34	25-180 Enacting
		35	25-181 Enacting
		36	25-182 Enacting
		37	25-183 Enacting
		38	25-184 Enacting
		39	25-185 Enacting
		40	25-186 Enacting
Ord. 09-43	11/17/09	1	2-150 Amended
		2	2-152 Amended
Ord. 2010-01	01/19/2010	1	2-150 Amended
Ord. 2010-02	01/19/2010	1	14-80 Amended
Ord. 2010-03	01/19/2010	1	17-51 Amended
Ord. 2010-04	01/19/2010	1	25-14 Enacted
Ord. 2010-05	01/19/2010	1	19-16 Amended
		2	19-17 Amended
		3	19-18 Amended
		4	19-19 Amended
		5	19-20 Amended
		6	19-21 Amended by renumber 19-17 to 19-21
		7	19-22 Amended by renumber 19-18 to 19-22
		8	19-23 Amended by renumber 19-19 to 19-23
		9	19-24 Amended by

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Ordinance Number	Date	Section	Section this Code
		10	renumber 19-20 to 19-24 19-25 Amended by renumber 19-21 to 19-25
Ord. 2010-06	02/02/2010	1	24-120 Enacted
		2	24-121 Enacted
		3	24-122 Enacted
		4	24-123 Enacted
		5	24-124 Enacted
		6	24-125 Enacted
		7	24-126 Enacted
		8	24-127 Enacted
Ord. 2010-06	02/02/2010	9	24-128 Enacted
		10	24-129 Enacted
		11	24-130 Enacted
		12	24-131 Enacted
		13	24-132 Enacted
		14	24-133 Enacted
		15	24-134 Enacted
		16	24-135 Enacted
		17	24-136 Enacted
		18	24-137 Enacted
		19	24-138 Enacted
		20	24-139 Enacted
		21	24-140 Enacted
		22	24-141 Enacted
		23	24-142 Enacted
		24	24-143 Enacted
Ord. 2010-07	02/16/2010	1	17-66 Amended